

if the Self were in some fundamental way becoming a Xerox copy, a duplicate, of the Thing, in its assumed essence? This perspective may duplicate a movement in Freud's reading of the uncanny, and the confusion whirling about Olympia as regards her Thingness. Perhaps this might be borne in mind, as both Freud and Heidegger situate arguments on the Other's thingification within a notion of *Unheimlichkeit*, the primordial being not-at-home, and of doublings.¹

The primordial being not-at-home, the parantological difference, is our animaterial, animaterial home-in-homelessness, where mutual aid and mutual estrangement fold into and out of one another, where maternal ecology is the constant erasure and ungending of, the endless differentiation and distancing from, whatever figure of the mother in whatever proximity that figuration might breathe and bear. Being present at one another's hands, and ears, and mouths, we strive to be held and handed and kissed goodbye. We strive to disappear into anaxerotic nothingness, to be at ease in the general and generative unease of social call, social rub, social hum, social mmmmm, social muah, social music.

Avital, are you my mother? No. Moreover, you are neither a mother nor the mother. No one is, or was. That would have been impossible. At the same time, we are taught to speak irregular, irreducible impersonation and in the general socialization of the impossible maternity that bears and hands and gives its signs. This is our music, decomposed. Impersonation makes it so you just can't help but get personal. I'm sorry. But, Avital, will you sign your undownable book for me again?

chapter 14

Fugitivity Erotics of

Blackness is enthusiastic social vision, given in non-performed performance, as the surrealization of space and time. Anticipating originary correction with the self-defensive care of division and (re)collection, it goes way back, long before the violent norm, as an impure informality to come. Its open and initiatory counter-pleasures reveal the internal, public resource of our common sense/s, where flavorful touch is all bound up with falling into the general antagonistic embrace. That autonomous song and dance is our intellectual descent; it neither opposes nor follows from dissent but, rather, gives it a chance. Consent to that submergence is terrible and beautiful. Moreover, the apparent (racial) exclusivity of the (under)privilege of claiming this disability serially impairs—though it can never foreclose—the discovery that the priority of sovereign regulation is false. In order to get the plain sense of this you have to use your imagination.

The parantological distinction between blackness and black people is crucial but this is so only insofar as it is the case that blackness cuts the distinction between essence and instance. It might seem, and I used to think, that this is the importance of always beginning with performance. At such beginning, or within the context of this particular way of assuming the very possibility of a beginning, a simultaneously real and virtual complex of issues arises between blackness and a certain dominant and normative formulation within performance studies. If, virtually, what is at issue is the problematic of liveness and nonliveness in performance, then actually, what is at issue is the emergence of nonperformance in the field in which the interplay of performance and performance is assumed. If blackness cuts the distinction between essence and instance, between performance and performances, it is in and as nonperformance, where both the thing and its activity fade from the (mis)understanding into differential, inseparable blackness. If the performances I have most usually invoked are not live, this has been a

function of my preference for how blackness displaces the particular (and sclerotic) notion of presence that liveness is supposed to instantiate. At stake, finally, is emphatic, surreal, nonperformative presence in the making of a living; at stake is "the presence of the flesh" that emerges at the intersection of Hortense Spillers and Andre Lepecki.

Blackness comes into relief against the backdrop of its negation, which takes the form of epidermalization, of a reduction of some to flesh, and to the status of no-bodies, so that some others can stake their impossible claim upon bodies and soul. This reduction has profound politicoeconomic consequences but it's also right to say that it's a function of the violent profundity of the very idea of the political, the very idea of the economic, which we can think of as the systemic operation/oscillation of the public/private. Public and private are both bound up with a metaphysics of possession, of the self-possessed/possessive individual, his discreteness given in the sense and in the assumption of a body. Blackness is consent not to be one: not just to be more + less than one but the mobilization of that indiscretion and incompleteness against or "otherwise than being" (which is to say that Levinas's great mistake, so to speak, is his failure to dislodge ethics from the regulation of the one in the form of the distinction between self and Other; a failure that is emphatically shown in the intensity of his antiblackness, whose structural force is shared by Arendt and even by Fanon, manifest as a residual of phenomenology's self-concern, its focus on discrete singularity as both subject and object).

Kant's fear of and his subsequent attempts to regulate *Phantasie*; his anti-ante-normative, anti-anabaptist distaste for the swarm, for the profigate, for unchecked generativity is crystallized in his invention of race as a philosophical assertion and instrument of antiblackness. When Kant equates blackness with ugliness and with stupidity, this can't be separated from his understanding of the intensity of the relation between beauty, morality, and reason, which is given in the subject, and also in the nation/state, as an uneasy confluence of sovereignty and self-determination. The philosophical disavowal of blackness, along with the politicoeconomic accumulation of blackness (given in the accumulative, genocidal, and patriarchal operations of the transatlantic slave trade and the epidermal racialization of settler-colonialism), constitute the modern world as socioecological disaster. The fact(s) of antiblackness, its specific operation/s, reveal, though, that a distinction exists and must continually be asserted between blackness and the people who are called black. At the same time, the preservation of blackness,

which more and more is revealed to be tantamount to the preservation of Earth (in its paraontological totality), remains for us now as a chance only insofar as the people who are called black operate as a thoughtful sensuality, in the interplay of the refusal of what has been refused them and the consent to what has been imposed on them. To refuse what is normatively desired and to claim what is normatively disavowed is our lot, our anteperformative repertoire, our violently studious animation. What it is to enact and to inhabit that repertoire is all but unfathomable. It falls outside the purview of any analytic that has been devised to understand whatever delusions exist under the rubrics of behavior, however many times it is behaved, or decision; it defies those dominant modes of description that are paradoxically subordinate to an assumed natural history that understands deviance as derivative positioning rather than what Nahum Chandler calls "anoriginal displacement."⁷ Deviance is not opposed to the norm; it comes before it, bears it, must take responsibility for explaining, in defying, how the brutal ensemble of differences under which we now live became the same.

We are a message-effect regarding the theory of blackness, which parallels but also instantiates the simultaneous theorization and deconstruction of the subject. Modern philosophy critiques the subject, operates (within) that dis/enchantment of the subject's value (the valiative oscillation between exaltation and shame; the operational im/possibility of sovereignty and self-determination). Blackness, which is to say black study—the uncommon, underground monastic attitude of the quarters, the field, the refuge, the territory, the church, the joint, the (sound barrier) club—is the refusal, by way of black and fugal operations, of the subject's long, developmental nightmare. The contratantastical trauma of self-obsessional *Bildung* has been—as a matter of law (both supposedly natural and juridical)—refused to the people who are called black, the people to whom blackness has been ascribed (within the operations of a certain racial-human declension, an assumed chain of being that declines from whiteness to blackness and their presumed sexualization and engendering). To have been refused this traumatic development is, at the same time, to have been drafted into its operations as apparatus. So that to refuse what has been refused is a combination of disavowing, of not wanting, of withholding consent to be a subject and also of refusing the work, of withholding consent to do the work, that is supposed to bring the would-be subject online. It is to prefer not to, in stuttered, melismatic, gestural withdrawal from that subjectivity which is not itself, which is not one, which only shows up as a thwarted desire for itself,

as the lurid auto-cathectic lure of an airy fiend that walks beside you in a storefront window. The experience of subjectivity is the would-be subject's thwarted desire for subjectivity, which we must keep on learning not to want, which we have to keep on practicing not wanting, as if in endless preparation for a recital that, insofar as it never comes, is always surreally present. Meanwhile, the subject, which was never here, cannot then disappear; it can only haunt. This is what one might call the unholy ghostliness of liveness and it has to do, paradoxically, with the fact that the body requires but has no soul, that the soul requires but doesn't want a body. This is the incommensurable twoness of the one, which renders it relatively nothing, in contradistinction to the absolute and general no-thing-ness that is given in/as blackness. Meanwhile, this deficit-driven enclosure, this paradoxically triadic binarity (the two/zero/one beat) is the field in which—with all respect and reverence—Richard Schechner's and Joseph Roach's and Peggy Phelan's theories of performance operate. Liveness (even in/as restored behavior; even in/as surrogation; even as insubstantial avoidance of reproduction) is compensation for withheld consent. The here and now is meant to compensate for the surreal presence in/and the materiality of its persistence. Or, we could say that what we're after is a move from the metaphysics of presence, given in the figure of the one, to the physics of presence, given in transubstantial no-thing-ness, in consent not to be (single), in differential inseparability, in the nearness and distance of the making of a living and its spooky, *animaterial* actions.

Our actions are not twice behaved and disapparent stand-ins for standing; rather, they are *animaterially* out and gone. They are neither the resistance of the object nor the insistence of the thing but something like a kind of negative relay between thinginess and nothingness that is given as an assertion, and in defense, of difference without separation, of consent not to be a single being. Our fate is not to become one and yet many; it is, rather, to become the *mumi* bird. To become bird. To become mu. Implicit here is a kind of communicability that is or that marks a presence that is more + less than here and now: an aesthetic whose immanence makes it more + less than transcendental, as Nathaniel Mackey says.² A presence of flesh rather than a presence of the body; which, as Gayle Salamon says, cannot, in its transit, be assumed.³ (Not that being in transit reduces the body to flesh, which is a formulation one could derive from some combination of Salamon and Spillers, but rather that being in transit enacts a kind of ante-phenomenological reduction to flesh that is before the body as empathy, as general and prior consent,

as insistent previousness. Flesh is before the body, just as blackness is before whiteness, as Aldon Nielsen has intimated.⁴ From body to flesh, from world to earth, the study of blackness is inseparable from the study of (non) performance. A declension could be said to have occurred, from subject to object to thing to nothing, that hopefully constitutes a way back into the ground of this physics. (Heidegger, by way of a certain work of critique/negation, called it, or something like it, "the way back into the ground of metaphysics.")

Someday it will be really important to get at that the precisely unlocatable difference between skin and flesh, Fanon and Spillers. For now we have to ask some other questions. Can there be an authentic anti- or ante-epidermal consent? How can the ones who are not called black make a claim upon and consent to that calling, which both holds and projects? How might we move from an ontotheology of performance to a paraonto-theology of performances to a physical sociology of anaperformative differences? Ontotheology attempts to get at the divine, to get at an original or originary being, by way of concepts, independent of experience. Ontotheological aspiration is embarrassed by the instance. In this regard, performance studies is embarrassed by performances, particularly if the ontology of performance is understood to have been given in performances' serial disappearances, their supposed distance from any economy of representation or reproduction. But what if further embarrassment, which might be thought in its false but faithful translinguistic friendship with fertility, lies in the fact that when performances disappear they go to a nonperformative or anteperformative social field? If what it is even merely to describe a performance is, as it were, to record and therefore violate the ontological integrity of (a) performance, so that the "bare" materiality and sensuality of a performance is always constituted as the embarrassment of the essence of performance, then what do we make of a description that more or less refuses the chance even to get at the matter, as if in avoidance of an embarrassment that is given in unruly, undesirable society's avoidance of the terrible paradox of single being? At stake here is an irreducible relation between sensuality and representation to which I must return. Meanwhile, the degeneration and generativity of differences are in concert, so that what remains is nonperformance, where a way is made out of no way into nothing and a table is prepared but without amenities. An indentation, a recess, a caesura through seizure; that's what is opened, into negation's affirmative space—and she doesn't open it, being the soloist who is not one: sent and gone like a comet, or its rumor. Transcript's fugitive

subscript defies narration and phenomenological description. It's not that she didn't return to a brutal lifeworld; it's that in so doing she turned to something else so that we might keep turning into something else.

All that is the case of blackness comes to us by way of antislavery's liberal brutalities, which take the form of an ancient and persistently significant noncorrespondence of what it is to be antislavery and what it might be to be abolitionist, and an antinterpellative militancy whose lower frequency might easily be mistaken for quietude. Lower frequency is, here and as usual, a black woman's homeless, stateless imperative. Softly against the grain of a metaphysical presumption of a right to perform or not to perform (a knowledge, one might say, of the freedom to be or not to be), which undergirds performance even at its most critically and theoretically sophisticated, here are some notes, both belated and preliminary, on blackness as nonperformance. They are merely prefatory to a response to a powerful insistence given in Sora Han's extraordinary essay, "Slavery as Contract: Betty's Case and the Question of Freedom," where she beautifully and rigorously undertakes to apprehend what description and narration cannot comprehend.

In 1857, Chief Justice Lemuel Shaw of the Supreme Court of Massachusetts declared Betty to be free. Betty, a slave woman, had been brought from Tennessee into Massachusetts by her owners, the Sweets and by virtue of their travel and stay in Massachusetts, the Sweets' relation with Betty had been legally converted from one of enslavement to one of labor. It was within this latter context that Shaw determined Betty to be a contractual agent with free will. This case, driven in its ruling and circumstances by a question about the legal personality of a slave, would come to be called *Betty's Case*.

... As matter of the legal issue of contract at the heart of the case, the law recognized Betty's free will. But as a matter of the facts surrounding the case, Betty curiously, even unthinkably, asserted and exceeded this legal freedom. For against the disapprobation and outright hostility of the abolitionists who had successfully brought the case before Shaw in her name, and immediately after Shaw's declaration of her freedom, Betty decided to return to Tennessee with her owners. In *Betty's Case* we find the crucible of mounting national tensions around the issue of slavery, the particular legal issues of contract and property at stake for the parties involved in the case, and the scandal of Betty's decision to return to slavery.⁵

If *Betty's Case* recognized Betty as party to the social contract, it is nonetheless unclear what, if any, kind of promise Betty made to whom as an exercise of legal freedom. The recognition of Betty's freedom by virtue of finding in her "free will" neither implies a mutual promissory relationship, nor the possibility of finding some form of breach of that promissory relationship by either party. Herein lies the ultimate stake of my reading of the private law of slavery: How, as a matter of the law's language, to rethink the relation between promise, breach, and freedom raised by the slave as a figure of contract? While it is accurate that the law's facilitation of the historical shift from slavery to segregation worked through innovations of contractual relationships (not only of labor, but also of kinship, citizenship, and selfhood), my reading of the intellectual history of modern contract law suggests that this legal development is symptomatic of a deeper jurisprudential problem rather than a moment of progressive reforms to the laws of chattel slavery.

In this sense, Betty's act faces another order of ethics what we might call an ethics of the obscene. Her decision is neither her submission to slavery, nor her permission to the state to enforce her legal freedom. It is a remnant legal act, or an unconditional responsibility to freedom a redoubled and redoubtable materialization of freedom that is otherwise known only in its relationship to the transcendent right of freedom driving modern law. The decision of unconditional responsibility shows up, at least on my reading, as a reveling in an enacted threat of a freedom against freedom that haunts any and every promise of freedom the law both makes and guards. Her decision is an a priori fugitivity to becoming a fugitive of the law of slave and free states.

The force of this fugitivity is what we might reference as blackness, a performative against all performances of freedom and unfreedom dependent on the historical dilemma of a lack of meaningful distinction between freedom and slavery. The distinction here between performances of (un)freedom and a form of freedom in and as the performative of blackness is crucial. The latter arrives at a form of freedom dependent on, but in excess of, not only rules distributing the right to freedom of contract (which is contract law's primary occupation), but also, on the radical adherence of the law's language to the transcendent idea of freedom through the case of the slave. And while this performative

is displayed in plain sight with *Betty's Case*, it is buried, but no less present, in contract law.

In what is perhaps the irony of all legal ironies raised by *Betty's Case*, we find that the formalization of what I am calling the performative of blackness is generally referred to in contract doctrine as "nonperformance."⁶

Han shows us that against the backdrop of nonperformance a paradox emerges and recedes in the black light of general antagonism:

The unthinkable question *Betty's Case* presents (and, again, this is not because of Shaw's ruling, but rather because of Betty's act in relationship to the ruling) is whether freedom, as constituted by the law's language of contract, must include *the freedom to be a slave*.⁷

Contract law today, in practice and as conceptual metaphor for social relations, marks the law's impossible attempt to harmonize principles of regulated and regulatory exchange and a categorically abstract realm of freedom.

In this precise differentiation, we should attempt to account for how personal sovereignty, recognized by contract law in the legal personality of the individual, is haunted materially at the level of formal legal reasoning by a notion of "free will" that is free precisely because this freedom can be given away.⁸

Han's analytic of freedom's brutal necessity allows us to ask some questions that it also requires. What if the paradox fades as a function of refinement? What if absolute and inalienable freedom—what if freedom's generality, its universality and universal applicability—turns out to be both instantiated in and eclipsed by a particular freedom? What if it's not freedom but the freedom to give freedom away that is inalienable and absolute and constitutes the ground of freedom's *virtual* generality? To think these questions requires taking a turn with Han. I want to take turns with Han. The pivot, which she has established, is blackness and nonperformance, toward which she proceeds by way of Shaw's recollection of the public/private scene of judgement that he stages:

Whereupon, I proposed and had an examination of the said Betty apart from the said Sweet and wife, and all other persons—upon which it appeared to me, that she is twenty-five years old, intelligent and

capable of judging for herself; that she has a husband in Tennessee and other relatives; that she is much attached to Mr. and Mrs. Sweet; is very well treated by them, and desires to remain and return with them, and this desire she expressed decisively and upon repeated inquiries. I explained to her right to freedom and protection here, and that she could not lawfully be taken away against her will.⁹

It is well to acknowledge Robert Cover's reminder that Lemuel Shaw was Herman Melville's father-in-law, and to speculate along with and in excess of Cover that he is, at least in part, serially fictionalized as Bartleby the Scrivener's narrator and boss and as Captain Vere, Billy Budd's admiring captain and judge, who sentences him to death.¹⁰ Melville's abiding concern with mutiny is played out in relation to these figurations of the position and activity of judgement and mutiny is, in these two tales, given in a certain kind of pathological speech, instances of something Adrian Heathfield might call and recall within "a short and stuttering piece" that will have amounted to a story: Billy Budd's stutter turned to murderous blow or Bartleby's emphatically nonexpressive mantra, which is given as a radical and mysterious preference for something (else) held in or hidden by nothing.¹¹ Something is both held and poured forth in his preferring not to work and not to leave that tempts one to think of them, as well as Billy Budd's worried talk and violent reflex, as mutations of Betty's muted operations. Shaw's decisions, which embody the ambivalence of the figure of judgement whose antislavery tendencies are constrained by an antiabolitionist commitment to private property—which is to say to the very idea of the private, the very idea of the proper—are extensively analyzed by Cover, who is concerned with the conflict between a commitment to the principle of legal formalism and the commitment to the principle of freedom, a conflict laid bare as a peculiar kind of nonexistence in *Betty's Case* and, more generally, in the case of blackness. The conflict/contradiction turns out not to be destructive in turning out not quite really to be. Things go on apace and that's the rub. This conflict which is not one is not an autodestruct mechanism but an engine.

Of course, while we have Bartleby's and Billy Budd's voices, and actions, however attenuated, we don't know what Betty said in her interview with Shaw and we don't know what else she did or what else happened to her. She disappears, as does her fate, perhaps in a way that Phelan might attribute to the particular ontology of performance.¹² And certainly her purported declaration of affection for her owners might very well be best understood

as twice-behaved. But here we might also begin to speak of her nonperformance's afterlife, which will have been inseparable from the ongoing and interminable afterlife of slavery, as Saidiya Hartman has described and analyzed it. So what I'm interested in, against the backdrop of Phelan's and Hartman's powerful interventions, by way of Han's rediscovery, is to imagine something on the other side either of the freedom to perform or not to perform (or even to be or not to be), which might open up the possibility of another kind of examination of the metaphysics of "behavior" and "decision." What if disappearance is, itself, best understood as a return to the exhausted, futural sociality by which the one who is not one—as a matter of law, custom, and theory but, before these, as a matter of a rich entanglement of refusal and consent—has been sent?

Clearly, Shaw saw enough in Betty's performance, and had faith enough in his own power to explain, that he was able to judge her competent. In the courtroom, Shaw adds, "the attendance of colored people was very numerous, but strict order and decorum were observed throughout the proceedings." In the judge's chambers, however "bound to appear" (to use Huey Copeland's apt phrase), colored people refused to do so.¹³ Betty does not attend. There is no one to attend. There's no way to read such nonattendance as freedom; there's no way not to read such (con)strained inattention as flight. There's no way to read the abyss as haven. There's no way not to read the hole (the whole, to read the abyss as haven. Born into the dominion of will as its exile, attached to the hold) as haven. Born into the dominion of will as its exile, attached to Mr. and Mrs. Sweet, chained to their freedom as the very principle of its operation but unknown by it, Betty remains, in thwarted and imposed mobility, and we are left to discover what is left of what still sends her.

Nonperformance is a problematic of décor, of a refusal to decorate, to embellish tastefully. Uncollected, incollectible, Betty's nonperformance is radically inappropriate; her refusal to (re)behave is given as if she has no interest. Can we recover what she did not say to Shaw; can we excavate what is held in her having been withheld from their exchange, in her refusal to be party to it, in the obscenity of her objection to the objectifying encounter with otherness? What sociality is concealed from him in whatever what he thought of as her "face" revealed to him? Her face was not her own but it was a face, and it could be read, he must have thought. Wasn't it a face? Couldn't it be read? Couldn't it reveal? Didn't it unconceal? What material amazement is held in the difference that giving and showing embrace? And what do giving and showing withhold? What is withheld in and as their nonperformance? What remains unowned? What if to be free from slavery is to be

free of slavery? What if freedom is (a condition) of slavery? What if the condition of the slave in general, or "generally speaking," is that she is chained to a war for freedom, chained to the war of freedom, to the prosecution of freedom as war, to the necessity, in freedom, that freedom imposes, of the breaking of affective bonds, the disavowal, in entanglement, of entanglement? What if freedom is nothing more than vernacular loneliness?

The paradox (if freedom is inalienable then the freedom to relinquish freedom must also be so) disappears when it is discovered that slavery and freedom are not opposed to one another. Han requires us to deal with the fact that the relation between freedom and slavery is not mutually exclusive but mutually metonymic. Things become a bit clearer in reverse, at the broken rendezvous of attenuated victory. There, we consider what it is to be enslaved to freedom rather than to be free from slavery. From there, we might follow Han, while taking some notes on the erotics of fugitivity.

The clear, expressly abolitionist expression and enactment of Betty's repudiation of antislavery's abolitionist appearance, to whose nonperformance, which Han teaches us to understand as such, we have no access, is reconfigured in Harriet Jacobs's various self-denials or self-enclosures, her variously performed givings-away of herself and her freedom. Further, and in furtherance of a set of lessons given by Hurston, Hartman, Spillers and Daphne Brooks, Han teaches us not to misread these disavowals of individual freedom as some transcendent achievement/enactment of absolute freedom but rather to read them as refusal of any such transcendence or abstraction or formalism in the interest of immanence, materiality, and what we might call a certain (il)legal (sur)realism. Denise Ferreira da Silva might call it the jurisgenerativity of no-bodies, which will have existed, as it were, only in the absence of the story, as resistance to or abstention from narration. Against the grain of Cover's juridical commitment to narrative, Betty's story, which is not one, which she neither owns nor tells, in the very fact of its having been withheld from the court, obliterates the court. At stake here, in general, is the withholding of, the withdrawal from, the antagonism toward, story. In this respect, Betty goes against Jacobs's grain as well, even if the veiled shadow of something like what one wants to call Betty's face is glimpsed, before the mirror that *Incidents in the Life of a Slave Girl* is supposed to constitute is shattered in nonperformance.

What's the relationship between the scene (of subjection) and Betty's obscene act of nonperformance? Betty's case, her revelry, her nonperformance

of the freedom to perform, is an obscenity of objection. It lets us know that the obscene is the scene's origins: the Greek scene of politics, the democratic staging of statecraft, is given in the messy, filthy, smelly haprically that Shaw represses in the proper antiabolitionist's proper antislavery narration. Betty holds, and is held within, another promise, an anti- and anteontological plain of consent. She remains in the hold, in flight's rubbed, strummed, hummed, arketral fantasy. She holds and is held in the promise of sociality, which is given in nonperformance. What if we said "compact" instead of "contract"? Or if we just cleave to that old sense of concentration that both terms bear? Then there is openness in the compact. Then the contract is (in) (the) open, broken, shattered in imagination, crazy in love.

Judges and legislators cannot and will not understand her. Ob-scene, ab-heard, her nonperformance is a refusal of the solo. She refuses the individuation that is refused her and claims the monstrosity of obscene social life that is imposed upon/ascribed to her. Tongue-ried, her silence softly speaks ana-performative, degenerative, and regenerative density, in deviance both from and within the grammar and diction of the administered world. What would a general strike against the solo be? A superimposition of the wor(l)d on or over itself. A bold, shadowy, ob-scene, anafoundationally overflowing font. Betty's ascriptive superimposition is what Han reenacts, writing all over and under the law, sounding Betty out, shattering, unmasking even the questions she requires and allows as if they were the rungs of a tractarian ladder. A poetics of property's radical, dispossessive impropriety is announced:

Betty's act within and against the law's language of freedom is an ob-scene sign of "free will" that interrupts like the Real on the development of personal sovereignty in contract law.

This catastrophic nuance retained by Betty's act in the formal structure of legal reasoning in *Betty's Case* holds open the question of a subterranean realm of legal thought about freedom that precedes property understandings of the legal personality of the slave.¹⁴

Han is not interested, here, in promoting "a voluntaristic theory of enslavement." She would, instead, "present a certain rebus-like territory of law where distinctions between freedom and enslavement appear as effects of a freedom that is there in the law, but not *of* the law, and thus, obscene."¹⁵ Han allows and requires us to see that Betty's deferral, whose profound impatience is impossible to grasp, not only reveals bondage to have thoroughly infused the voluntarism that it also constitutes but also intimates an extralegal fugitivity

that is, to use B. F. Skinner's phrase against his brutal and behaviorist grain, "beyond freedom and dignity."

And so we get down in(to) the archive of the law of slavery, which is, as Hortense Spillers says and Han echoes, "riddled," motley, and impure.¹⁶ Then, in that thickness, we get to think the relation between what it is to be riddled and what it is to be protean. There's a relation between being protean and being permeable, open (to change) in ways that are generative as opposed to creative. Here we could think of what the conceptualists might call M. NourbeSe Philip's "uncreative" writing in the term, *generative*, she'd already established and within the antagonism she'd already acknowledged. Her sliding, glissed, glissantian, superimposition, her ex-solicitor's solicitation of the words of the case, her jurisgenerative obliteration of the false alternatives "positive" and "natural," of their *jurisdictional* trace, given in recitations that are not recitations but more and less than that, given in withdrawal into the deep plane and submarine plain of our history, is the nonperformative activity that Han echoes, as a matter of law laid down in mutation, stutter, muted whisper and in lifework's genocidally regulated irregularities.¹⁷

What if slavery and freedom are each the other's condition of possibility? What if the distinction between life and death is just a way of naming the distinction between life and lives? What if the irreducible mutuality of slavery and freedom occurs in the realm of lives, which is the zone in which life and death are made to (seem to) negotiate? What if the right of death and power over life that is given in and as sovereignty (i.e., in and as the sovereign's absolute omnicreative/omnidestructive/autocreative/autodestructive power), is given and held in the fantastic domain of individuated lives, wherein "the subjugation of bodies and the control of populations" takes place as a modality of arithmetical calculation? What if biopower is the right of death in and as the power over lives and contractual relation is a biopolitical innovation? Isn't this what Hartman, and now Han, teach us?

As I discussed earlier, *Betty's Case* suggests not that contract law is one legal mode of domination among others available to the master, but that contract is the condition of possibility for the slave's property status. It is not because the slave is a priori property that the master uses contractual relations to exercise his power over the slave; but rather, the development of legal freedom is dependent upon on the slave as a passage between a fundamental split between radically heterogeneous exercises of individual contract rights (within both public

The modern will-based approach, emergent in Parson's treatise, finds contractual obligations where there is mutual consent to obligations freely given between individuals. And to the extent that Parson's treatise, according to [Lawrence] Kreitner, exemplifies an attempt to narrate the emergence of this will-based approach of contract law from status-based approaches, it marks an "intermediate" point at which the universalization of the individual from status-based social groups is as yet incomplete.

But perhaps there is a way in which we might read Parson's treatise not as a stage in the teleological development of contract law, but as a fundamental articulation of an ongoing process of transplantation and supplementation of various sources of law at the core of American legal modernity. On this view, the dominance of one theory of contract law over another signals the broaching of some internal limit within contract law that is carried along and given new form through varying arrangements and applications of fundamental legal concepts, such as the right to freedom of contract we read across *Betty's Case* and *Frisbie* [*vs. United States*]. The expansive and categorically *abstract* idea of freedom of contract might be read, then, to have always been the foundation for various applications of theories of contract—from status-based approaches characteristic of early modern legal regimes, to consent-based approaches characteristic of today's late capitalist legal regimes.²¹

And it will always be incomplete; and the phenomenon of the status-based (anti-)social group is part of that incompleteness, is already on a continuum with the necessarily incomplete individual. This general trajectory, though, is called "the democratization of sovereignty," which is constantly betrayed in its transplantation, supplementation, riddling, stuttering, and proteanization. This piercing leaves in its wake a myriad of holes, which we call individual lives. These holes are then taken for both agent and apparatus; freedom is their articulation. The abstract free individual, the hole, is both assumed and residual.

Contract law is both an abstract totality *and* an empirically residual legal relation, and thus any perception of change in its substantive rules for finding an enforceable contract is only ever a function of historically contingent inclusions and exclusions of other areas of law from an essentially empty legal core.

Further, because of contract's essential abstractness, [Grant] Gilmore observes, "it resisted, and continues to resist, codification long after most, if not all, of the fields of law apparently most closely related to it had passed under the statutory yoke." The crystallization in the late 19th century of this legal terrain of general legal abstraction through the construct of individual will was "a revolution in private law," to use Kreitner's words. That revolution, captured by Parson's theory, posits a form of private law that is the ground from which social relations are translated into specialized rights, duties, obligations and various genres of doctrine (including administrative law, corporate law, labor law, sexual harassment law, environmental law, animal rights law, maritime law, etc.). What is important to emphasize here is that contract law appears as law's glance toward that which is anterior to socio-legality, and by this glance, we are reminded that positive law as the spatio-temporal mapping of rules and judgments can only ever be an approximation of the totality of law.²²

In other words, contract law, in its innovative continuances and refinements, which bring online the abstract free individual in all his (un)holiness, is the death drive whereby law attempts to return to the inorganic, to a moment before sociolegality, in the interest and in search of a private law that Han shows to be inextricable from slavery.

The private law of slavery . . . must be grasped as a "residual" legal practice that endures after all of the social (and necessarily politically contested) practices of slavery have been institutionalized and abolished by law in various areas of property, commercial, criminal, constitutional, etc. doctrines. For these specialized legal doctrines are cannibalized from the essentially empty core of contract in the private law of slavery, which is always there as relatively fragile or relatively robust in the law's language of contract. Consequently, the slave, as an enigmatic party to various kinds of contractual relations that make up private practice, remains after the various kinds of positive law institutionalizing slavery have been abolished.

While we are accustomed to condemning contract law as state legitimization of social Darwinism, my reading of contract law thus far suggests a crucial point that goes unnoticed by reductive approaches to legal discourse. This point is that legal formalism's dependence on contract law's circling around a transcendent freedom is also a

dependence on the immeasurable presence of the singular case of the slave, interrupting in the legal archive as an obscene form of freedom through which the transcendent right to freedom of contract is spectrally materialized.²³

Listen to the ghost of all these words, the ghost of the enslaved haunting these words, the enslaved as afterlife bearing a tremor, a solicitation, a black-and-blue blur of legal reason. It's Betty's blur, a promise kept and given in the contract's nonperformance. The dependence Han delineates is on the incalculable presence of the case of the slave when both the case and the slave are always and emphatically both more and less than singular, more and less than one; and what erupts into the legal archive—from or as one of those fissure vents, an eruptive flatness disruptive of peaks and valleys—is obscenity, the nonperformance of freedom and unfreedom, consent not to be a single being, and the claiming of an erotics of fugitivity of which the hole, the soloist, is a kind of virtual emanation, an anaperformative effect of social life or, in the impossibility of a better word, blackness, as Han teaches us.

In what is perhaps the irony of all legal ironies raised by *Betty's Case*, we find the formalization of what I am calling the performative of blackness is generally referred to in contract doctrine as “nonperformance.” Nonperformance in contract doctrine generally designates the failure of one party to a legally enforceable promise to fulfill her obligation to the other party. *Black's Law Dictionary* defines nonperformance as “the breach of a contract and the failing to carry out the terms of the agreement.” Nonperformance takes many legally actionable forms, including intentionally or unintentionally failing to keep a promise, or the judicial disposition of the excesses of promising as either “material breach” or “gift.” Stated another way, nonperformance claims are based both on omissions of acts expected to fulfill a promise, and positive acts which reveal the impossibility of meeting the expectations arising from what was a foreseeable future when the promise was made. This scene of contract encompasses nonperforming parties performing willed refusal, fraud, bad faith, or protest. But even more complicated than these performances, contract law also addresses nonperforming parties performing assent, good faith, accommodation, and commitment after any practicable conditions or moral justifications for the enforcement of the contract cease to exist by virtue of the fact of the future's unforeseeability.

This second form of nonperformance pokes a permanent hole in contract law's disciplinary function. Here perhaps is the jurisprudential analog to Spillers' and Tomlins' notations of a “riddled” and “protean” law of slavery. For while we can imagine a contract law so punitive it might manage to effectively deter intentional breaches of contract obligations, it is harder to imagine a contract law unburdened by nonperformance resulting from wholly unforeseeable changes in conditions that render the expectations and enforceability of the contract impossible. “Nonperformance” is the promise of the material threat of chance that appears obscene only to the extent that the delusion of contract enforceability is maintained against the totality of circumstances in any given situation. It is a futurity that is radically indeterminable, and that is formally and uniquely structured into the temporality of the promise. Nonperformances of acts or intent make of contracting parties either competitors or crooks, but the legal idea of nonperformance also makes of the contract a way out for the contracting parties from their expectations' hold on the future. This way out, an always present fugitivity, or the performative of blackness as nonperformance, is the horizon of slavery as contract.

The idea of blackness as a performative in and against law then, is nonperformance, in this precise legal sense of a form of pure performativity . . . [called] “improvisation.” Improvisation, notably, is that which cannot be contracted, nor performed against a contract, but is nonetheless a legal form of being that contract law might refer to as nonperformance. We might say that improvisation is the kernel around which contract law's recognition of nonperformance circles, and that which it attempts to defend the promise against, and contains as its other question of freedom.²⁴

In teaching us that nonperformance is fugitivity's irreducible futurity, Han sees improvisation with improvisational clarity. She knows there is a foresight that is somehow given in and as the unforeseen. Change is the anticipation—the unanticipated that anticipates us, the consensual/consensual ensemble that lies before us, as vestibular, dispossessive kinship, the promise from which/as which we emerge, what we owe, the promise that we never promised, “the (bad—in the James Brown sense of the word) debt we never promised.” Promise: *promittere*: pro (forth) mit (send): to send forth: to have been sent forth: to have been sent, as Lorna Goodison says, by

history. We are sent in history, pour out of its confinements. We send history. History comes for us, to send us to history and to ourselves. We come, as history, to history. We are, almost as Kamau Brathwaite says, the arrival. Here Han cites Spillers's explication of the terror of our birth: "In the context of the United States, we could not say that the enslaved offspring was 'orphaned,' but the child does become, under the press of a patronymic, patrilineal, and patriarchal order, the man/woman on the boundary, whose human and familial status, by the very nature of the case, had yet to be defined. I would call this enforced state of breach another instance of vestibular cultural formation where 'kinship' loses meaning, since it can be invaded at any given and arbitrary moment by the property relations."²⁵

Spillers brushes up against nonperformance in contract law here in two ways. First, the processes by which property relations "invaded" forms of black kinship, forged despite the law's refusal to recognize and protect them, occurred through what I have called the private law of slavery. The most common example is the slave family that is broken up by financial and disciplinary imperatives of the master to sell away a family member. However, Spillers's specific reference to black kinship as an "enforced state of breach" gestures to the private law of slavery where all the conjugations of the abstract realm of contract law (what Parsons identified as "all rights, all duties, all obligations, and all law") could be enforced against black kinship. In this particular example, the "property relations" are invasions cum conjugations of contract: to be more precise, changes in the name of the master with title to the exchanged slave. The invasive property relation is a mere example of a general condition of slavery as contract, which must include all variable obscene forms of unfulfilled promises. Notably, though Spillers references specifically the "property relation" as that which interferes with otherwise established (however precarious) legal relations of black kinship, in *Betty's Case*, it is not the property relation, but the legal freedom of contract, that invades.

Second, and more important for my discussion, this "enforced state of breach" is itself a reference to contract, but by promises that are known only by their inherent brokenness. The temporality of the promise represented by Spillers's phrase, "enforced state of breach," here is not of future satisfaction or fulfillment foreclosed, but a condition in which compromise with any future called forth by the promise of human kinship is impossible (which is not to say that promises of some other kind of relation are not forged). We must retain this nuance. On my reading of it, Spillers is not arguing that

the law of property denies the slave the capacity to promise, for some form of contractual relation (kinship) must exist in order to be "*invaded*." Instead, she is arguing the reality of a "state of breach," which through its phrasing, implicitly introduces the need for a specific understanding of the nature of the promise, on the side of the slave, in a context where both legal unfreedom and freedom are enforcements against the radically indeterminable future invited by the legal idea of nonperformance. Thus, as she states, the contractual relation of "'kinship' loses meaning," which is to say neither that whatever Betty might have promised no longer exists, nor that the reality of unkeepable promises forecloses the radical undeterminable futurity contained in those promises. Rather, we are on the terrain of a relationality based in an unnotarizable promissory note, already breached because unfulfillable. The performative of blackness as nonperformance opens up onto a form of intimacy that registers only in an obscene form of consent to being bound through such promises.

Black kinship is the exception that proves the rule of the exception. Blackness is a showing of invaded, wounded kinship, in general, which is given in and to entanglement when the proper is constituted as a dominant possibility. Kinship is on the continuum (not-in-)between entanglement and fixity/separation. Kinship is on the way to the normalization and naturalization of blackness; but what is called black kinship shows both a particular and the general inability to arrive as both always already invaded as well as that which invades. Kinship is an emanation of the unsettled, surrounded settler. So that if (the nightmare of) normative kinship is always already invaded by property, then black kinship remains fantastically to claim the breach that is imposed on it when blackness is conceived of as property without property. In other words, we claim the monstrosity of being property without property so that we can bring the disruptive noise of the improper to bear in and on and out of the world. The flipside of refusing what has been refused is claiming what has been imposed. Breach recognizes this absolutely irreducible and monstrous dispossession in kinship—the alienation that constitutes and is constituted by natality. This is what it is to unown, which is undervied from normative agency, which moves neither as act nor enactment, which is consent to entanglement's habitation in relationality's void. Consent speaks a noncontractual nonrelationality that is undervied from individual action. Perhaps it would be more precise—in a precision that Han makes both necessary and possible—to say that we are on the terrain of anti- and anterelational promise, (venereal, funereal, futural) (under)ground made

visible by the seismic disruption of Betty's nonperformance (of the solo) in the breach.

If slavery's "afterlife" is law's original historical time, the law cannot be read as an archive that will take us back to slavery, or more precisely, cannot be read primarily through a desire that it might contain a written path to the experience of the slave so that we might be able to deliver to her something called justice. "The story of progress up from slavery is a lie, the longest lie," finally, to return to the epigraph from Anthony Farley I open this article with. In this way, it is a continuing presence of the most horrific and most liberatory kind imaginable.

The law of slavery cannot be interpreted into historical evidence against itself as democracy's native tongue. Slavery remains law's accent. The law of slavery cannot be marshaled as an argument against itself by convicting its agents for crimes against humanity or sanctioning remedies for histories of oppression. Slavery's prosecution and remedy is the law's infinite jurisdiction of calculating promises kept and unkept. And though we might hear law as recordings of failed justice on repeat, that recording cannot be the slave's memorial. For the slave's freedom, as in *Betty's Case*, is what becomes not in memoir but in the inventions of decision in a general condition of forced choice.

This is the terrible truth we know by Betty's act. The law's universal promise of freedom is not false, as Shaw demonstrated upon his emergence with Betty from his chambers. The law's universal promise of freedom is a perverse wish. We domesticate this insight when we treat the case as an artifact, instead of as law on the perverse order of drives, that is, what [Fred] Moten gestures toward as "a freedom drive that is expressed always and everywhere." Thus, the slave's "strange arrival" in whatever may be the case before us.²⁶

"Decision in a general condition of forced choice" is American Democracy. Meanwhile, Betty reveals in nonperformance, is revelation as nonperformance. Her revelry, revelation, and refusal, her fugal, erotic fugitivity flies into existence that from which it flees. Betty's case—within which her "decision" lies hidden and unrecoverable, as if the case then constitutes a refusal of decision and its accompanying metaphysics; and which, therefore, bears the clearest expression of the case of blackness as the debt that can neither

be finally paid nor officially promised—is way over the edge of any kind of knowledge of freedom. As Han says, it is an a priori fugitivity, and blackness is, as Han says, "a [non]performative against all performances of freedom and unfreedom dependent on the historical dilemma of a lack [and not just a lack but the very idea, which is only articulable as lack] of meaningful distinction between freedom and slavery." Blackness is unchained to the struggle for freedom to which it appears that black bodies, insofar as it seems to be the case that there are such things, have been relegated.

The freedom drive is a death drive, sovereignty's continual (dis)establishment, the repetition of subjection, the repetition rather than remembering of subjectivity's failure to launch, which almost always takes the form of a disavowal of individuation, a submission, let's say, to being held, but which, because it is valued as failure, is repeated as distress. The memory of impossible individuation's disavowal becomes the repetition of a failure to individuate. And so, as Oscar Zeta Acosta says, we are chained to (the struggle for) freedom.²⁷ Betty and Oscar Zeta Acosta, Spillers, Hartman, and Han bring the freedom drive as death drive into relief, and this teaches us to be emphatic in the movement from the freedom drive to an erotics of fugitivity. The freedom drive is a death drive; and fugitivity is the realm of the (always anticipatory) afterlife. Black life is anticipatory afterlife. The social life that now we know as Betty is neither slave nor free but fugitive.

The erotics of fugitivity is all bound up with the distinction between creation (out of nothing) and anoriginal generativity. The death drive tries to get back to the inorganic, where private life is given in the imposition of slavery as political and juridical death, the relative nothingness from which a certain fatal procreation emerges or is extracted. The freedom drive is where the failed imitation of sovereignty, of the simultaneously omniscient, autocratic, uncreative power that sovereignty is supposed to have, takes that self-destructive social turn, which is then aligned with or is conceived of as failure rather than the interanimation of refusal and (alternative) claim. The erotics of fugitivity are obscene. We either remember (and memorialize and differentially ceremonialize—the more precise term would be *remember with a difference*, or *rememory*, the memory of [no]things) our consent to that (nonsingle, paraontic) sociality, or we repeat what will have then shown up as our failure to defeat it.

The (give me liberty or give me) death drive is, literally, an attempt to "return" to social death (the imprecise name that has been given, or concept/

metaphor that has been applied, to the inorganic realm of political lives). If freedom is the inorganic state to which the sovereign subject is supposed to return, then the erotics of fugitivity is an original, organic fecundity—the nonperformance, the unmade promise, the terrible, beautiful, irreducible futurity that sent us and that sends us every day.

A contract is imposed the moment you have standing; that's the moment of death, which is the regulation of nonbehaved or misbehaved behavior, which resides before the subject/citizen, before the national unit's being before the law, not as crime but as the essential, jurigenerative criminality that undermines the very idea of decision. Freedom is very sweet, perhaps Betty thought. Perhaps she thought it is already given in what it is to belong to the Sweets. Or in what it is to belong. Or in what it is to be, that mortal coil. The freedom that belongs to the Sweets is inseparable from what it is to belong to the Sweets, which is the condition in which she would have remained had she remained and not returned. In returning with the Sweets, Betty submits belonging to a nonperformance that neither exercises self-possessive freedom nor confirms being possessed. In returning, she refuses to perform the terms of the contract she had been forced to enter; the contract of the mere petitioner. A paradox is pierced by Betty's unspoken, or perhaps more precisely unheard, or perhaps more precisely unrecited, nonsequitur. I wonder what it is to stand or to have stood, right before the instance of one's death, before the law. Hers is a nonperformance of performance in the guise of an unspeakable, unrecitable vacation of decision and its metaphysics. Betty's decision was and is impossible; her nonperformance of it is decision's exhaust(ion). In this regard, given as she is to the renewal of a maternal ecology, she cannot be our mother. Can Betty be seen and heard in the absolute agony of her passion? That might not even be the question. But there is a broken window we can see through her, our idea of ancestry and flight, our militant descent, our style. We are farmers by nature, natural-born thieves, erotic fugitivity in love. There is no space between. There's just this continual problematic of singularity, in deictic isolation.

In order to understand this, and everything else, we must turn again to Hartman so that we can return with her. She guides our confrontation with "the impossibility of instituting a definitive break between slavery and freedom" so that we can try to understand "the forms of subjection engendered by the narrative of emancipation and the constitution of the burdened indviduality of freedom."²⁸ Here, Hartman lays out the importance of the task that Han has taken up with such devotion.

By examining the metamorphosis of "chattel into man" and the strategies of individuation constitutive of the liberal individual and the rights-bearing subject, I hope to underscore the ways in which freedom and slavery presuppose one another, not only as modes of production and discipline or through contiguous forms of subjection but as founding narratives of the liberal subject revisited and revisioned in the context of Reconstruction and the sweeping changes wrought by the abolition of slavery. At issue are the contending articulations of freedom and the forms of subjection they beget. It is not my intention to argue that the differences between slavery and freedom were negligible; certainly such an assertion would be ridiculous. Rather, it is to examine the shifting and transformed relations of power that brought about the resubordination of the emancipated, the control and domination of the free black population, and the persistent production of blackness as abject, threatening, servile, dangerous, dependent, irrational, and infectious. In short, the advent of freedom marked the transition from the pained and minimally sensate existence of the slave to the burdened individuality of the responsible and encumbered freedperson.²⁹

Hartman shows not only that the definitive break between slavery and freedom is impossible but also that insofar as we remain within the discourse of self-improvement, or in mourning for individuated exaltation, we extend the peculiar institutions of this interminable interplay between slavery and freedom. We move in this wake, as a function of its imperative and path, if we are concerned with the study of what exceeds subjection/individuation in black art and black social life, where terror and enjoyment, the mundane and the spectacular, are interminant.

At the same time, Hartman teaches us that we must also move through a certain recrudescence of the impulse to self-improvement that provides the intellectual strain from which she and all her current students, including myself, emerge with cold animation—that tendency toward the production of anti-anti-blackness that will have been activated by way of the liberal subject's capacity to imagine some combination of uplift and overturning. Improvement, here, operates by way of the formulation we are not what they say we are, whose normative circuits of transformation will have avoided what is given in that we are not, as they say we are. What if blackness is, in fact, abject, threatening, servile, dangerous, dependent, irrational, and

infectious precisely insofar as it is the continual refusal of normative individuation, which is supposed to be the enactment of everything opposite to these qualities? Moreover, if Hartman's critique of the simultaneously illusory transition from freedom to slavery must bear a remainder of that transition insofar as it is also the real from which she speaks, here in the movement from the pained and minimally sensate existence of the slave to the burdened individuality of the responsible and encumbered freedperson, then her critique also gestures toward the maximally sensate and sensible flesh of the enslaved, which exists in excess of a burdened individuality that turns out also to have been the slave's estate, under a regime of brutally enforced individuation whose viciousness is given in that what was enforced was also denied. What if pain is the modality of sensate experience that is, in fact, the primary conduit through which individuation is imposed? There is a realm and a range of modalities of torture whose effectiveness is possible because animated flesh feels. And what if the resistance to subjection, the objection to it, the eradication of it, is borne in such feeling and in its transgenerational transmission? This feeling, its feeling, bends toward apposition; it is given in and from and to no standpoint and it can neither stand nor bear nor approach any aim but the exhaustion of redress and, more generally, the regime of subjection that Hartman delineates and identifies. This feeling exhausts the subject and his world in the absolute deprivation, held in what it is to return rather than remain, that constitutes renewal of the maternal ecology from which world and self emanate as separable defects of a certain metaphysics of birth.

The terror of return and renewal are ours to join and to enjoy, as an irresistible violence to narration. Aunt Hester's scream stands mute in Betty's silence, where each undoes being-narrated with stories "too terrible to pass on" that are, nevertheless, given in exhaustive, interminable passage. It is as if one is infused with the other until one and other are no thing at all. That we are emanations of no thing is more terrible than any fact of antiblackness. Still more terrible is that without will, we will this circle be unbroken. Only no thing can pass through this blood stain'd, gateless gate; in terrible return and renewal, no thing is all we can enjoy. This is the facticity of blackness, which we might begin to think of as its nonperformance. When Heathfield describes the "lifeworks" of Tehching Hsieh as "out of now," that hold in which the evilly emphatic, self-assertive "I" oscillates with its own relative nothingness, it is as if time has been told to go off, or step off in and by an absolute commitment to abide. Out of here and now is the very displacement of place, in

refusal of its egocentric particularities, in favor of absolute nothingness, the inseparable differences of consent not to be single, where the break between the transcendent and the immanent bears nonfull sound with nonsimple fury. This is the realm of what Baraka called funk/lore, where data gathered under the concept of social death, which operates as simultaneous abandonment and protection, is shown to be insufficient to blackness's unsettled and untimely inexperience, its stolen life.