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Book Review: Truth/Value

The Alchemy of Race and Rights: Diary of a Law Professor. By Patricia J. Williams.[†] Cambridge: Harvard University Press, 1991. Pp. 263.

Janet E. Halley^{††}

In the first line of *The Alchemy of Race and Rights: Diary of a Law Professor*, Patricia J. Williams tells us that "subject position is everything in my analysis of the law."¹ But her project is not simply to describe some stable standpoint from which she analyzes the law. Instead she searches relentlessly for a position within public discourse about the law from which she can know what is true about her history as an African-American woman,² from which she can speak that truth if and when she knows it, and from which her audience(s) can hear the truth in what she says.

The Clarence Thomas/Anita Hill hearings have persistently interrupted my work on this review, emphasizing at every point the urgency of the questions Professor Williams asks: what are the conditions under which gendered black voices speak? speak autonomously of white institutional power? speak with authority to and about white institutional power? speak within the professional genres of the law? And what are the conditions under which a white audience—and that would include this reviewer—can hear a black, gendered voice and credit its truth/value?

I. SLAVE WRITING AND BLACK AUTHORITY

A single text admonishes Williams, and us, that she has taken up a profoundly difficult task. It is the contract of sale for Williams' own great-great-grandmother—or, to be more accurate, "what *may have been*"³ that contract:

It is a very simple but lawyerly document, describing her as "one

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1. PATRICIA J. WILLIAMS, *THE ALCHEMY OF RACE AND RIGHTS: DIARY OF A LAW PROFESSOR* 3 (1991) [hereinafter cited by page number].

2. Williams indicates that she prefers to identify herself as "African-American" but that she uses the term "black" throughout *The Alchemy of Race and Rights* "in order to accentuate the unshaded monolithism of color itself as a social force." P. 257. I follow her practice from this point forward.

3. P. 17 (emphasis added).

female" and revealing her age as eleven; no price is specified, merely "value exchanged." My sister also found a county census record taken two years later; on a list of one Austin Miller's personal assets she appears again, as "slave, female"—thirteen years old now with an eight-month infant.

Since then I have tried to piece together what it must have been like to be my great-great-grandmother. . . . Austin Miller, one of Tennessee's finest lawyers according to other records, went on to become a judge; and the sons by his wife went on to become lawyers as well. There is no surviving record of what happened to my great-great-grandmother, no account of how or when she died.⁴

It is a heritage of silenced presence: Williams' great-great-grandmother lived, experienced her life, exerted herself against the overwhelming erasure of her enslavement, and yet left no written trace of herself save the very documents by which her white owners accomplished that erasure. Williams' book places itself next to her great-great-grandmother's contract of sale and asks how this "racial omission"⁵ might be supplied, how a black woman lawyer might transform her experience as "the object of property"⁶ into a "subject position" enjoying both authenticity and authority.

In the heritage of Williams' great-great-grandmother, the conjuncture of silence and enslavement was no accident: it was actively enforced by laws prohibiting anyone from teaching slaves to read and write.⁷ And that conjuncture was constitutional for the United States itself, as the census of Austin Miller's property reminds us. By providing that local representation in the House of Representatives would be "apportioned by adding to the whole Number of free Persons . . . three fifths of all other Persons,"⁸ Article I § 2 of the Constitution did something more grave than count Williams' great-great-grandmother as three-fifths of a person. Rather, it enlarged her master's voice precisely to three-fifths of the extent to which he had managed to silence hers.

It is useful to place *The Alchemy of Race and Rights* in the context of the few written texts of slaves that have survived to us. I am reminded of Phillis Wheatley, a slave living in Boston in 1772. Wheatley wrote lyric poetry in English, in the poetic genres then prevailing in European letters. But she could find no printer to publish them because no printer believed that the poems were

4. Pp. 17-19.

5. P. 50 ("[O]mission is really a form of expression, as oxymoronic as that sounds: racial omission is a literal part of original intent; it is the fixed, reiterated prophecy of the Founding Fathers.").

6. P. 216 (chapter entitled *On Being the Object of Property*).

7. For a discussion of these laws see JANET DUTSMAN CORNELIUS, "WHEN I CAN READ MY TITLE CLEAR": LITERACY, SLAVERY, AND RELIGION IN THE ANTEBELLUM SOUTH 33-34, 37-58 and *passim* (1991).

8. U.S. CONST. art. I, § 2.

really hers; no printer believed that the poems were really hers because no printer believed her capable of writing them; and no printer believed her capable of writing them because, as Patricia Williams might have said, "we're all too stupid."⁹ Only by overcoming the virtually conclusive presumption that African slaves were so stupid they deserved or needed enslavement could Wheatley obtain title in her own compositions, access to the press, and a reprieve from the silence that surrounds Williams' great-great-grandmother.

Wheatley had to be author-ized, and only members of the slaveholding class could do it. Eighteen of Boston's most powerful men (including John Hancock and Thomas Hutchinson) interrogated Wheatley and apparently were satisfied that she had penned her poems, which thereupon appeared as *Poems on Various Subjects, Religious and Moral* on the authority of their "Attestation":

We whose Names are under-written, do assure the World, that the POEMS specified in the following Page, were (as we verily believe) written by PHILLIS, a young Negro Girl, who was but a few Years since, brought an uncultivated Barbarian from *Africa*, and has ever since been, and now is, under the Disadvantage of serving as a Slave in a Family in this Town. She has been examined by some of the best Judges, and is thought qualified to write them.¹⁰

Wheatley's book thus derives its authority *as her own speech* from that of her white sponsors.

Much good came of this equivocal moment in the history of black voices. As Henry Louis Gates, Jr., reminds us, Wheatley's volume of poems prompted "scores of reviews . . . argu[ing] that the publication of her poems meant that the African was indeed a human being and should not be enslaved"; the volume itself or its reception may have been the proximate cause of her owner's decision to manumit her.¹¹ But, as Gates also suggests, the difficulties Wheatley encountered did not go away:

That which was only implicit in Wheatley's case would become explicit fifty years later. George Moses Horton had, by the middle of the 1820s, gained a considerable reputation at Chapel Hill as "the slave-poet." His master printed full-page advertisements in Northern newspapers soliciting subscriptions for a book of Horton's poems and promising to exchange the slave's freedom for a sufficient return on

9. P. 5 ("Harvard Law School cannot find one black woman on the entire planet who is good enough to teach there, because we're all too stupid.")

10. Phillis Wheatley, *Poems on Various Subjects, Religious and Moral*, in *THE COLLECTED WORKS OF PHILLIS WHEATLEY* 5 (1988).

11. Henry Louis Gates, Jr., *Writing "Race" and the Difference It Makes*, 12 *CRITICAL INQUIRY* 1, 8-9 (Autumn 1985).

sales of the book. Writing, for these slaves, was not an activity of the mind; rather, it was a commodity which they were forced to trade for their humanity.¹²

By anchoring her book on her great-great-grandmother's contract of sale, Williams situates it in the crisis of authority revealed by Phillis Wheatley and George Moses Horton. In Williams' terms, the fact that any slave was the object of property made it acutely problematic for her to assume the position of a speaking subject, the fully entitled knower of her own experience and author of her own words. For that epistemological authority depends on the assent of a white audience that has as its heritage the power to own slaves—the power to make black subjectivity the object of its ownership, the object of its commodifying gaze. I am a member of that audience; this review registers my effort to see this book and myself in relation to it; to undertake not the relation of subject to object, but the mediations of intersubjective recognition. It is a modest test for the demise of the authority enjoyed by Wheatley's reviewers, of the equivocal proprietorship exercised by those who bought Horton's volume to buy his freedom.

II. THE EMERGENCE FROM AND INTO PROPERTY

The Alchemy of Race and Rights exposes tensions endemic to our practices of denominating someone or something (*a*) *property*. *Webster's Third New International Dictionary* distinguishes two predominant uses of "property" that appear as structuring concepts in Williams' book: under the first definition the term indicates an attribute or characteristic of a person or thing—the accidental or, alternatively, essential mark that places a person or thing in a category; while under the second definition the term indicates the relationship of ownership—property as a thing, or as the legally enforceable power to possess, enjoy, and dispose of a thing.¹³

12. *Id.* at 9.

13. *The Alchemy of Race and Rights* puts in play all of the following definitions of "property":
 1 A: a quality or trait belonging to a person or thing; *esp.* a quality peculiar to an individual person or thing <the eye has this strange ~: it rests only in beauty—Virginia Woolf> B: an effect that a material object or substance has on another object or on one or more of the senses of an observer <the *properties* of the objects of nature do not signify . . . anything proper to the particular objects in and for themselves, but always a relation to a second object (including our sense organs)—H.L.F. Helmholtz> . . . C: special power or capability: VIRTUE . . . <rhythm is a ~ of words—C.H. Rickworth> D: (1) an attribute, characteristic, or distinguishing mark common to all members of a class or species <protein molecules have the extraordinary ~ of being able to reproduce themselves—Gerald Piel> —called also *essential property* (2) *Aristotelian logic*: an attribute that is common and peculiar to a species but not part of its essence nor contained in its definition . . . —called also *nonessential property* . . . 2 A: something that is or may be owned or possessed: WEALTH, GOODS; *specif.* a piece of real estate <the house . . . surrounded by the ~—G.G. Weigend> B: the exclusive right to possess, enjoy, and dispose of a thing: a valuable right or interest primarily a source or element of wealth: OWNERSHIP <all individual ~ is . . . a form of monopoly—Edward Jenks> C: something to which a person has legal title: an estate in tangible assets (as lands, goods, money) or intangible rights (as copyrights,

Williams uses the term property in both senses, testing the power of the two meanings to converge and teasing out the possibility that this confluence of meanings is no mere curiosity for etymologists. In one such test she recalls her friend, "Z.," a professor of property law—indeed, a "property authority"—whose wallet has just been stolen and who "looks forward to the day when all personal and financial data will be access-coded by thumbprint."¹⁴ She first determines that his wish is "to assume a mechanical identity on behalf of his property," but concludes that the real achievement Z. longs for is to "make difference a fixed property, an inherency."¹⁵ Z.'s thumb-chip would merge property as a collection of ownership entitlements with property as a personal characteristic, would make him a thing that owned and indicated himself—and would make both Z. himself and the sign implanted in his thumb "fixed," "inheren[t]," essential indicators of one another.

This implosion—of property with property, of Z. as owner with his own identity—resounds ominously against the sounding board of race. In response Williams explores the special tensions that emerge within the first of *Webster's* definitions of "property"—property as a merely characteristic or as a defining feature, as nonessential or essential attribute—in a nuanced examination of her *real* experience of the *construction* of race. And she inquires into the possibility that the power enjoyed by the property-owner under *Webster's* second definition may ultimately be the power to define and treat a thing as a thing, to determine its properties, and to determine whether those properties are to be deemed essential or merely accidental. Living out the heritage of slavery, Williams suggests, requires a redistribution of the epistemological entitlements that attend the ownership of property, a reconfiguration of the subjects who exchange objects. Invoking all these senses of "property," Williams proposes that "the property of my blackness was all about my struggle to define myself as 'somebody.'"¹⁶

A. *Property as Attribute*

In a closing "Word on Categories," Williams punningly "wish[es] to recognize that terms like 'black' and 'white' do not begin to capture the rich ethnic and political diversity *of my subject*."¹⁷ She concludes, however:

I prefer "African-American" in my own conversational usage because

patents) in which or to which a person has a right protected by law[.]

WEBSTER'S THIRD NEW INT'L DICTIONARY OF THE ENGLISH LANGUAGE, UNABRIDGED 1818 (Gove ed., 1981) (emphases in original). Indeed, the only non-obsolete meaning of the "property" which fails to emerge as a structuring problem in Williams' book is that captured by the colloquialism "stage props."

14. P. 211.

15. Pp. 211-12.

16. P. 124.

17. P. 256 (emphasis added).

it effectively evokes the specific cultural dimensions of my identity, but in this book I use most frequently the term "black" in order to accentuate the unshaded monolithism of color itself as a social force.¹⁸

By using the term "black" to describe herself even though she regards it as an inadequate indicator of her racial identity,¹⁹ Williams acknowledges that the category "black" is humanly crafted even as she inserts herself into it. Indeed, by describing "color itself" as a "social force," she suggests that she has no choice but take her place in the categories it implicates. She thus emphasizes that the categories precipitated in this social force are both constructed and overwhelmingly real.

The power of this contradiction to split the self in two is suggested by Williams' narrative of her childhood realization that her white playmates categorized her not as a "Negro" but as "colored":

I was three and already knew that I was a "Negro"; my parents had told me to be proud of that. But "colored" was something else; it was the totemic evil I had heard my little white friends talking about for several weeks before I finally realized that I was one of *them*. I still remember the crash of that devastating moment of union, the union of my joyful body and the terrible power of that devouring symbol of negritude.²⁰

If, as Williams asserts elsewhere, the "true self" is "one's own experiential knowledge,"²¹ then for Williams the true self incorporates this obliterating experience of *being colored*. Williams explicitly resists the claim that the category "colored" is a "mere social construction" that evaporates upon exposure: "the greatest challenge is to allow the full truth of partializing social constructions to be felt for their overwhelming reality."²² However artificial the category "colored," Williams insists, when it is experienced as the identity one is ascribed in the social world it becomes *real* in the eyes of others and thus in one's own self-perception: "[I]f being is seeing for the subject, then being seen is the precise measure of existence for the object."²³

18. P. 257.

19. Williams repeatedly names herself "black" in self-descriptions that expose the rifts between that identity and other identities and attributes she claims. See, e.g., pp. 6-7 ("[T]o speak as black, female, and commercial lawyer has rendered me simultaneously universal, trendy, and marginal." (emphasis in original)); p. 97 ("the confusing, oxymoronic hierarchic symbology of me as black female law professor"); p. 195 ("According to the best statistics available, I am the perfect average black professional woman."); pp. 209-10 ("What a complicated oxymoron: a vain black female commercial law professor."). I examine the rift between Williams' identities as "black" and as "professional" in Part III below. Here I focus on the dynamics she detects *within* her identity as "black."

20. P. 119 (emphasis in original).

21. P. 63.

22. P. 221.

23. P. 28.

In these moments Williams carves out a mediating place in the current essentialist/constructionist polemic. On the one hand she retains (though perhaps without defining) an acknowledgment of “color itself,” and resists any tendency to deconstruct race identity, to treat it as anything less than “overwhelmingly real.” At the same time, what is overwhelmingly real about race is the deprivation of subjectivity achieved by the operation of race as a social categorization.

According to Williams, then, the ways in which we see one another as members of categories—even the ways in which we see one another as possessing nonessential attributes²⁴—involve us in an activity not merely of description but, more fundamentally, of mutual self-constitution. For Williams it is a

fact that a part of ourselves is beyond the control of pure physical will and resides in the sanctuary of those around us; a fundamental part of ourselves and of our dignity depends on the uncontrollable, powerful, external observers who make up a society.²⁵

The reality of “self-as-reinterpreted-by-the-perceptions-of-others” requires us to abandon the hateful or even careless practices of “spirit murder—disregard for others whose lives qualitatively depend on our regard”—and to adopt “a sense of caring responsibility for the images of others that are repositioned within us.”²⁶ Indeed, the execution of this responsibility may be the core activity of justice itself:

Justice is a continual balancing of competing visions, plural viewpoints, shifting histories, interests, and allegiances. To acknowledge that level of complexity is to require, to seek, and to value a multiplicity of knowledge systems, in pursuit of a more complete sense of the world in which we all live.²⁷

24. Williams declines to imply that attribution of adventitious or accidental characteristics is benign merely because it is nonessentialist. Under slavery, Williams asserts, it was “whites’ overzealous and oppressive absorption with projected specific peculiarities of blacks [that substituted] for actual wholistic regard for the individual.” P. 220. Thus in the imagined auction of Williams’ great-great-grandmother—“I try to envision being casually threatened with sale from time to time, teeth and buttocks bared to interested visitors” (p. 18)—the power to attribute accidental characteristics is also the power to determine and to appropriate their value. From this paradigm moment flows the book’s pervasive concern with the details of Williams’ personal appearance as a form of currency in race, gender, and professionalizing interactions: *see, e.g.*, p. 44 (“I pressed my round brown face to the window and my finger to the buzzer, seeking admittance [to Benetton’s].”); p. 95 (in student evaluations, “[m]y braids are described as being swept up over my ‘great bald dome of a skull,’ and my clothes, I am relieved to hear, are ‘neat’”); p. 196 (“When I get up in the morning I stare in the mirror and stick on my roles....”); p. 235 (“I released the armored rage of my short nappy hair (the scalp gleaming bare between the angry wire spikes) and hissed: ‘Don’t I exist for you? See me!’”).

25. P. 73.

26. *Id.*

27. P. 121.

B. *Property as the Relations of Ownership*

Williams insists that, if a fully authoritative subject position can be attained only in the interactions of the “self-as-reinterpreted-by-the-perceptions-of-others,”²⁸ the paradigm locus of those interactions is the market. This nexus is established in the contract of sale of Williams’ great-great-grandmother:

This finding of something that could have been the contract of sale of my great-great-grandmother irretrievably personalized my analysis of the law of her exchange. Repeatedly since then, I have tried to analyze and undo her situation employing the tools of adequacy of valuable consideration—how much value, I wonder. Just how did the value break down? Did they haggle? Was it a poker game, a trade, a promissory note? How much was she *worth*?²⁹

The assignment of monetary value to a person confirmed the social and epistemological authority of buyer and seller, and erased the authority of the sold. Slavery conflated the power to define market value with the authority to recognize and participate in human subjectivity: Williams’ great-great-grandmother, because she was excluded from the former, was locked out of the latter.³⁰

The abolition of the slave relation did not, *per se*, provide black Americans with access to a stable and recognized subjectivity:

After the Civil War, when slaves were unowned—I hesitate to use the word emancipated even yet—they were also disowned: they were thrust out of the market and into a nowhere land that was not quite the mainstream labor market, and very much outside the marketplace of rights. They were placed beyond the bounds of valuation³¹

The dispossession of former slaves, their exclusion from the markets for labor and thus for other goods, maintained their exclusion from the interchanges of valuation by which we acknowledge each other as human. Williams thus places her book at the boundary of valuation, testing the possibilities for the recognition of black subjectivity in contractual relations.

Williams’ examination of “property” in the sense of the legal recognition of ownership rights is thus not just about our relationship to and access to material goods: she simultaneously scrutinizes commercial relationships for

28. P. 73.

29. P. 157 (emphasis in original).

30. A few words to quench a possible misreading of Williams’ argument as I understand it. She argues that slaves lacked not humanity but “subject position”—which, on Williams’ analysis, is a social accomplishment, not a human given.

31. P. 21.

our access to one another's acknowledgement that we are people. Contrasting her own desire to rent a new apartment on the basis of a formal contractual relationship to a white colleague's efforts to informalize his relationship with his new landlord, Williams ponders:

Unlike Peter, I am still engaged in a struggle to set up transactions at arm's length, as legitimately commercial, and to portray myself as a bargainer of *separate worth*, distinct power, sufficient rights to manipulate commerce.³²

I have italicized to emphasize the resonance of this passage with Williams' painful query about her great-great-grandmother, "How much was she *worth*?" If the great-great-granddaughter of Williams' great-great-grandmother can enter into contractual relations as a bargainer capable of determining value, she might establish herself as possessing "separate worth" and thus take the place of a subject in the marketplace of rights.

To be beyond the bounds of valuation is to be disregarded as a participant in the processes of defining value and ultimately to be denied acknowledgement as a subject, a social presence, a voice. Thus when C., a black woman travelling in Florida, bought a glass of milk at a truck stop and objected that it was sour, her white audience refused to listen:

The milk was sour, and C. asked for another. The waitress ignored her. . . . When the waitress finally brought the bill, C. had been charged for the milk and refused to pay for it. The waitress started to shout at her, and a highway partolman walked over from where he had been sitting and asked what was going on. C. explained that the milk was sour and that she didn't want to pay for it. The highway patrolman ordered her to pay and get out. When C. said he was out of his jurisdiction, the patrolman pulled out his gun and pointed it at her.³³

In this escalating conflict, C. initially bid for a role in the market in truck-stop milk. When her white antagonists denied her that, they involved themselves as well in two interlocked denials: a denial of her audibility and a denial of her right to define her position as a legal subject.

Ultimately what C. determined to be at stake, however, was her power to engage others in ascertaining whether she was telling the truth: "The damndest thing about it," C. said, 'was that no one was interested in whether or not I was telling the truth.'³⁴ In C.'s case the "truth" was easy to see: in the midst of the truck stop's gesticulating figures was a "truth-telling glass

32. P. 148 (emphasis in original removed; emphasis added).

33. Pp. 56-57.

34. P. 57.

of sour, separated milk."³⁵ But what if the truth one wants to assert is the truth of one's self, "what precious little humanity we have left,"³⁶ the "helplessness of our fragile humanity"?³⁷ Here our dependence for our very humanity on a "self-as-reinterpreted-by-the-perceptions-of-others" reasserts its power to destabilize. In an important sense *The Alchemy of Race and Rights* engages its audience in testing Williams' own author-ity to tell the truth of her self.

III. BLACK AUTHORITY, WHITE AUDIENCE, AND THE CONSTITUTION OF TRUTH/VALUE

Because "subject position is everything in [her] analysis of the law,"³⁸ Williams parts company with the "inflections of professionalized discourse"³⁹ that require legal scholarship to mask the author in objectivity. Instead she tells stories, stories about others and stories about herself. Indeed, the title of Williams' book denominates it a "diary": even the stories about others turn out to be stories about Williams herself.

But *The Alchemy of Race and Rights* is not merely "about" the problematic authority of gendered black voices within the professionalized discourses of the law. Williams repeatedly precipitates crises in that authority by "interest[ing us] in whether or not [she is] telling the truth."⁴⁰ The result is a recurring endangerment of Williams' own authority that constitutes the book's most stern examination of the conditions of black subjectivity. This book doesn't merely *describe* the problematics of that subject position: it *enacts* them.

A playful episode of this type occurs when Williams quotes a news clipping for which she cannot find the citation. In place of the missing citation she provides the following footnote:

Some people might insist . . . that my persistence in using [the undocumented quotation] is a sure sign (a) that my work is unscholarly, or (b) that this is not a real quote and I am either a liar or hallucinating. I, however, prefer to think of it as an open invitation to the reader to participate in the construction of authority.⁴¹

Williams directly appeals to the reader to judge her credibility, and acknowledges two sets of discursive assumptions against which that credibility

35. *Id.*

36. P. 78.

37. P. 120.

38. P. 3.

39. P. 256.

40. P. 57.

41. P. 254 n.1 (note to Chapter 11).

might be measured. One is the unwritten code of scholarly conduct, which Williams elsewhere describes as “one of a number of governing narratives or presiding fictions by which I am constantly reconfiguring myself in the world.”⁴² The other is the entire fund of preconceptions about the speech of black women which strip them of authority.

The stakes involved in Williams’ confrontations with these codes and with her audience are set forth in a narrative that formally complements C.’s adventure at the truck stop: Williams’ own outing to Benetton’s.⁴³ Both black women were denied entry into the intersubjectivities of the market: C. when the white waitress and, in supporting roles, law enforcement personnel, refused to acknowledge her as a participant in a market exchange of milk; Williams when Benetton’s white “saleschild” took one look at her “brown face [pressed] to the window” seeking admittance and told her “We’re closed”—even as white shoppers browsed the merchandise within.⁴⁴ The Benetton’s narrative rapidly leaves C.’s “truth-telling glass of sour, separated milk”⁴⁵ behind, however, as Williams frames the ways in which her authority to tell the story depends on the attestation of a white professional elite that it is true. The “Benetton’s story”⁴⁶ becomes Phillis Wheatley’s crisis in authority⁴⁷ revisited.

Sustaining the formal correspondence with C.’s truck stop story, crises erupt from the Benetton’s narrative in an exponential progression. Williams first details the difficulties she encountered convincing law review editors to print the story intact. The editors refused to name Benetton’s, even though Williams “offered to supply a footnote attesting to this as my personal experience,” because “they were not in the habit of publishing things that were unverifiable.”⁴⁸ They wanted to omit any reference to Williams’ race, on the contradictory grounds that it was both obvious and “irrelevant.”⁴⁹ This experience with the erasure accomplished by neutrality prompted Williams to write and deliver a speech supporting affirmative action, which was then reported in the local press as a condemnation of affirmative action. Pondering the possibility that she might one day write a law review article about the newspaper item, Williams balks: “the article in the newspaper will have more authoritative weight about me, as a so-called ‘primary resource,’ than I will have; it will take precedence over my own citation of the unverifiable testimony of my speech.”⁵⁰

It all culminates in a stinging indictment of what Williams describes as a

42. P. 256.

43. Pp. 44-51.

44. Pp. 44-45.

45. P. 57.

46. P. 50.

47. *See supra* note 10 and accompanying text.

48. P. 47.

49. *Id.*

50. P. 50.

deeply embedded cultural practice of believing that everything a black person says about herself, and particularly about her experience of racism, is a lie:

Recently I got an urgent call from Thomas Grey of Stanford Law School. He had used this piece in his jurisprudence class, and a rumor got started that the Benetton's story wasn't true, that I had made it up, that it was a fantasy, a lie that was probably the product of a diseased mind trying to make all white people feel guilty. At this point I realized it almost didn't make any difference whether I was telling the truth or not—that the greater issue I had to face was the overwhelming weight of a disbelief that goes beyond mere disinclination to believe and becomes active suppression of anything I might have to say. The greater problem is a powerfully oppressive mechanism for denial of black self-knowledge and expression.⁵¹

This culmination of the Benetton's narrative is acutely cautionary to the book's audience. It deflects our attention from the question whether the story truly represents Williams' experience or not, to the "greater issue" of the relationship between author and audience, and particularly that between Williams and her white audience, as they (or we) grapple with the problem of her truth. The situation calls for a degree of self-consciousness rarely invoked by writing about the law. What is our—a problematic word, but intentionally so—relationship to the truth-telling capacity of this narrator? If we are white and we disbelieve, must we acknowledge ourselves as "powerfully oppressive"? If we are white and we believe, have we thereby assumed the mantle of Phillis Wheatley's author-izers?

Arguably, Williams' text leaves no opening for plausible white disbelief in the Benetton's story: she informs us that she has encountered a host of disbelievers, explicitly scorns them, and thus aligns readers in sympathy with herself against them.⁵² At other moments, however, Williams intrudes as the artificer and authorizer of her narratives and forecloses the easy assent to truth that the Benetton's narrative permits—or requires—us to make.

One such moment occurs when she reports that she submitted her eleventh chapter to a "prominent law review" and received a prompt rejection.⁵³ Williams indicates that she would have printed her rejection letter as part of the chapter if Harvard University Press, acting on the advice of its lawyers, had not indicated that the letter's author and not its recipient had proprietary control over its publication. Thus baffled in her effort to provide us with reliable documentation, Williams insouciantly proceeds to *represent* the letter:

51. P. 242 n.5.

52. Pp. 50-51.

53. P. 214.

Not to worry, though, for I have plenty of Actual Letters from which to cut and paste. What follows, then, is a carefully crafted and paraphrased composite of rejection after rejection after rejection.⁵⁴

Having emphasized her role in “crafting” the letter as we have it, Williams patches into the rejection letter a paragraph detecting an anachronism in the preceding chapter; in the body of her text Williams has placed herself in New Orleans in 1988 musing on an article not published until 1989.⁵⁵ By emphasizing her fiction-making activity both in the rejection-letter *coda* and, through it, in the text itself, Williams forces the issue: will her audience “participate in the construction of [her] authority?”⁵⁶ or will it repeat the cycle of “rejection after rejection after rejection”?⁵⁷ Williams has—quite purposively, it appears—undermined the text itself as a ground for answering this question. We are left with just one reference point, our relationship with her as author.

The risk undertaken here is repeated in a key chapter in *The Alchemy of Race and Rights*, in which Williams suggests that the problems entailed by her representation of her experience pervade the central narratives of her book. Here Williams recounts a controversy she prompted over the use of race and gender identities and issues in law school examinations. She tells the story of the controversy, from the moment a student arrived in her office in tears with a criminal law examination that posed an Othello/Desdemona hypothetical; to her own conversation with the professor who wrote the exam; to a memorandum she wrote to the entire faculty encouraging sustained attention to the problem and setting forth her position on it. We follow these events as if in real time, as if we are reading an unmediated record of a faculty fracas, until Williams pauses:

I sit down and write my sister a long letter, including my memo. I tell her how I have fictionalized the identities of people and collapsed several conversations with different colleagues into the mouths of only a few characters. My sister responds with a phone call: she tells me I'm a coward. She thinks I should write up everything Exactly As It Happened and have it published somewhere. Otherwise, she says, I open myself up to being dismissed as merely literary; people will be able to say It Didn't Happen.

But the exams are real, I insist, and all the events did happen, just not all in the same instant, not all in that order; *it happened, just not exactly that way.*

54. *Id.*

55. P. 215.

56. P. 254 n.1 (note to Chapter 11).

57. P. 214.

Then it's not true, she says, and you will have committed an act of bad scholarship.⁵⁸

This interchange, particularly the italicized summation of Williams' narrative strategy, is profoundly destabilizing. Williams' sister legitimizes the view that some objectively true events occurred and could be known. But we are barred from ascertaining the particulars in which Williams has departed from events *Exactly As They Happened*. Readers of *The Alchemy of Race and Rights* must understand that the only narrative of those events that they have is "fictionalized" to an unspecified extent.

Once again Williams has undermined external props and focused our attention on our relationship with her as author. In the immediately following vignette Williams sets forth her purpose in precipitating this crisis of confidence—and, I would argue, her purpose in making what I have called truth/value a central problem in *The Alchemy of Race and Rights*. A colleague warned her that her "personal style" makes it "inevitable that my words will be read as 'all about me' and speculate[d] that my writing necessarily involves the reader's passing judgment on me."⁵⁹ In response Williams gives her reason for sabotaging the "impersonal" style urged on her by her law review editors:

[I]n a world of real others, the cost of such exclusive forms of discourse is empowerment at the expense of one's relation to those others; empowerment without communion.⁶⁰

Williams bids here for a "subject position," for the power to join in determining the value of her experience. She does so in the only way that would be consistent with her understanding of subjectivity and of value: by engaging others in the process of generating her truth. Only by merging that process into the process of reading could Williams make *The Alchemy of Race and Rights* fully responsive to the documentary trace left by her great-great-grandmother.

IV. WHITE READING

The Alchemy of Race and Rights is daring—in two senses of the word. Williams puts herself at risk, and dares her reader to leave her there. Many readers will exercise the freedom Williams accords them to disbelieve her. What happens then is central to the normative challenge posed by *The Alchemy of Race and Rights*.

58. P. 91 (emphasis added).

59. P. 92.

60. Pp. 92-93.

If the doubting reader is white, and the passage she disbelieves is the Benetton's story, *The Alchemy of Race and Rights* reasserts a formal authority it has never really let go: the disbelieving reader is responsible for an act of racist objectification.⁶¹ If these were the only episodes in the book, *The Alchemy of Race and Rights* would be strictly didactic for its white readership: the facts of racism, of Williams' encounter with racism, and of Williams' subjective authority to denounce racism would be equally stable, and would be revealed to have pre-existed the writing and reading of the book. The white reader's role in these circumstances is to choose between compliant assent to the book's truth and racist dissent from it.

But the book is more complex than that, and engages white readers in a more complex formal and normative relationship, precisely because it *also* presents episodes in which Williams insists not on her fidelity to empirical fact but on her role as the maker of the text before us, indeed as the fabricator of the very self whose authority she places at stake. At these moments—and they are pervasive—Williams calls into question her own authority to claim that her fables, and her purported factual recitations, represent the world that her white readers live in. White readers are posed with a special challenge: can we probe that authority without devaluing Williams' humanity; and can we assent to that authority without arrogating the authority of Wheatley's white interrogators? Our subjectivity must engage itself with Williams' in these struggles; moral hazards lie on all sides; and as we read we have an opportunity to see ourselves as the subjects, and perhaps even the objects, of race.

Readers may object that these formal gestures, appearing side by side throughout Williams' text, are irreconcilable. To be sure, Williams alternatively presents facts as empirically verifiable and as available only through the filter of experience; she intermittently asserts the coherent authoritativeness that marks the Benetton's story and the fractured authority of the recalcitrant scholar or even of the dazed visionary. She alternatively emerges as a stable, essential self and as a self at risk, a self that pre-exists the author/reader interaction, and a self that holds out the dangerous invitation to mutual constitution in the intersubjectivities of author and reader, and of black and white.

In the current anti-essentialist climate, this contradiction will strike some as unregenerate; in the current anti-theoretical backlash, it will strike others as an example of apolitical sophistication. But the contradiction between the book's confirmations of and challenges to its own authority faithfully enacts the tension between Williams' confidence that she is a repository of humanism's truth and her acknowledgment that she can know herself only as a self-reinterpreted-by-the-perceptions-of-others. Moreover, the contradiction makes it pervasively difficult to stabilize the knowledge, and thus the "subject position" of the white reader as she apprehends Williams and the problem of

61. See *supra* note 52 and accompanying text.

her truth. Williams thus offers herself as an other that is a self, and invites her white readers to find out what it means to encounter ourselves as her perceivers. Unbroken fidelity to empirical reportage or to allegorical fictionmaking, though it might have enabled this book to appear formally stable, could not have issued precisely this invitation to a mutual exchange of human recognition.