Mourning becomes Resistance

By Lucie White*

In an essay called Politics, Identification, and Subjectivization, fancy theorist Jacques Rancière wrote that "The place for a political subject is ... a gap: being together to the extent that we are in between."

I have always had a hunch that he's right about this, even though I'm not quite sure I know what he means.

At this conference we were asked to talk about our own activist work. Mine starts by listening to disadvantaged people talk with me about what they remember. Methodologically, I locate this work in a distinctive, once discredited but now resurgent style of "militant" ethnography.²

It's tricky, this naïve work of heartfelt listening. A more cerebral style—making intricate maps of fields of practice, systems of social exchange, or labyrinths of micro-distribution—seems a lot safer. Empathy, after all, offers slippery ground. Yet here I be—unable to drop my project even though I'm certain that the "voices" of the "poor" I claim to hear do not mark any thing but my own obsessively wounded desire. I'll let Julieta psychoanalyze.³

In the course of this dangerous work, I run up against three big challenges.

First and by far the hardest—how best to mind the gap between my own lifeworld⁴—I like that word—and those of the people I talk with. Rather than

^{*} Horwitz Professor of Law, Harvard Law School. This presentation was inspired by the brave low-income people I have worked with over the years. Thanks to you all.

¹Jacques Rancière, *Politics, Identification, and Subjectivization, in* THE IDENTITY IN QUESTION 68 (John Rajchman, ed., 1995).

² "Militant ethnography" is a term that Nancy Scheper-Hughes has recently used to describe her work. *See, e.g.*, Nancy Scheper-Hughes, *The Primacy of Ethical: Proposition of a Militant Ethnography*, 36 CURRENT ANTHROPOLOGY 409 (1995). Such approaches were dismissed from the right and the left in the ensuing decade. Those on the right argued that such work departed from the discipline's craft norms. Those on the post-modernist left argued that such work failed to interrogate the discourses on which it was premised in a sufficiently critical way. Only recently, under the influence of social theorists like Pierre Bourdieu, has ethnographic study of the political economy of late capitalism, and with it, other self-consciously left schools of ethnography, come back into vogue.

³ See Julieta Lemaitre, Legal Fetishism at Home and Abroad, 3 UNBOUND __ (2007). [Editors' Note: Lucie White and Julieta Lemaitre spoke on the same panel at the March 2007 symposium sponsored by UNBOUND, Resistance and the Law. White here references Lemaitre's presentation succeeding her own, published in the current issue of UNBOUND.]

⁴ JURGEN HABERMAS, THEORY OF COMMUNICATIVE ACTION, VOL. II: LIFEWORLD AND SYSTEM: A CRITIQUE OF FUNCTIONALIST REASON (Thomas McCarthy, trans., 1986) (Building on Weber, Habermas distinguishes the "lifeworld" from other sectors of the modern political economy. He argues that the relationships and practices that produce social meaning

presenting an obstacle to understanding, I sense that this gap—and the ideological slippage that inevitably comes with it—can be the very site of disruptive politics.

The second big challenge that my work presents is how to make sense of the scars that the people I talk with will show me. Often they claim that such wounds prove without question that they have been wronged. Can I mourn their wounds without endorsing their judgment about what those wounds mean? Must my solidarity with their suffering lock me into a foundationalist politics I want to resist? Or can I read their scars in a more critical, and therefore more promising, way? And finally, how can the very intimate injustices that show up as marks on the body, bleed through mourning into political action?

OK—enough of an introduction. Now for some moments from my work that come back to me when I think about these questions. Each of these vignettes is a remembered fiction, with its tangled roots in many encounters with what's real. You'll have to connect the dots, exposing the systems that sustain the everyday violence embedded in them. I'll start with a short one based on an interview I did with a preschool teacher in South LA.

1. Born in the USA

We're in the South within the North. No public clinic for miles around that will take Latino kids without asking their parents dangerous questions. With all those untreated childhood infections, their ears get clogged up with scars, poor things. So they can't learn to read when they can't hear the sounds. And they drop out of school and then take to the streets and a compromised life and a downhill slide. And the story gets told ten thousand fold. What are we going to do?

2. Nimble Fingers

This comes from an interview I did with a retired sharecropper in Anson County, North Carolina.

I don't like farm work. I won't even have a garden. ... I've got enough of farm work.

JoEllen Borden told me she hated farming, stating each word with a finality that seemed to dare me to press on.

Why don't you like farm work?

The picking cotton. I don't like picking cotton.

Okay. And to pick cotton, you'd what?

are anchored in the lifeworld, and the conditions of modern life are leading to a "colonization" of the lifeworld.).

In her memoir, Nobel Prize Winner and Guatemalan activist Rigoberta Menchú described picking coffee in vivid terms.

Sometimes we have to move the bushes to get at the coffee. We have to pick the nearest beans very carefully—bean by bean—because if we break a branch we have to pay for it out of our wages.⁵

Several years after Menchú's Memoir was universally acclaimed, questions were raised about whether she was writing about what she remembered, or what she imagined other women to have felt when they picked coffee on Guatemalan plantations, women without the same access as she to fields of power. "In order to [imagine] that one person should have pain in another person's body," Wittgenstein wrote, "one must examine what sorts of facts we call criteria for a pain being in a certain place."

It took some give and take before Ms. Borden's voice settled into the easy rhythms that come when memory flows:

You had to bend over, and the burrs sticking all in our fingers, kept your fingers all picked up, and when you put your hands in the dish water to wash the dishes, your hands [would be] burning and stinging

Around the cuticles and everything From the burrs sticking your fingers.

You pull the cotton out, some of it is real hard to pull out, And you just got to really get down in there and dig it out. Would you do that as a child?

Yes. Till dark. You are tired from being in school all day.

I didn't feel like picking no cotton.8

In an essay about social movement among indigenous peoples, Michel de Certeau has written how the memory of injustice gets "marked on the body, inscribing an

⁵ RIGOBERTA MENCHÚ, I, RIGOBERTA MENCHÚ. AN INDIAN WOMAN IN GUATEMALA 35 (Elisabeth Burgos-Debray, ed., Ann Wright, trans., Verso 1984) quoted in Mary Louise Pratt, Me llamo Rigoberta Menchú: Autoethnography and the Recoding of Citizenship, in TEACHING AND TESTIMONY: RIGOBERTA MENCHÚ AND THE NORTH AMERICAN CLASSROOM 65-66 (Allen Carey-Webb and Stephen Benz, eds., 1996).

⁶ LUDWIG WITTGENSTEIN, THE BLUE AND BROWN BOOKS (Basil Blackwell 1958), quoted in Veena Das, Language and Body: Transactions in the Construction of Pain, in SOCIAL SUFFERING 69-70, Arthur Kleinman, Veena Das, and Margaret Lock eds., 1999)

⁷J.B., Int. A, pp. 61-64.

⁸J.B., Int. A, pp. 61-64.

identity built upon pain." He warns us to resist either confirming or denying the certainty that seems to speak through those scars. Instead, he counsels, we must seek to read those scars "as the index of a history yet to be made… At the hour of our awakening," he writes, "we must be our own historians." 10

Little girls have nimble fingers, good for making music, good for digging cotton out of guarded vines.

As I listened to Ms. Borden talk about picking cotton, my eyes wandered down to my own aging fingers, the nails, the cuticles, the pads. I remembered myself at age eight at a music camp at the University of North Carolina, the state where Ms. Borden and I both grew up. While she was picking cotton on Anson County plantations, I was learning how to finger the notes of children's songs on a rented violin. At the end of the summer, my mother let me switch from violin to piano because it was easier on my hands.

The next excerpt is based on work I did with a woman in ROAD—Reaching Out About Depression. It's an innovative community-organizing project that was launched by a support group of low-income women here in Cambridge.

3. Run for your Life If you Can, Little Girl

She was a brilliant young child from "the projects." But the violence all around her did a number on her mind. Rescued by the liberals. Prep school, ivy league college, graduate school, professional job. But not for long. Her mind had been marked by the fear she had felt as a child. The scientists call it "toxic stress." I call them ghosts. So she got beat up. Again. And again. Lost face. Lost her high-powered job. Ripped out her own heart in rage. Before she took what she'd lost to move on.

And finally, a story based on human rights work I have done for several years with HLS students in Ghana:

4. A Civilizing Mission

When you look out across Nima from the balcony of the Ghana Legal Resources Centre, you see a counterpane of metal roofs spread out across the hills that drain into a putrid creek that locals call the "Big Gutter." Families design their homes out of tarpaper and rusted metal and discarded cargo containers from merchant ships and black plastic bags. They make do without clean water, electric power, wastewater drainage, rubbish pick-up, or what's called "sanitation." We're in the heart of the global city. We could be anywhere in the Third World.

Though there is no sewage treatment, a scattering of clogged pit latrines are open to those who can pay. The students from Harvard, shrouded in plenty of malarone (that's an anti-malarial medication), have come to help the natives "change their

⁹ MICHEL DE CERTEAU, HETEROLOGIES: DISCOURSE ON THE OTHER 226-227 & fn. 13 (Brian Massumi, trans., 1995) (quoting from a speech by 21-year-old Bolivian Indian activist Quispe Balboa in the presence of Paraguayan authorities).

¹⁰ Id.

lives." Inside the safety of a makeshift conference room, the students try to hide their disgust as they listen to what people say.

My house is behind the public toilet. At times, the smell gets so bad that ... I cannot bear to go outside... When I use the public toilet,... my skin, my hair, my clothes, they all absorb the odor, and I have to wash everything. ... The toilets are not emptied regularly. Often, the hole is overflowing and the waste in the hole splashes up against me.

As they take these affidavits, the students learn that some of Nima's most ironwilled young men have taught their bowels not to move for days at a time. The men regard this feat as an act of collective resistance.

These youth who have learned not to shit are entranced by cosmopolitan culture. They wear recycled Levis, Red Sox tee shirts, and New Balance jogging shoes. They drink martinis and eat fast food fried chicken when they have the money. They cruise the city's glitzy mall when they don't. They read American porn and watch Dr. Phil on the tube. They aspire to get loans from Barclay's Bank to buy starter homes, when they find steady jobs. They believe in the neo-liberal order: after all, it's the bedrock of democracy. Yet they have no place to shit in this soon-to-be emerald city, so they relieve themselves, when they must, in the shadows, defecating into the privacy of black plastic bags.

How do these young men make sense of such a world? Do they lose faith in the liberal project? Do they shoot themselves up with dope, or fall into major depression? Do they pray for the world, or force their prayers on others? Do they burn down the public toilets, and loot the shopping malls? Do they learn to turn planes into bombs?

When we asked them how we could help them change their lives, which was our self-appointed mission, they told us to go stage a "shit in" on the White House Lawn.

My activist work happens, when it does, in the gap between what we think that we know and what we feel that we see. When you're lucky, that gap can unbind you, jar you from the comfort of politics as usual, and move you toward resistance.