

**Thesis title: Literary Governmentalities: Race and Resistance in modern western law
and Toni Morrison's fiction**

Abstract

Modern fiction, especially the nineteenth-century novel form of prose writing, has been traditionally assumed as subversive because it democratized the reading public in the Euro-American west by being accessible to the masses, unlike the earlier epic/classical literary formations available only to the educated elite. The novel thus challenged power, but when power was viewed as repressive and negative. But how can the novel or fiction in general, challenge power when power becomes productive, of individual subjects and human life? This thesis explored the possibility of literary resistance in the age of what Michel Foucault calls discipline and biopower through three fictional works of Toni Morrison – a much acclaimed novel (*Beloved*), an experimental short story ('Recitatif'), and a lyrical play (*Desdemona*). In texts like *Discipline and Punish*, and lecture series like *Society Must be Defended*, Foucault describes disciplinary power and biopower as those that operate through norms emanating from non-sovereign sources to produce docile subjects. This is different from the earlier sovereign power that emanated from the unified body of the king. The novel or literature in general, becomes relevant when considered as a non-sovereign means normalizing or disciplining the reading public towards the production of docile bodies. While literary historians since the late 1980s like Mark Seltzer, John Bender, D.A Miller, Arne de Boever, and Christopher Breu studied the coeval rise of the modern novel and the modern powers (roughly in the late eighteenth century but more firmly in the nineteenth century Europe) thereby questioning the assumption of novel's subversiveness, they did not explore its 'excesses' – by which I mean possibilities of resistance written into the structure of the

novel itself and not outside it – that could transgress normative boundaries. Studying select texts of Toni Morrison, this thesis aims to locate the ‘excesses’ of these three literary forms – novel, short story, and play – to show how they can be renewed as instruments of resistance to the modern powers.

First, the thesis attempted to bring Michel Foucault and Toni Morrison into a theoretical dialogue on the question of normalized racism – that is, how in the modern regime racism runs through the social fabric as a norm, not deviation. Texts studied in this regard are (again) Foucault’s *Discipline and Punish: The Birth of the Prison*, *History of Sexuality Vol.1: An Introduction*, and *Society Must be Defended: The Birth of Biopolitics*; and Morrison’s non-fictional works *Playing in the Dark: Whiteness and the Literary Imagination*, and ‘Site of Memory.’ This helped construct a theoretical framework in which literary genres, archives, and canons are revealed to operate with ‘law-like’ regularities or norms that have historically relegated black subjects or characters on the borders of literary or public consciousness. Secondly, using the Derridean notion of ‘justice as excess of law’, the research borrowed from Ben Golder and Peter Fitzpatrick’s *Foucault’s Law*, a poststructuralist approach to modern law identifying its two dimensions – a ‘determinate’ dimension on the side of the norm, and a ‘responsive’ dimension resisting that norm. Finally, the research contended that like modern law, literature too has those two dimensions – ‘determinate’ and ‘responsive’. It showed how Morrison’s pivotal/titular characters in *Beloved*, ‘Racitativ’, and *Desdemona* were in ‘excess’ of the ‘juridico-historical’ function of the genre, archive and canon respectively thus transgressing their own normative boundaries.

The thesis combined novel studies, social-legal studies, and Foucauldian jurisprudence to first show how in the age of discipline and biopower, law operates not only through legal codes but norms, emanating from extra-legal or extra-sovereign sources. Then, it showed how

these norms are inherently racist in nature. In thus demonstrating the legalist/racist/normative underpinnings of these discourses, the research claimed that they can be renewed as instruments of resistance through their ‘responsive’ dimension, or possibilities written within their own structures. By borrowing this notion of ‘responsiveness’ - which the thesis will eventually reveal as the ‘fictionality’ of law - from socio-legal studies to identify the ‘legality’ of literature, the research can further contribute to new imaginings for the field of ‘law and literature.’ Here the conjunctive ‘and’ is not only a contested place giving this interdiscipline its political compass (Grahn-Farley 2005), but also that the ‘excesses’ can be manifest here, opening up spaces for resistance.

Thesis Summary

Chapter 1 lays out the theoretical framework of the thesis by bringing French poststructuralist philosopher Michel Foucault into conversation with the African American novelist Toni Morrison on the question of normalised racism in western governmentalities, in this case through modern law and the novel. While literary historians in the late 1980s like D.A Miller, and Arne de Boever studied the novel form of prose writing from the perspective of Foucault’s analysis of power – that is, how the modern novel is an apparatus of state power (disciplinary power and biopower) aimed at disciplining the reading public into docile subjects – these studies have usually considered fiction as a field of application rather than as a theoretical tool itself. Through the conversation between Foucault’s *Discipline and Punish, Society Must be Defended, History of Sexuality Vol. 1* and Morrison’s *Playing in the Dark* and ‘The Site of Memory’, this thesis attempts to fill this gap in novel studies by aiming to forge a theoretical paradigm in which fiction’s transgression of its own limit imposed by state powers is foregrounded. Towards this, the chapter ends, borrowing from Peter Fitzpatrick and Ben Golder’s *Foucault’s Law*, with a Derridean understanding of ‘justice as excess of law’ in which the norm’s reduction of literature (as a microphysics of power) is never total and

something is always ‘spilling over’ oriented towards alterity (method/lens of analysis). The following chapters will aim at showing these ‘excesses’ as possibilities of literary resistance.

Chapter 2 studies Morrison’s short story ‘Recitatif’ and the novel *Beloved* with a focus on their narrative time. I explore the concept of ‘excess’ as introduced in the first chapter to show how ‘Recitatif’ manipulates and resists key imperatives of modern powers – in this case a comprehensive knowledge of its literary subjects – by expunging racial codes from the language of the text, and then replacing them with unequivocal social code. Similarly, drawing upon Elizabeth Grosz’s concept of non-linear time, I show how *Beloved* manipulates disciplinary power’s use of clock time to produce ‘untimely’ subjects instead of docile ones. ‘Recitatif’ and *Beloved* respectively demonstrate that ambiguous narrative language and non-linear narrative time are ‘excesses’ of the law/power of the genre.

Chapter 3 further takes forward the notion of ‘excess’ into the legal archive of Margaret Garner on whom *Beloved* is based. It argues that historical facts – in this case the fugitive slave trial of Garner – often leave the domain of the history and law, and enter the jurisdiction of fiction. Taking cues from Marc Nichanian’s *The Historiographic Perversion*, and Shoshana Felman’s *The Juridical Unconscious* – texts dealing with how the archive and the law together may corrupt truths instead of establishing them, the chapter aimed at exploring how fiction can restore the human half of slaves from the antebellum archive’s predisposition of inscribing them into the discourse of property. The chapter thus claims that Garner’s interior life, as imaginatively reconstructed in *Beloved*, is in ‘excess’ of the archive whose laws of documentation could only represent her as property.

Chapter 4 rounds up the notion of ‘excess’ with literary canon formation focusing on Morrison’s play *Desdemona*. Here Morrison re-imagines the character from Shakespeare’s *Othello* both in her reconstructed girlhood and afterlife, and gives her a titular role with

narrative voice she was earlier denied in Shakespeare's play. However beckoning a comparison with the original, the analysis of *Desdemona* demonstrates the dynamism implicit in the comparison between the canonical Othello and the radical re-reading of it resurrecting Desdemona. The chapter aimed at showing how the power/law of the canon and its exclusionary underpinnings can be resisted through reciprocity between elements between compared. In discourses of comparison, this reciprocity has been called 'in/commensurability' by Susan Stanford Friedman. The chapter claims that the dialogic tension inherent in such comparisons opens up possibilities where the radical re-imaginings of canonical characters are in 'excess' of the power/law of the canon, thereby resisting canon's racist underpinnings.

Contribution to knowledge

My research contributes to the existing knowledge on novel studies in general and African American fiction in particular, by employing insights from poststructuralist jurisprudence into the study of literature to show the possibility of literary resistance in the age of discipline and biopower. Among poststructuralists, Foucault's influence in law has been minimal as the prevalent understanding is that the norm has superseded the law by turning it into a pliant instrument of power (Wickham and Hunt, 1994). But Fitzpatrick and Golder's *Foucault's Law* (2010) argues that the modern law's two dimensions – determinate and responsive, one on the side of law and the other resisting that law – make resistance to modern powers still possible. My thesis takes these two dimensions of law and brings them onto literature by arguing that like law, literature too has its own determinate and responsive dimensions. The thesis finally claims that literary resistance in the modern regime is possible because of the 'responsive' dimension of literature that is in 'excess' of power (of genre, archive, and canon) as shown in the chapter analyses. In thus exposing the legalist or determinate dimension of literary formations and subsequently exploring their responsive dimension, my research also

contributes to a nuanced understanding of governmental rationality that work through cultural formations traditionally assumed subversive, or what I call ‘literary governmentalities’.

Chapter Divisions/Chapter Introductions

Chapter 1 – “*Narrative Care*” : *Law, Literature, and the modern technologies of power*’ – lays out the theoretical framework of the thesis by bringing together Michel Foucault and Toni Morrison into conversation with each other on the question of normalised racism in the modern regime of discipline and biopower. Through this conversation the chapter aims to show how modern powers operate through norms emanating from extra-sovereign means, and not only through law. It has three sections. The first section ‘On the Normality of Race and Racism’ discusses select texts of Foucault to show how race and the norm are jointly deployed in modernity to produce docile subjects. The second section ‘Law, Literature, and the Norm’ discusses select critical works of Morrison to show how the American literary canon operates as one of those extra-sovereign norms to systematically misrepresent black historical or literary characters. The third section ‘Fictionality: Approaching the Conjunction’ uses a Derridean notion of ‘justice as excess of law’ to show how the norm’s co-option of law and literature is never total with something always ‘spilling over’ oriented towards alterity. The following chapters locate these ‘excesses’ in literary genres, archives, and canons for possibilities of literary resistance.

Chapter 2 – *Race and Time in Toni Morrison’s fiction: towards a possibility of literary resistance*’ – explores the notion of ‘excess’ in Toni Morrison’s two select texts – a short fiction ‘Recitatif’, and a novel *Beloved* – focussing on the treatment of race and time respectively. The chapter aims to show how these two texts manipulate key imperatives of the modern powers to resist being co-opted into docile subjects. It has four sections. The first section ‘Western European Novel and Neo-liberal Governmentality’ discusses the nuanced

variety of resistance in the age of discipline and biopower where it is a form of power, not outside it. The second section ‘Race in Recitatif’ analyses Morrison’s treatment of race where, by expunging racial codes and replacing them with equivocal social codes, the story resists a comprehensive knowledge of its literary characters – a key imperative for control. The third section ‘The Time of Power, and the Power of Time’ speculates Foucault’s conceptions of time in his analyses of modern powers and compares them with Elizabeth Grosz’s notion of ‘untimely subjects’ – those born outside the contingencies of linear clock time unlike docile subjects. The fourth section ‘Time in *Beloved*’ combines Grosz’s notion of the ‘untimely’ with Gerard Genette’s concept of narrative time to show how the novel’s temporal structure is inconsistent with the modern powers’ notion of time. The chapter claims that ‘race’ and ‘time’ in ‘Recitatif’ and *Beloved* are in excess of the legalist underpinnings of their respective genres.

Chapter 3 – ‘*Slavery in archive and fiction: the case of Margaret Garner*’ – further takes forward the notion of ‘excess’ into the legal archive of Margaret Garner on whom *Beloved* is based. That chapter aims to show that historical facts – in this case the fugitive slave trial of Garner – is neither always historiographic (archival) nor legal. Rather, facts may leave the domain of the history and law, and enter the jurisdiction of fiction. The first section, tentatively titled ‘Legal truths: the archival route’, takes cues from Marc Nichanian’s *The Historiographic Perversion*, and Shoshana Felman’s *The Juridical Unconscious* – texts dealing with genocide and arguing that testimonies of surviving victims are corrupted by the archive because genocide bases itself on the destruction of the archive, or in the other words, the archive is the very condition of the possibility of genocide. Similarly, the second section, tentatively titled ‘At the borders of person and property: The Garner archive,’ studies the newspaper coverage of Garner’s fugitive slave trial (*The Cincinnati Gazette* and *The Cincinnati Enquirer*) and argues that Garner’s testimony in court only re-inscribes her in the

discourse of property and does not establish her human half. In the third section, tentatively titled 'From Document to Monument: Re-deploying Garner's testimony' the chapter claims that fiction can restore the human half of slaves like Margaret Garner and Morrison accomplishes this by imagining her private life living in the aftermath of slavery during Reconstruction. This necessary act of imagination is hypothesized in Morrison's essay 'The Site of Memory'. Thus Garner's interior life is in 'excess' of the archive that, following Nichanian, only fiction can narrate.

Chapter 4 – tentatively titled '*De-racing the literary canon: a comparative analysis*' – rounds up the notion of 'excess' with literary canon formation which according to Morrison is akin to 'empire building'. The chapter aims at revealing African presences in white canonical texts that have the power to move the narrative in new directions. It focuses on the lyrical play *Desdemona* where Morrison not only re-imagines the titular character from Shakespeare's *Othello* both in her girlhood and afterlife, but also resurrects her mother's African maid Barbary who had existed only on the fringes of the main text. The play, in these resurrections, thus beckons a comparison with the original, but the analysis will demonstrate the dynamism implicit in the comparison between the canonical *Othello* and the radical re-reading of it resurrecting *Desdemona* and Barbary. The chapter claims that the power/law of the canon and its exclusionary underpinnings can be countered through reciprocity between elements between compared. In discourses of comparison, this reciprocity has, at one point, been called 'in/commensurability' by Susan Stanford Friedman. The dialogic tension inherent in such comparisons opens up possibilities where it is not a question of leaving the canon altogether but 'rearranging' it through radical re-imaginings. *This is a work-in-progress chapter.*

Thesis conclusion

The conclusion reviews what the chapters on the literary genres of novel, short story, archive, and play revealed about the possibility of literary resistance in the age of discipline and biopower. Situated within a Foucauldian framework, it contributes to an understanding of these literary genres as cultural apparatuses of modern powers vested with normalizing function. Through textual analyses of select texts and archival materials, the thesis further illuminates how every act of normalization imports racism. Consequently, it analysed how these sites can be renewed as tools of resistance by borrowing the notion of ‘excess’ from poststructuralist studies of Foucauldian jurisprudence and applying it to studies in literary genres. The conclusion is organised in three ways. First, I outline the four aims of the study and link them to the gaps in the existing literatures on the topics. Second, I discuss how those aims were achieved, and how they enhance respective field knowledge. Finally, I indicate directions for future research.

Aims:

The central aim of the study was to show ways in which literature can resist its co-option by the normative powers of discipline and biopower. It began with constructing a theoretical framework by bringing into conversation Michel Foucault and Toni Morrison on their respective views on normalized racism from the sides of politics and culture. It argued that in the modern regime – roughly from the late eighteenth century but more firmly in the nineteenth century – literary formations, for instance the canon, are invested with policing powers that perform the work of law and governance as norms. Thus, to locate possibilities of literature’s resistance to the norm, the aims more specifically were to show i. how Toni Morrison’s short story ‘Recitatif’ resists a key imperative of the modern powers – a comprehensive knowledge of its subjects to render them docile – by expunging racial codes from the language of the text and replacing them with equivocal social codes; ii. how

Morrison's novel *Beloved* manipulates linear clock time and instead uses cyclical narrative time to resist another key imperative of the modern powers – the correlation between time and work – producing ‘untimely’ subjects instead of docile bodies; iii. how *Beloved* again as a historical fiction resists the ‘juridico-historical’ function of the archive in which Margaret Garner’s testimony (based on which *Beloved* is written) is re-imagined to restore the human half of the fugitive slave, thus attempting to release her from the discourse of property; and finally iv. how Morrison’s lyric play *Desdemona* re-imagines the character from Shakespeare’s *Othello* both in her reconstructed girlhood and imaginary afterlife, and gives her a titular role with voice and assertiveness she was earlier denied in the main play, thus resisting the law of the canon by radically re-arranging it through subaltern voices.

Throughout its chapters, the thesis is consistent in its understanding of law in the modern regime of discipline and biopower – that it operates not only through formal legal doctrines but also ‘law-like’ regularities can emanate through extra-legal or extra-sovereign sources as norms. In other words, the thesis begins with, critiques, and finally resists the understanding that the modern law has been co-opted by the norm.

Claims and their methods:

The first aim of how Morrison’s ‘Recitatif’ resisted comprehensive knowledge of its characters’ racial identities was achieved by showing that preserving their racial ambiguity made them transgressive of the norm’s control. Existing scholarship has mostly attempted to decode these ambiguities to interpret the text. Morrison in her non-fictional work *Playing in the Dark* had described ‘Recitatif’ as ‘experimental’ – whether racial identities can be decoded from social codes. While Elizabeth Abel’s essay ‘Black Writing, White Reading’ (1993) was possibly the only other work that argued in support of the text’s racial indeterminacy, it however aimed at exposing ‘unarticulated racial codes that operate at the

boundaries of consciousness' (Abel, p. 472). In other words, her essay aimed at exposing the stability of racial stereotypes even where racial markers are absent or ambiguous. This thesis contributes to Abel's argument by claiming that race in 'Recitatif' is not only re-opened as a contested terrain for re-interpretations, but also that it becomes an 'excess', a supplementarity lurking between the stability and instability of stereotypes. In thus renewing 'race' as a differentiated terrain through non-disclosure of racial identities, the story claims its own ambiguity as transgressive of the realist/documentary function of the normative powers that underpin cultural narratives.

The second aim – how *Beloved's* temporal structure resisted linear clock time embedded in modern powers – was achieved by bringing into conversation Foucault's genealogical method of writing history or 'effective history' with Elizabeth Grosz's notion of 'untimely' subjects born outside or nicks or cracks in linear time. In Foucauldian studies, time (like law) has received only sporadic attention, though in *Discipline and Punish* Foucault had mentioned the correlation between time and work for the production of docile bodies, and in 'Nietzsche, Genealogy, History' he had described spiral time with no such correlation. In bringing Grosz's 'untimely' alongside Foucault's 'effective history' based on spiral time, the thesis contributes to the gap in the study of 'time' in Foucauldian scholarship. With this theoretical framework in place, the thesis analyses the temporal structure of *Beloved* and claims the novel to be a work of 'effective history' with the central character as an 'untimely' subject born outside the contingencies of linear time. While Karla FC Holloway in her essay 'Beloved: A Spiritual' had previously analysed temporality in *Beloved* with the notion of 'aspect' – duration or sustained experiences of slavery beyond temporal periodization – interrupting masculinist understanding of linear time, this thesis complements 'aspect' with Grosz's 'untimely' and Foucault's 'effective history'. Thus, when analysed through these three lenses – 'untimely', 'effective history', and 'aspect' – the novel's

temporal structure resists modern powers' conception of time producing 'untimely' subjects instead of docile bodies.

The third aim – the spillage of the archive, as an apparatus of power, onto fiction as 'excess' resisting its 'juridico-historical' function – was achieved by another level of textual analysis of *Beloved*, combining cultural, legal, and historiographical perspectives. It claims that fiction has the power to interrupt traditional notions of truths established by law and the archive, in this case the truth about the human half of the Kentucky fugitive slave Margaret Garner. In other words, it claims that truth is neither always legal nor historiographical, but fictional. In this, it takes cue from Marc Nichanian's *The Historiographic Perversion* to argue that the modern law and the archive jointly operate to produce subjects that are limited in their formations. For instance, the documentary records on Garner attest only to her propertied half inscribing her in the discourse of property only. Previous studies on the archival records of Garner – Steven Wiesenberger's *Modern Medea*, on the cultural history of Garner, and Mark Reinhardt's *Who Speaks for Margaret Garner?*, on the documentary history of Garner – admitted that the Garner archive takes the historian away from the Garners as neither myth (Weisenburger) nor ventriloquism (Reinhardt) established the personhood of the slaves. Thus this study examines the spillage of archive onto fiction through Morrison's re-deployment of Margaret Garner's testimony in court to enable another subject formation in the novel *Beloved* – mourning and healing mother whose love embraced infanticide. Drawing upon Nichanian's claim that fiction is 'history's paradigmatic other', this study demonstrates this claim by arguing Morrison's 'novel writing' as an 'excess' of the 'juridico-historical' function of the archive.

The fourth and final aim is achieved by comparing Morrison's lyrical play *Desdemona* with Shakespeare's *Othello*, by demonstrating the dynamism implicit in the

comparison between the canonical Othello and the radical re-reading of it resurrecting Desdemona and her mother's African maid Barbary. It claims is that the power/law of the canon and its exclusionary underpinnings can be resisted through reciprocity between elements between compared. In discourses of comparison, this reciprocity has been called 'in/commensurability' by Susan Stanford Friedman. The dialogic tension inherent in such comparisons opens up possibilities where it is not a question of leaving the canon altogether but 'rearranging' it through radical re-imaginings.

Future directions:

Chapters 3 and 4 can be further extended for a grounded analysis of archive and canon, and how they can be deployed for new forms of resistances. While chapter 3 builds its narrative through primary sources of Margaret Garner's fugitive case trial, chapter 4 remains a secondary research on counter-canon discourse through a textual/comparative analysis of *Desdemona* and *Othello*. 'The Toni Morrison Papers' collected at the Princeton University Library is a rich source of Morrison's private documents (drafts, correspondence letters, pictures, newspaper clips for research, etc.) many of which were collected during the 1980s at the height of canon debates. For example, the collection includes Morrison's correspondence with Houston Baker (1987-2002) whose *Blues, Ideology, and Afro-American Literature: A Vernacular Theory* was published in 1987; Amiri and Amina Baraka (1981-2004) who have anthologised a collection of short fiction where Toni Morrison's only short story 'Recitatif' was first published in 1983; Henry Louis Gates (1983-2008) whose famous critical work *The Signifying Monkey: A Theory of African-American Literary Criticism* was published in 1988; Nellie McKay (1981-1983) who published *Critical Essays on Toni Morrison* in 1988; and Hortense Spillers (1975-1989) whose most famous article 'Mama's Baby, Papa's May be: An American Grammar Book' was published in 1988. These sources could be mined to establish

a finer context in which a counter-canon (as indicated in chapter 4) can work together with counter-archives (as indicated in chapter 3) to resist the normality of racism in the age of discipline and biopower.

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