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Karla FC Holloway, *Legal Fictions: Constituting Race, Composing Literature*.

Pierre-Héli Monot

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Legal Fictions: Constituting Race, Composing Literature is an intriguing addition to Karla Holloway's distinguished body of work in African-American Studies. While Holloway's classic *Moorings and Metaphors* (1992) demonstrated her firm grasp of an extensive array of critical vocabularies from linguistics to mythography, *Legal Fictions* focuses more closely on the interconnection of U.S. law, the construction of racial identities, and African-American literature, thereby contributing an approving stance on the occasionally contested legitimacy of the "Law and Literature" movement. Holloway's latest book weaves interpretations of U.S. jurisprudence into illuminating readings of African-American literature from William Wells Brown to Walter Mosley. In this dense and concise monograph, Holloway's main intention is not only to demonstrate that racial identities in the United States were shaped by U.S. law, but also to catalogue a set of recurrent figures, both formal and discursive, anchoring African-American literature in a protracted debate with its own legal origin stories and jurisprudential underpinnings: "Black literatures are legal fictions inevitably bound by law" (62).

²

Legal Fictions is divided into three chapters, each corresponding to one of the main segments of U.S. jurisprudence: property law, evidentiary law, and contract law. In the course of the first chapter ("The Claims of Property: On Being and Belonging"), Holloway retraces the paradoxes at the heart of African-American legal personhood since its

nullification during slavery. In the course of an astute discussion of Charles Johnson's novel *Middle Passage* (1990), Holloway details the "tantalizingly vague" (28) constructions of property, citizenship and personhood in U.S. law. Rutherford Calhoun, the main character in Johnson's novel, has received from his dying master the papers that might eventually confer on him the status of a freed man, yet the legal premises of his impending liberation are circular: "a deathbed gift [...] is, by the traditions of English common laws that were the basis of U.S. jurisprudence, legally inalienable. And yet, to make Rutherford a gift of himself would also establish him as a legal person, able to receive an inalienable gift, even though there was a constitutional clause that denied him the citizenship that attends personhood"(28). It is Holloway's strongest merit in this chapter to consider both the ambiguities of African-American legal personhood during slavery and the univocal, definite violence that has steadily derived from these very ambiguities.

3

The second chapter of *Legal Fictions* slightly weakens this careful balancing act. Engaging with the role played by African-American "corporealities" in U.S. evidentiary law, Holloway begins by encapsulating her core thesis in a shrewd aphorism: "[...] property could not *give* evidence — they could only *be* evidence" (58); "they" evoking the always *collective* objectification derived from any body of law inscribing whiteness as a property and as a prerequisite for full access to legal personhood. Drawing upon the *Antelope* case and the *Amistad* case, in which a rebellion aboard the eponymous slave ship led to a notorious legal debate between Spain and the U.S. government, Holloway argues that the "two legal cases have all the markings of a postmodern fiction — characters exchanging places between persons and things, language so convoluted and names so easily dropped and replaced that identity seems a free-floating signifying question with a critical and necessary propensity for shape-shifting" (58). This reviewer would like to suggest that while it is undoubtedly true that the postmodern text's "propensity for shape-shifting" has encouraged strategic reconfigurations of African-American identity and literary politics, the academic heritage of postmodernism has arguably overshadowed *another* decisive contribution of African-American poetics to world literature: the development of a poetics of unambiguousness, taking its roots precisely in the kind of testimonial discourses Holloway calls into play, and aiming at the literary recreation of a "speech that all mankind practically and readily understand".¹

4 Holloway also seems reluctant to elaborate on a few of the central terms in her study. Consider the following sentence: "Coleridge, with an ideology clearly influenced by Kant, explained the differences between the imagination and fancy by exposing the associative relationship between the two" (66). Holloway then quotes from *Biographia Literaria*, and returns to her commentary with an elliptical conclusion: "Fancy becomes the formal version of natural law." This reviewer could not help wondering about the function of an argumentative shift such as that

operated by the suggestion, at no point elucidated, that Kant's influence on Coleridge was ideological rather than philosophical — an admittedly debatable, and thus necessary distinction this reviewer wishes to hold on to. While it is true that the uncovering of the ideological contents of Idealism has substantially deepened our understanding both of African-American literatures and of the literary field in the 19th century, a reminder of recent scholarly advances on the subject would have made Holloway's argument more easily accessible, and avoided a number of potential misunderstandings — misunderstandings being all too frequently both the critical fate and the epistemic violence of multidisciplinary scholarship.

5

Holloway does however reflect the overarching theoretical underpinnings of her study with great subtlety. On page 31, she quotes Fredric Jameson's argument that "postmodernism in culture —whether apologia or stigmatization— is also at one and the same time, and necessarily, an implicitly or explicitly political stance on the nature of multinational capitalism." The loose adequation of cultural postmodernism and globalized liberal capitalism has been a familiar and, for all practical purposes, cogent position since what has been, arguably, the rising tide of both. Holloway pushes the envelope yet further by implicitly suggesting that *Legal Fictions* could itself be understood as a metaphorical participant in the "multinational capitalism" it implicitly both condemns and condones. Yet this ambiguity functions as a warning to the readers of *Legal Fictions* rather than as a theoretical blind spot: As Georges Canguilhem frequently remarked, the intersection of "specialized" sciences in multidisciplinary studies itself remains "specialized." As a consequence, works of criticism that flaunt their multi *disciplinary* epistemes are particularly prone to engage in the production of *transdiscursive* capital, a capital that is valuable because it hints at the convertibility of distinct discursive systems, yet a capital that makes this convertibility contingent upon an ostentatious, incantatory demonstration of critical vocabulary, of an unfortunate kind of critical *lingua franca* combining the terminological idiosyncrasies of the systems it proposes to disentrench (or: globalize) while combining little of their respective explanatory powers. Holloway's text is mostly exempt from such demonstrations, and often makes the reflection of its own theoretical premises a constitutive part of the arguments it presents. In so doing, Holloway points with remarkable integrity to the potentials and vulnerabilities of the "Law and Literature" research paradigm, which considers "multidisciplinarity" itself to be a central object of interrogation.

6

If Holloway's main thesis, according to which "Black literatures are legal fictions inevitably bound by law," is true —which it undoubtedly is—, a legitimate concluding question nevertheless remains unanswered: Why has African-American literature maintained with its own legal

underpinnings a relationship so concealed as to necessitate the deployment of such a complex methodological apparatus in order to restore some legibility to this relationship? Put another way: Why was it the fate of African-American literature alone, as distinct from other African-American cultural traditions, to have to suppress and obscure its glaring over-determination by U.S. law?

7

Despite these unanswered questions, some terminological shortcomings and a number of argumentative mannerisms, Karla Holloway's *Legal Fictions* is a welcome addition to the field. Nevertheless, it should mostly garner the interest of scholars working on subjects closely related to Holloway's own.

NOTES

i. Frederick Douglass, "The Claims of the Negro Ethnologically Considered," *Selected Speeches and Writings*, ed. Philip S. Foner. Chicago: Lawrence Hill Books, 2000 (284).

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