SITES OF SLAVERY

Citizenship and
Racial Democracy in
the Post-Civil Rights
Imagination

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Yet, despite being an antique, the old black American narrative of pervasive victimization persists, denying the overwhelming evidence of change since the time of my parents and grandparents, refusing to die. . . . It has become ahistorical. For a time it served us well and powerfully, yes, reminding each generation of black Americans of the historical obligations and duties and dangers they inherited and faced, but the problem with any story or idea or interpretation is that it can soon fail to fit the facts and becomes ideology, even kitsch.

Charles Johnson, "The End of the Black American Narrative"

Slavery can never be exhausted as a narrative. Nor can the Holocaust; nor can the potato famine; nor can war. To say slavery is over is to be ridiculous. There is nothing in those catastrophic events of human life that is exhaustible at all.

Toni Morrison, in Kevin Nance, "The Spirit and the Strength"

Introduction

Peculiar Citizenships

On the eve of Barack Obama’s historic presidential election in 2008, Charles Johnson appealed to African American writers to lay slavery and its long arm of segregation—what he calls the “group victimization” narrative—to rest. "I think writers should be free to go wherever their imagination takes them,” Johnson writes, “but I do think clearly that slavery-era and segregation-era stories are stories about the past.”4 Even though Johnson set his most famous novels, Oxherding Tale (1982) and Middle Passage (1990), in the antebellum South, he argues that the unprecedented political success of Obama, the emergence of a “true” black middle class, and the influx of African and Caribbean immigrants over the last forty years redefine the terms of the black narrative. In Johnson’s view, the quintessential black narrative is one of protracted interracial conflict—a narrative, moreover, that long ago
campaigned and achieved resolution during the civil rights movement. Despite the codified political gains of the Civil Rights Act of 1964 and Voting Rights Act of 1965, African American academics and writers continue to peddle a "pre-20th-century black American narrative" of disenfranchisement and racial injustice. Urging writers to move beyond slavery's constitutive role in African American arts and letters, Johnson calls for "new and better stories, new concepts, and new vocabularies and grammar based not on the past but on the dangerous, exciting, and unexplored present." This twenty-first-century black aesthetic should eschew the retrospective for the absolutely presentist and should attend to slavery not as a useable past but as a thoroughly ahistorical thematic. In effect, to best reflect the political present, Johnson believes that contemporary African American artists must abolish slavery as the master trope for African American identity.

In her novel *A Mercy* (2008), Toni Morrison nevertheless returns to slavery as a central theme. Published the same year as Johnson's manifesto (and, notably, after Obama's election to office), *A Mercy* is set in late-seventeenth-century Virginia on the cusp of the American experiment and American racial slavery. Unlike *Beloved* (1987), Morrison's Pulitzer Prize-winning novel on slavery and its immediate afterlife, *A Mercy* is a pastoral narrative that moves "beyond the Puritan, Plymouth Rock stuff" and is set in a period before blackness and slavery became "constructed, planted, institutionalized, and legalized" in American society. So while Johnson would cast *A Mercy* as a literary throwback, as fiction grounded in the concerns of the pre–civil rights era, Morrison's novel is quite emphatic of, rather than an exception to, a dominant trope in late-twentieth-century African American poetics and politics. Since the 1970s—the period commonly referred to as post–civil rights—African American artists, writers, and intellectuals have produced a large corpus of works that take American chattel slavery as their central theme. Contrary to Johnson's claims, these post–civil rights representations of slavery are neither antediluvian nor antihistmoric; instead, they reveal an African American preoccupation with returning to the site of slavery as a means of overcoming racial conflicts that continue to flourish after the height of the civil rights movement in order to reimagine the possibilities of American democracy in the future.

In this book I contend that contemporary representations of slavery in African American literature, film, theater, visual culture, and law-
suits do not simply envisage or presage the debate about new black narratives between Johnson and Morrison. Instead, such engagements reconcile what has been one of the fundamental paradoxes of post–civil rights American politics: African Americans' formal possession of full legal citizenship and their inherited burden of "civic estrangement." Here, my use of the phrase "civic estrangement" recalls and extends Rogers Smith's influential *Civil Ideals*, in which the author shows that race, gender, ethnicity, class, and religion historically determined the *ascriptive* aspects of U.S. citizenship. While legal citizenship includes suffrage and the right to participate in government, civic membership predicates itself on abstract signs and symbols or the civic myths of the nation. In the case of African Americans, civic estrangement occurs because they have been marginalized or underrepresented in the civic myths, monuments, narratives, icons, creeds, and images of the past that constitute, reproduce, and promote an American national identity. Civic estrangement is both ascriptive and affective. As a form of ongoing racial inequality, civic estrangement describes the paradox post–civil rights African Americans experience as simultaneous citizens and "non-citizens," who experience the feelings of disillusionment and melancholia of non-belonging and a yearning for civic membership.

This book theorizes how many post–civil rights African American writers, artists, and intellectuals respond to this crisis of citizenship by revisiting the antebellum past and foregrounding what I call a "democratic aesthetic" in their representations of slavery. Michael Bennett's *Democratic Discourses* is particularly instructive here. Bennett emphasizes the "realness" of radical abolitionists' depictions of slavery, arguing that they enabled the production of a democratic aesthetic that created emancipatory space for African Americans while making room for the uniquely American genre of the slave narrative. My formulation of a "democratic aesthetic," while indebted to Bennett, departs significantly in order to consider the demands of a post–civil rights political project and its influence on African American cultural production. Unlike their antebellum counterparts, whose primary goal was to render the horrors of that peculiar institution in the service of abolition, contemporary African American artists and intellectuals have neither the political nor the aesthetic imperative to depict realistic representations of slavery. The recent surge of late-twentieth-century African American cultural production that centers on American chattel slavery becomes
even more striking. Producing in the age of what the cultural critic Greg Tate refers to as the "post-liberated black aesthetic," contemporary African Americans are the beneficiaries of putative juridical and legislative equality born of civil rights agitation. In contrast to their antebellum predecessors who shaped their rhetoric around the demand for legal freedom, this democratic aesthetic, while revealing a lingering DuBoisian "twoness" at the dawn of yet another century, distinguishes itself by shuttling between the pessimism of civic estrangement and the privilege of African American legal citizenship.

The critical distance between the antebellum period and the contemporary moment affords contemporary artists and writers the opportunity to reshape, deviate from, and experiment with the form and content of the slave autobiography. Because of the centrality of the nineteenth-century slave narratives, most contemporary critics have attended to the newly emerging "neo-slave narratives" through only that lens, paying less attention to slavery as a central leitmotif within broader contemporary African American art and rhetoric. Here I aim to broaden and complicate the ways in which scholars define and critically interrogate contemporary representations of slavery, so as to expose the ways that, beyond the novel, multiple cultural forms—from drama, dance, cinema, and visual art to heritage tourism, reparations legal cases, and critical race historiographies—engage in rituals of collective remembering, recuperative forms of recognition, and revisionist forms of historical representation.

As a way of providing a comprehensive analysis of how historical circumstance, nationality, gender, and genre influence these varied post-civil rights African American representations of slavery, I study the following four sites of slavery: the allegations of a sexual relationship between Thomas Jefferson and Sally Hemings; the representations of enslaved African Americans in Harriet Beecher Stowe’s Uncle Tom’s Cabin; African American “Back to Africa” travel and tourism; and the ongoing legal challenges of repatriations movements. Inspired by both Pierre Nora’s seminal work “Les Lieux de Mémoire” and Toni Morrison’s essay “The Site of Memory,” I employ the term sites of slavery to refer to historical figures, objects, texts, and places that commemorate enslaved African Americans, formally remember American slavery, and thereby democratize U.S. memory. For Nora, sites of memory preserve those aspects of the past that uphold national identity and then legitimize and transmit those histories to present and future generations. Objects, texts, and places become sites of memory when they lose their original functionality and become commemorative and tangible links between the national past and contemporary citizens. Sites of memory, then, gain their national import precisely because they celebrate selective objects (Plymouth Rock and the Statue of Liberty), places (Gettysburg National Park and Jamestown), and events (the annual fireworks displays on the Fourth of July) from the American past that continue to uphold and promote national identity in the present.

Departing from Nora’s more nationalistic definition of sites of memory, Toni Morrison in her essay “The Site of Memory” defines the African American slave narrative as the quintessential site of memory. She observes that the authors of the slave autobiographies, such as Frederick Douglass in the Narrative of the Life of Frederick Douglass: An American Slave (1845), shaped their “experience to make it palatable to those who were in the position to alleviate it; they were silent about many things; and they ‘forgot’ many other things.” In response to these literary omissions, Morrison understands her role as a late-twentieth-century African American writer as one that “extends” and “fills in” the autobiographical slave narrative and thereby provides enslaved African Americans with an interiority and subjectivity denied to them in American history. Developed from Nora’s and Morrison’s “sites of memory,” I posit “sites of slavery” as the objects, texts, figures, places, and narratives from the American past that provide tangible links between present-day Americans and American chattel slavery. Like Nora’s sites of memory, the sites of slavery on which I focus produce discourses about how best to remember American democracy and to construct national identity. Following Morrison’s sites of memory, I argue that post-civil rights African American writers and artists claim and reconstruct pivotal figures, events, memories, locations, and experiences from American slavery in order to provide interiority and agency for enslaved African Americans and write them into the national narrative. Historically, the four sites of slavery on which I focus all consistently generate debates about how best to memorialize slavery and assume a metaphorical or synecdochic relationship to African American political identity: they are loci at which definitions of “Americaness” and “African diaspora” hinge, always simultaneously establishing, questioning, and reconstituting those very identities. As a result, they produce narratives
of contestation and potential resolution as well as sites of rich textual inquiry.

THE RITES OF AMERICAN CITIZENSHIP

In the case of the United States, we should not think of citizenship solely in terms of political rights; rather, following T. H. Marshall, we can understand it to have evolved into three dimensions in order to accommodate the changing demographics, industries, and histories of liberal democratic societies. Building on Marshall, my analysis suggests that African Americans shaped their post-civil rights representations of slavery to gain access to this multidimensional American citizenship, particularly the extralegal markers of citizenship such as the economic (the right to earn) and civic (the right to recognition). For Americans, civic myths directly influence the parameters of civic citizenship by playing off the American creed or what Gunnar Myrdal defined in *The American Dilemma* as "liberty, equality, justice, and an opportunity for everybody." On the one hand, civic myths sustain the durability of the American creed and have the ability, as Seymour Martin Lipset notes, to display "more continuity than change with respect to the main elements of the national system." Civic myths, as a form of collective memory, must continually adapt to changing social and political conditions in order to successfully promote the American creed in successive generations and different groups. But, on the other hand, civic myths not only transmit the ideology of the American creed to present and future American citizens, but also elide, discard, or co-opt historic events and experiences that contradict their supremacy. By omitting such historical realities, American civic myths not only bear partiality toward certain interpretations of the past but also privilege those members of society who find themselves represented in these versions of history. Even though countless events have challenged the reality of an unfettered American democracy, most specifically slavery and Jim Crow segregation, civic myths marginalize these contradictions and dismiss them as aberrations in American history. The end result is a civic culture that either forgets or casts itself in contradistinction to the lives and contributions of enslaved African Americans.

Initially, the civic estrangement of antebellum African Americans was yet another tragic byproduct of their political disenfranchisement and purported ontological difference. During slavery, the law relegated African Americans to "a subordinate and inferior class of beings" or "a people of the law." Consequently, the status of African Americans as the categorical non-citizen was not simply a legal matter, but extended into a civic sphere in which both caricatured blackness and the coiffed black body became the criteria against which to define and uphold the nation. For example, the Supreme Court's landmark decision in *Dred Scott v. Sandford* (1857), which explicitly ruled African Americans ineligible for citizenship, implicitly reinforced the racial ridicule commonly found on the minstrel stage and in the broader visual culture. In a similar vein, as Jim Crow legislation replaced slavery as the definitive site of African American political oppression, late-nineteenth-century and early-twentieth-century African Americans were forced to endure both civic and legal segregation. In *Race and Reunion*, David Blight explains that the post-Civil War reconciliation achieved by the North and the South occurred by excising slavery from the memory of the war and by omitting African Americans from the myths of reunification. The results were so devastating for African Americans that by 1939 W. E. B. Du Bois wrote, "We have in fifty years, by libel, innuendo, and silence so completely misstated and obliterated the history of the Negro in America...that today it is almost unknown." "History had been effectively used," he maintained, to teach Americans to "embrace and worship the color bar as social salvation." According to Du Bois, the national forgetting of African American experiences in slavery helped sustain the legal segregation—the "color bar"—that characterized the United States for most of the twentieth century.

Du Bois argues that similar to slavery, segregation not only limited African American citizenship but also denied African Americans access to the historical myths that constituted national identity. This combination of legal and civic alienation further relegated African Americans to a social existence "outside the mainstream of retrospective consciousness" that constituted the reunited nation. Primarily responding to *de jure* practices of racial discrimination, pre-civil rights African American artists and writers were virtually preoccupied with the law; much of their artistic dissent—from slave narratives to poetry to the "protest" writings of Richard Wright—took legality as its central theme. Understandably, the law held the ultimate significance for antebellum and pre-civil rights African Americans because it was the
site of their political exclusion. However, through the Civil Rights Act of 1964 and the Voting Rights Act of 1965, African Americans gained legal enfranchisement, first-class citizenship, access to the polity, and protection by the law. Ostensibly, legal citizenship also ensured that they had attained all the benefits that came with lawfully belonging to the nation. Nonetheless, post-civil rights African Americans, according to Mark Weiner, emerged as legal but not necessarily as civic citizens of the United States: “For a group to enjoy full citizenship in the cultural sense, the civic majority must recognize that the group ‘belongs’ that it shares certain basic characteristics with the community.” Weiner goes on, “This is a subtle phenomenon—it is usually less tangible than, say, a statute denying women the right to vote—but it is partly the intangibility of this aspect of citizenship that makes it so important.” Therefore, while successfully gaining legal citizenship within the nation to which they, by birthright, should have access, post-civil rights African Americans became simultaneously part of and tangential to the citizen.

This political ambiguity tied to ongoing racial discrimination and socioeconomic inequality made it even clearer that the legal extension of citizenship to African Americans would not singularly solve the racial problem. Civic estrangement, then, not only highlights the non-legal or ascriptive marks of American citizenship, such as civic membership, but also unveils the formatative role of affect as well. In The Melancholy of Race, Anne Cheng argues that the founding paradox of American freedom and slavery, fictionalized by Morrison in A Mercy, created a “melancholic bind between incorporation and rejection” for people of color since the nation’s beginning. Following Sigmund Freud’s “Mourning and Melancholia,” Cheng theorizes that the democratic rhetoric of belonging and equality (“incorporation”) and the practice of racial exclusion (“rejection”) produce melancholia, an affective state of inevitable and interminable loss. By pointing out how melancholia results from the fissures between civic myths and “constitutional practices,” Cheng’s readings underscore a theory of a multidimensional American citizenship. In the case of African Americans, the institutions of slavery and segregation are stark examples of the failure of the United States to apply its principles of democracy and equality to all its citizens. African Americans have not only had the unfortunate fate of existing outside of the founding narratives and selective visions of the American past that made up the “we” in the American people, but are also subject to the continual repression of their economic and material contributions, “bustily disavowed” in and by civic myths.22 The very rhetoric of American citizenship—an eighteenth-century discourse of individuality, equality, and freedom—became formed and fortified through the affect of black loss and yearning.

African Americans (and other people of color) continue to experience what David Eng and Shinhee Han describe as “racial melancholia” in the post-civil rights era. They remain in a state of “suspended assimilation” in which they “are continually estranged” from the ultimate object of American citizenship: the ideal of whiteness.23 Because racial exclusion had become part and parcel of African American political identity since slavery, it cannot simply be willed or wished away. This protracted experience of disillusionment, mourning, and yearning is in fact the basis of African American civic estrangement. Its lingering is not just a haunting of the past but is also a reminder of the present-day racial inequities that keep African American citizens in an indeterminate, unassimilable state as a racialized “Other.” While the affect of racial melancholia was bred in the dyad of slavery and democracy, it persists because of the paradox of legal citizenship and civic estrangement. However, Eng, Han, and I, unlike Freud, do not see this form of melancholia as destructive or damaging, but recognize it as a potentially productive state. Quoting José Esteban Muñoz’s Dis-Identifications, Eng and Han offer a corrective to Freud’s pathology, for Muñoz proposes that melancholia “is a mechanism that helps us (re) construct identity and take our dead with us to the various battles we must wage in their names—and in our names.”24 In turn, by reconstructing these sites of slavery, post-civil rights African American artists and intellectuals are able to speak out against their racial plight (the living) and on behalf of their enslaved ancestors (the dead).

By doing so, African Americans not only call the legitimacy of American civic myths into question, but also reconfigure these civic markers in order to accommodate the constitutive sites of American history that the national memory has forgotten or excised. To combat this erasure and elision, contemporary black cultural producers engage in what Charles Taylor aptly terms “the politics of recognition,” the formal battle for equality that requires a revision of symbols and images.25 Whereas the debates for legal citizenship largely took place in
the juridical and political realms, civic membership is symbolic in form. The demands for civic membership, therefore, have mostly taken place in the aesthetic and cultural realms. As Ralph Ellison put it, "The society is not likely to become free of racism, thus it is necessary for Negroes to free themselves by becoming their idea of what a free people should be." In order to gain this Ellisonian freedom, post-civil rights African Americans have attached themselves to the myths, monuments, narratives, icons, creeds, and images that render them eligible for civic membership; they do so precisely by revising the very same elements of national identity from which they have been rejected. Those most likely to engage the abstract signs and symbols that make up the national identity have been contemporary African American artists, writers, and legislators whose projects contest the hegemony and racial homogeneity of American civic myths while simultaneously creating more historically faithful and more democratic national narratives.

TOWARD A CRITICAL PATRIOTISM

In the quest to expose and consequently undermine the racial contradictions of American civic culture, contemporary black activists and artists have not always replaced civic myths with rival myths but with what Rogers Smith defines as "complex truths." While Smith concedes that civic myths "may contain factual elements," he simultaneously warns that "stories buttressing civic loyalties virtually always contain elements that are not literally true." Thus, in order for citizens to actualize democracy, they "must strive to be skeptical of flattering civic myths. . . . They must try to look unblinkingly at the realities of their history and their present, with all their deficiencies as well as their great achievements on view." Presumably, the role of the citizen in a liberal democratic society does not always mirror the task of the artist or intellectual. Not all late-twentieth-century African American writers and activists challenge civic myths. Nevertheless, the texts that I focus on self-consciously return to antebellum chattel slavery as a way of remembering a forgotten past and gaining equal recognition in the present. By foregrounding American slavery, these artists and writers, to quote Brook Thomas’s Civic Myths, "form a discourse capable of working on myth, drawing on its narrative power to generate compelling stories." These representations of slavery contest the singularity of American civic myths to reconfigure a democratic aesthetic and praxis, and by extension write themselves into the ultimate ur-narrative of the United States.

Unlike the civic myths, this democratic aesthetic neither encourages idolatry of the nation’s past nor champions a blind loyalty to the state. Staunch allegiance and an inflexible attachment to the country are the normative terms of patriotism, but dissidence and dissent, what I call "critical patriotism," form essential components of this democratic aesthetic’s discourse. In no way do I mean to suggest that civic skepticism and criticality is novel, for we have only to return to the nineteenth-century abolitionist movement to locate such rhetoric. For example, Frederick Douglass’s speech of July 5, 1852, allows us to trace a genealogy of this critical patriotism. In "The Meaning of July Fourth for the Negro," Douglass asked his northern white audience if they meant to mock him when they invited a former slave and non-citizen to speak in honor of the anniversary of the signing of the Declaration of Independence. To Douglass, the occasion was theirs, not his; a day of melancholy, not a day to "rejoice." The biggest irony, however, was America’s refusal to live up to the democratic ideals of the founding fathers, those "statesmen, patriots and heroes" and "the principles they contended." Instead of rebuking the founding narrative of the nation that did not guarantee him legal rights or liberties Douglass appropriates its legacy in order to launch his critique of its slaveholding present. By exhorting his "fellow citizens" to understand that "America is false to the past, false to the present, and solemnly binds herself false to the future," Douglass’s critical patriotism enables him to become the model citizen, one who does not repudiate but reifies, does not dismantle but engages the meta-discourse of American democracy. Similar to Douglass, post-civil rights African American cultural producers depict the coupling of slavery and freedom as ironic and constitutive. However, unlike Douglass, contemporary black writers and artists do not disaggregate slavery from the narrative of American democracy. Instead of representing slavery as the foil to American democracy, contemporary African Americans foreground slavery as the mnemonic property of the entire nation, and not, as Charles Johnson posits, the exclusive intellectual property of blacks. As Edmund Morgan articulates in American Slavery, American Freedom, the United States was born of a marriage between democracy and slavery. Similarly, in Blackface, White
Noise, Michael Rogin notes that the Declaration of Independence "breathed a Janus-faced legacy to the new nation—the logic on the one hand that the equality to which white men were naturally born could be extended to women and slaves, and the foundation on the other white freedom on black servitude." 34

In turn, contemporary narratives on slavery transform this founding moment of slavery as the primary trope through which to articulate a post-civil rights African American belief in the restorative and curative possibilities of American democracy. Neither born into nor burdened by the need to end slavery, contemporary African Americans have invoked what Saidiya Hartman calls slavery's "scenes of subjection" as a useable past.35 Their new narratives on slavery are radical mnemonic strategies that privilege the idea and ideal of democracy, yet all the while remaining skeptical of its materialization. Described by Ralph Ellison as "antagonistic cooperation," their democratic discourse not only works as a corrective against monolithic, cult-like narratives of an uncritical (white) patriotism, but also serves as a discourse of patriotism based on dissent, criticality, and inclusion.36 As a result, this democratic aesthetic is backward-looking (in its return to slavery) and forward-thinking (a way of rendering the African American patriot, estranged, second-class, or disenfranchised, as the ultimate model of American citizenship).

As I identify the democratic aesthetic as the dominating mode of poetics and politics of contemporary narratives of slavery, I do not neatly separate it from the concurring postmodernist epistemologies. Many of these texts I study, from Barbara Chase-Riboud's novel Sally Hemings to Carrie Mae Weems's photograph "Elmina Cape Coast Ile de Goree," easily fall into what Linda Hutcheon thoughtfully calls "historiographic metafiction" of postmodernism. According to Hutcheon, "its theoretical self-awareness of history and fiction as human constructs [historiographic metafiction] made the grounds for its rethinking and reworking of the forms and contents of the past." 44 Here, the past is neither stable nor fixed but a malleable subject that present-day writers and artists can reappropriate, reconstruct, and reclaim. In many ways, the post-civil rights depictions of slavery are examples of a postmodernist practice, for they employ the formal techniques of fragmentation, intertextuality, and discontinuity, while also engaging in deconstructionist critiques of the totalizing narratives embedded in American law and civic culture.

However, instead of arguing that these post-civil rights narratives on slavery begin and end in the postmodern tradition as many critical works on the neo-slab narrative have posited, I contend that this sub-genre incorporates formal and thematic aspects of postmodernism in its larger yearning to enact democracy.37 When contemporary African American artists and activists display a fidelity to the cohesive meta-narratives of freedom and American democracy, they are not necessarily contradicting their postmodernist intentions; rather, they reveal the limits of postmodernism as the primary philosophy through which to theorize post-civil rights African American subjectivity and cultural production. Similar to bell hooks's argument that postmodernism provides "new strategies of resistance," these contemporary narratives on slavery appropriate certain forms and features of postmodernism to challenge the racial hegemony of American civic culture.38 Instead, much like the fugitive slave writer Douglass, and the African American modernist Ellison, post-civil rights writers and intellectuals appropriated and contoured their period-specific aesthetic, in this case postmodern irony, to articulate the need for a deep and justifiable skepticism about past and present practices of racial democracy: a need that paradoxically has maintained itself by the durability of an American civic myth whose promise of equality continually disputes the reality of African American life. In some ways, it is the stability of these contradictions, the longevity of American racial injustice itself, that has sustained the determinate and unequivocal African American allegiance to this grandest of all American myths.

This loyalty to democracy in the midst of the postmodern influence, however, has not produced a homogenizing notion of blackness, upheld one particular political critique against racism, or assumed that racial progress is static. In fact, it incorporates many of the aesthetic and philosophical concerns of what is routinely called "Post-Soul" studies.39 Inspired by the founding Post-Soul critics of Trey Ellis, Nelson George, Thelma Golden, and Greg Tate, Mark Anthony Neal in Soul Babies says that Post-Soul rhetoric is preoccupied with "continuously collapsing on modern concepts of blackness and reanimating 'premodern' (African) concepts of blackness," ultimately rendering many "traditional 'tropes' of blackness dated and even meaningless." 40 While the post-civil rights contemporary narratives on slavery build on the Post-Soul emphasis of refusing thin tropes and redefining complex notions of
blackness, they are distinguished by their preoccupation with the antebellum past to work through discourses of citizenship, democracy, and African American political identity in the present. Further differentiating the contemporary representations of slavery in my study are their varied deployments of the democratic aesthetic: historical (How do these texts supplement and subvert the national forgetting of slavery?); generic (Why do these narratives formally privilege satire over melodrama to launch their civic critiques?); geographic (Where does one locate counter-narratives to American civic myths?); and ethical (What do these narratives imagine a fair and just materialization of equality and racial justice to be?).

The chapters of this book each take into account how representations of slavery change over time and how artists and writers revise the democratic aesthetic itself to suit the political moment and cultural period. The first two chapters examine how contemporary African American artists reconstitute icons—be they the historical figures of Sally Hemings or Thomas Jefferson or the fictional characters of Uncle Tom and Topsy—as metaphors for post-civil rights racial melancholia and yearning. The last two chapters focus on collective and public forms of memory such as commercial tourism to West African slave forts and formal demands for reparations for slavery. In an attempt to interrogate the limitations of this democratic aesthetic in post-civil rights narratives, the epilogue puts forth a sustained reading of the implications of representations of slavery in the most recent period of the post-civil rights era: the Age of Obama. Specifically, I discuss the conflicts and collaborations that generated the national exhibition "The President's House: Freedom and Slavery in the Making of a New Nation." Sitting directly in front of the Liberty Bell and Independence Hall in Philadelphia, the President's House commemorates the nation's first executive mansion in which Presidents George Washington and John Adams lived, while primarily memorializing the lives of the nine enslaved African Americans who served Washington, thereby making it the first American commemorative site to formally recognize the founding paradox of slavery and democracy.

Chapter 1 focuses on how Barbara Chase-Riboud's novel Sally Hemings (1979), the playwright Robbie McCauley's Sally's Rape (1994), and the historian Annette Gordon-Reed's Thomas Jefferson and Sally Hemings: An American Controversy (1998) and The Hemingses of Monticello (2008) reconstruct the narrative of Hemings and Jefferson in order to provide Hemings with an agency and subjectivity denied her in her own life and in American historiography. By doing so, these works not only posit the black female body as the central focus for engaging with Jefferson's slave past, but also as a uniquely constitutive and generative element of post-civil rights memory/remembering of slavery. The emphasis on black female corporeality within these texts importantly disrupts the limiting categories of "man" and "slave" as famously opined by Frederick Douglass. Their depictions also signal the emergence of "woman" and "slave" as an essential and repeated trope within contemporary African American representations of slavery. In this sense, the chapter and this entire book are influenced by Hartman's provocative question in Scenes of Subjection: "What happens if we assume that the female subject serves as a general case for explicating social death, property relations, and the pained and putative construction of Blackness? . . . What possibilities of resignification would then be possible?" 42

To answer this question, this book theorizes the ways national fictions of whiteness, blackness, and femininity have overdetermined black women, like Hemings, as spectacles that, to quote Hortense Spillers, are "vestibular to culture" and subsequently in direct opposition to the rights and rites of U.S. citizens. 43 In this sense, enslaved black women are not simply denied access to feminized civic myths—such as the "mother of the nation"—that are crucial to the national identity, but are also relegated as the permanent others of the United States. My intervention, however, is to understand how post-civil rights African American writers and artists reimagine enslaved black women as a source of critical patriotism and model citizenship. These new narratives heed Frederick Douglass's warning that through slavery the United States "binds herself false to the future," while offering the enslaved black woman as the embodiment of a democratic future and the ultimate liberator of a nation bound by the dyads of slavery and freedom and civic estrangement and legal citizenship.

Chapter 2 marks a generic shift. I contend that the post-civil rights narratives of Ishmael Reed's novel Flight to Canada (1976), Bill T. Jones's dance Last Supper at Uncle Tom's Cabin / The Promised Land (1990), Robert Alexander's play I Ain't Yo' Uncle: The New Jack Revisionist of "Uncle Tom's Cabin" (1991), and Kara Walker's large-scale silhouette The End of Uncle Tom and the Grand Allegorical Tableau of Eva in Heaven (1995) all reclaim
Steve’s most racially problematic characters, Uncle Tom or Topsy, by using satire and signification to destabilize the narrative control of Harriet Beecher Stowe’s classic Uncle Tom’s Cabin (1852). These artists do not simply substitute Stowe’s sentimentality for satirical derision. Their democratic aesthetic encourages different forms of attachments to the nation, engendering more complex affective relationships to the nation that extend beyond either blind loyalty or uncritical love of national achievements. In these narratives, critical and reflexive emotions like shame, disillusionment, and yearning become the basis of civic membership as well.

Chapter 3 looks at the possibilities and limits of a supranational democratic discourse. It argues that the late-twentieth-century “Back to Africa” discourse departs from the nineteenth-century emigrationist and mid-twentieth-century expatriate “Back to Africa” movements; the contemporary discourse predicates itself more on a commemoration of slavery’s past than on the creation of a programmatic solution for the future by way of the establishment of an alternative homeland in an emancipated African postcolonial present. While most studies on diaspora and black tourism have been anthropological, my analysis of the photographs from Carrie Mae Weems’s Slave Coast (1993) and Chester Higgins’s Middle Passage (1994) series, along with Haile Gerima’s film Sankofa (1993), marks a turn to the aesthetic. The advent of African American heritage tourism, I argue, enables post–civil rights African Americans to replace (and thus temporarily reconcile) their sense of exclusion from America’s canonized national self-narrative. These representations produce an alternative diasporic site of origin while also reproducing an almost exclusively American narrative of return and redemption.

Unlike the cultural texts that engage the past with an eye toward revision, early-twenty-first-century calls for reparations invoke the past as a way of imagining and constructing a model of democracy for the future. As such, the past is a signifier for the yet-to-be-seen possibilities and potential of American democracy. Chapter 4 analyzes how contemporary African American reparations discourse exemplifies an ethical commitment to democracy through its legal arguments that redistribution of economic resources to the descendants of enslaved African Americans is a precondition for a democratic state. I examine the reparations discourse of Randall Robinson’s The Debt (2000) and Mary Frances Berry’s My Face Is Black Is True (2005), and also the legal cases of Civil United States (1995) and African American Slave Descendants Litigation (2005), which put forth different claims of both material and mnemonic restitution in order to challenge the purposeful and polite national amnesia around slavery. Here, democracy distributes itself through an intergenerational monetary compensation and the restructuring of American civic memory.

While my project is heavily indebted to Ashraf Rushdy’s Neo-Slave Narratives and recent works by Madhu Dubey, Arlene Keizer, A. Timothy Spalding, and Lisa Woolfolk, I also depart from these studies in my emphasis on interdisciplinarity, tropological revision, and transnationalism.* Glenda Carpio’s Laughing Fit to Kill: Black Humor in the Fictions of Slavery (2008) is particularly important. Her interdisciplinary analysis of contemporary art and fiction on slavery investigates “the relationship between violence and humor and complicate[s] distinctions between polite and popular representations of slavery in the past forty years.”* While Carpio pays particular attention to the constructive possibilities of African American humor in the post–civil rights era, I am trying to think through the ways that contemporary African American representations of slavery examine the relationship between democratic ideals and civic entitlements, on one hand, and the ways that slavery continues to be bound up with American national narratives, on the other. In this way, the title of this introduction, “Peculiar Citizenihips,” becomes more than a simple allusion to slavery. Clearly, it recalls the southern euphemism of “our peculiar institution” to describe the systemic exploitation of enslaved African Americans during the eighteenth and nineteenth centuries. But the reference to peculiar citizenships also resonates with the radical tradition of postbellum black writers, such as Pauline Hopkins, author of the musical Peculiar Sam, or The Underground Railroad (1879), in which the title character’s rebellious escape from slavery renders the trope of “the peculiar” as a form of dissonance and resistance. Like Hopkins’s reclamation of “peculiarity” from southern slaveholders and her inversion of Sam, the avuncular icon of the American nation-state, the notion of peculiar citizenships moves between invocations of the “peculiar” as private property and as political oddity, between slavery and subversion. It stretches the black radical tradition into the present, while modeling challenges to ongoing forms of racial retrenchment and imagining an unfinished revolution of
black freedom. A move, this book argues, that enables post-civil rights African Americans to stage the ultimate rhetorical coup, one in which they wrestle with and eventually recuperate the primordial site of black racial inequality—slavery—as the basis for a more racially democratic future.

All in all, Sally's story and the Jefferson it asks us to believe in, if credited as true, would require us not merely to change some shadings in his portrait but literally to reverse the picture of him, as an honorable man, painted by contemporaries who knew him well and by the multitudes of later scholars. . . . The personality of the man who figures in Sally Hemings's pathetic story simply cannot be assimilated to the known character of Thomas Jefferson.

DOUGLASS ADAIR, "The Jefferson Scandal"

I said, "Thomas Jefferson was my great-great-great-great-great-great-grandfather." The teacher told me to sit down and stop telling lies.

SHANNON LANIER, quoted in Anita Hamilton, "A Family Divided"

ONE

Freedom in a Bondmaid's Arms

Sally Hemings, Thomas Jefferson, and the Persistence of African American Memory

AT THE DAWN of the French Revolution, a teenaged Sally Hemings, coiffed with lovely brown curls and adorned in the finest Parisian silks, begins an exchange with Thomas Paine and Thomas Jefferson during a garden party at the Palace of Versailles. Awed by Paine's presence yet confident in her powers of persuasion, Hemings approaches both men by quoting excerpts from Paine's provocative pamphlet Common Sense (1776): "Weak men cannot see and prejudiced men will not see" and "We have it in our power to begin the world again." Tranfixed by her wit and beauty, Paine first bows and then, turning to Jefferson, whispers, "Well, if ever there were reason to accept Washington's appointment and push an anti-slavery bill through Congress, dear boy, she is the best." In this brief scene from
There is no place you or I can go, to think about or not think about, to summon the presences of, or recollect the absences of slaves. . . . There is no suitable memorial, or plaque, or wreath, or wall, or park, or skyscraper lobby. There’s no 300-foot tower, there’s no small bench by the road. There is not even a tree scored, an initial that I can visit or you can visit in Charleston or Savannah or New York or Providence or better still on the banks of the Mississippi. And because such a place doesn’t exist. . . . the book had to.

Toni Morrison, 'A Bench by the Road’

EPILOGUE

The President’s House, Freedom, and Slavery in the Age of Obama

On the Warm Morning of March 18, 2008, Senator Barack Obama invoked the quintessential American credo of "We the People" in order to quell the political fallout generated by the controversial statements of his pastor, the Reverend Jeremiah Wright, about 9/11 and U.S. foreign policy. By opening with the foundational prose of the U.S. Constitution in what became known as his "race speech," delivered in Philadelphia across from both Independence Hall and the Liberty Bell, Obama thoroughly embraced the symbolic and the comforting refrain of American civic myths to navigate the muddy waters of presidential politics. But even as Obama reproduced the nationalist rhetoric of the timeless promise of American ideals codified in the shared past and parchment of American democracy,
he simultaneously deployed a more radical mnemonic strategy. Rather than simply invoke the mythology of American Freedom by way of elision or selective forgetting, Obama instead acknowledged the racial logics of the U.S. past and simultaneously put forth a sobering counter-myth: “The document they produced was eventually signed but ultimately unfinished. It was stained by this nation’s original sin of slavery.” While many pundits and politicians lauded this racial exegesis as sweeping and groundbreaking, they failed to recognize how resonant Obama’s speech was with another controversy about the Liberty Bell, slavery, and presidential politics that had been brewing in Philadelphia since 2002. Directly across from the site of Obama’s speech, along with Independence Hall and the Liberty Bell, stood the original “White House,” the executive mansion of President George Washington and the home of the enslaved Africans who worked for him.

After a long and highly public debate about whether or not a federal site should acknowledge America’s foremost symbol of democracy (Washington) and its foremost national sin (slavery), the original “White House” opened with the title “The President’s House: Freedom and Slavery in the Making of a New Nation” in December 2010 after an $11.2 million restoration project. The controversy began in 2002 when the public historian Edward Lawler published an article entitled “The President’s House in Philadelphia: The Rediscovery of a Lost Landmark.”

Lawler was writing in response to the expansive Liberty Bell Center project, a $12 million memorial spurred by the Independence National Historical Park (INHP), a local branch of the National Park Service, to move the Liberty Bell to the heart of the Independence Visitor Center Park. As a potentially lucrative site of American heritage tourism, the INHP superintendent and staff considered the Liberty Bell “the greatest relic of America’s heroic age.” More than a holdover from another age, the Liberty Bell stood as a tangible symbol of “America’s unvaunted qualities: independence, freedom, unalienable rights, and equality.”

While Lawler commended the spirit of the project, his ninety-page report detailed the history that would be obscured by the construction of the new pavilion. The site of this new construction was once the location of a modest mansion belonging to the widow of William Masters, a mayor of Philadelphia in the mid-eleventh century and one of the city’s largest slaveholders. Moreover, and perhaps more dramatically, the mansion was home to both George Washington and John Adams—

during their respective tenures as presidents of the young United States. Despite such history, the President’s House was demolished in 1953 in order to create the Independence Mall. When the INHP proposed the plan in 2002, the plan did not include a restoration of the same location.

In an effort to stave off the threat of historical obfuscation that the Liberty Bell Center project posed to the President’s House, Lawler argued for the National Park Service to unearth the original foundation of the Washington-Adams mansion rather than pave over it. He also described the probable layout of Washington’s home, highlighting its slave quarters. Similar to the historical interventions that Annette Gordon-Reed’s conjunctures advance in Thomas Jefferson and Sally Hemings, Lawler’s conjectured floor plans helped to fill in the missing history of American slavery in the early years of the republic. His blueprints not only reveal that Washington confined his slaves to a small room on the first floor of the home, but also suggests that Washington went to great lengths to skirt the gradual abolition of slavery in Pennsylvania, rotating the home’s enslaved African Americans every six months. Initially, the INHP contested Lawler’s conclusions—especially those about the slave quarters—and refused to incorporate a memorial of the forgotten President’s House in its designs for the Liberty Bell Center. A former INHP staff member, Jill Oglive, articulated her own misgivings and those of the National Park Service when she wrote, “[To acknowledge] the Liberty Bell’s proximity to a site upon which enslaved people toiled . . . [and to integrate] that story of enslavement into the bell’s narrative of freedom might be the greatest dissonance ever to be interpreted at a national historic site.” Oglive was not wrong to note that this curious dissonance, the uncomfortable feelings of incongruity and incompleteness, might upset the authenticity that tourists seek when they return to heritage sites. But her desire to do away with the specific past of slavery revealed not only a betrayal of national history but a broader refusal by the federal government to recognize slavery’s reverberating effects on black citizens specifically and all its citizens more generally.

While the Liberty Bell Center planned to acknowledge slavery—the cracks, as it were, of American history—its primary purpose was to celebrate the nation’s founding freedom, with the narrative of slavery
folded into the larger story of abolitionism. Fortunately, Lawler’s article and the ensuing debate with Nash was quickly taken up by scholars such as Randall Miller and Gary B. Nash, author of the *The Liberty Bell* (2010), as well as political activists such as Michael Coard and his Avenging the Ancestors Coalition, an African American–based group that demands formal commemoration of the slave quarters adjacent to the city’s icon of liberty. In an op-ed piece for the *Philadelphia Inquirer* in 2002, Miller and Nash argued against the racially homogenizing “civic myths” of the Liberty Bell Center, championing instead a celebration of the complex truths that inhabited the President’s House. “Washington’s slaves were living symbols of the most paradoxical part of the nation’s birth,” they wrote, “freedom and unfreedom side by side, with enslavement of some making possible the liberty of others. An exhibition of documents and artifacts should show slavery’s and freedom’s many meanings at the dawn of the new nation. Doing so will make the Liberty Bell’s own story ring loud and true.” Rather than upholding the myth of American freedom by ignoring or covering up slavery, Miller and Nash believed that the parallel narratives of slavery and freedom could agitate an expansion of democracy that would help fulfill its original promise. “A free people,” they concluded, “dare not bury evidence or silence long-forgotten African Americans, whose stories make the meaning of the Liberty Bell and the Revolution real and palpable, here and abroad.”

Miller’s and Nash’s demands to remember the enslaved African Americans at the President’s House were echoed by the Avenging the Ancestors Coalition. Congress and the city of Philadelphia soon responded with funding for the project, with the city also establishing an oversight committee and soliciting redesigns of the house from architects. In 2007, an archaeological dig revealed the house’s foundation and the remains of a kitchen once used by servants and slaves, providing visual proof of the house’s history that further cemented its historical importance in the national consciousness and drawing more than 300,000 visitors. While the initial response from the National Park Service was tepid and dismissive, the collaborative and interracial efforts of academics, activists, politicians, journalists, artists, and Philadelphia residents to preserve the site as a memorial to the President’s House’s enslaved African Americans eventually prevailed. The remains of the kitchen and corridors where slaves once toiled were incorporated into

the final design. The exhibition that began as a way of preserving the nation’s first executive mansion transformed into a public conversation on how best to represent the United States’ multiple and sometimes conflicting histories. In many ways, the process of making the exhibition, what Nash described as shifting “from controversy to cooperation,” is a testament to the racial progress that occurred during the post–civil rights era. Moreover, by opening up the process of memorialization, including the discords and dissonances, to the public, the President’s House produced a democratic aesthetic; it is the first and only federal site designed to acknowledge the founding contradiction of American freedom and slavery. Rather than suppressing the disruptive cacophony of voices that challenged the United States’ most beloved civic myths of freedom and liberty, the voices of the National Park Service, Congress, the city of Philadelphia, and a multiracial citizenry entered into conversation and attempted to redefine the meaning of American freedom and democracy.

The physical design of the memorial reflects a desire for transparency, inclusion, and visibility and should be read as an extension of rather than an exception to, the democratic aesthetic of post–civil rights African American artists and intellectuals. The city of Philadelphia committed two-thirds of the project’s contracts to minority-owned businesses, and the minority-owned firm Kelly/Maesio Architects & Planners designed the exhibit. The result was an unfinished open-air brick house open 24/7 for all tourists. Inside the doorless frames to the exhibit are images and facts about its famous residents, video installations, and a granite wall plaque dedicated to nine of Washington’s slaves—Austin, Christopher Shells, Giles, Hercules, Joe Richardson, Moll, Onay “Ona” Judge, Paris, and Richmond. The smaller rooms are filled with illustrated histories that detail George and Martha Washington’s personal investment in slavery, a short history of Philadelphia slavery, the political radicalism of the African American ministers Absalom Jones and Richard Allen and the African Methodist Church, and a timeline of early American policies (such as the Fugitive Slave Act of 1793 and Allen and Sedition Act of 1798) that determined who lawfully belongs to the nation. This timeline ends with the official first family photo of the Obamas, a gesture that seems to suggest that this road of civic and legal exclusion has ended at the doorsteps of our current White House.

It is the combination of video reenactments and the glass vitrine
The President's House

THE President's House

The epilogue

framing the original foundation of the house, however, that formalizes the democratic aesthetic for American tourists. Fireplaces interrupt walls, and videos are set above them featuring African American actors dressed in period costumes, literally embodying the nine enslaved African Americans to whom the memorial is dedicated. Written by Lorena Cary and directed by Louis Massiah, the visual display performs an act of surrogacy, with the actors filling in and reanimating the muted bodies and narratives that were once forgotten and silenced at Independence Hall. For Massiah, the exhibit both revealed and resisted black civic estrangement: “One of the things I learned from this process is that it is the silences of history that disempower us, that is, not knowing, not having evidence, history not being acknowledged is what makes us powerless.” In the dialectic of forgetting and remembering, the President’s House publicly engaged in “the politics of recognition” and ultimately won the formal battle for equality that required a revision of symbols and images. Instead of suppressing the cacophony of voices that disrupt American civic myths, new voices and perspectives blare from the stereo floorboards that enclose the exhibit, inviting visitors further into the interior of the house. The glass vitrine that models the transparency and accessibility of these new histories also exposes the foundation of the house. Inside, carefully cropped, bleached-out bricks show the lived incongruity built into the structure of the President’s House and, ultimately, into the nation. On one side, the base of the house’s curved parlor window, the place where “Washington received official delegations and perhaps brooded over the fate of the new republic,” is exposed. “Opposite that curve are the remains of the kitchen, where the enslaved Hercules prepared food for the first family and state event.” Standing in front of both the Liberty Bell and Independence Hall, the exhibition holds the promise that the twin narrative of American slavery and freedom could emerge as the American story.

The most riveting storyline, nonetheless, belong to Hercules and Onley Judge, former slaves who, with the help of black and white Philadelphia abolitionists, escaped Washington’s home. Close to the glass vitrine (and likely where the original kitchen stood) is a video panel featuring Hercules, Washington’s favorite cook, who took his freedom the night of Washington’s birthday party in 1798. A video featuring an actress playing Onley Judge, Martha Washington’s waiting maid, who escaped to freedom in 1796, is at the entrance of the exhibit. After Judge

escaped to New Hampshire, Washington tried but failed to have her return to Philadelphia, first by persuasion and then by coercion. The story, which is also told in a children’s book, The Escape of Onley Judge, and memorialized in Philadelphia’s annual Onley Judge’s Freedom Day, not only reveals Washington’s personal investment in slavery, but also provides an alternative narrative of founding freedom. According to Randall Miller, the excavation of Judge’s story is “almost a gift from God,” for “she does something for us, as well as does something for history. She speaks. You do not have black voices in the creation story of America. If you go to Independence Hall, they are not there; they are referenced as objects. Now, you have black people speaking by actions and actually speaking about what freedom meant.” Quoting Judge’s actual interview in the Granite Freeman in 1845, the character in the video reenactment refuses to go back to Washington: “I am free now and choose to remain so.” Through her story, we find an answer to the provocative question asked by Saidiya Hartman quoted at the beginning of this book: “What happens if we assume that the female subject serves as a general case for expiating social death, property relations, and the painted and putative construction of Blackness? . . . What possibilities of resignification would then be possible?” Judge’s story not only disrupts masculinist narratives of black enslavement and rebellion, but also expands gendered and racialized discourses of American freedom. Juxtaposed with Washington’s lucrative role as slave master and holder of liberty, the black female subject emerges as a more appropriate symbol of freedom, the true patriot of American democracy.

But if there is anything we should learn from the emergence of contemporary African American narratives on slavery, it is that American citizenship is multivalent and elusive. Post-civil rights America has been defined by the paradox of African Americans possessing full legal citizenship (the right to vote) while being unable to access the more intangible components of citizenship, civic membership (the right to recognition), and economic equality (the right to earn). But the President’s House suggests that the right to recognition is gaining substantial traction. This current moment, what Roy Brooks calls the “Age of Obama,” has ushered in a new phase of racial politics and representations. Brooks describes this as a period in which “the problem of race . . . is not racism but racial inequality.” Racial inequality manifests more as “a paucity of financial, human, and social capital than [as] white racism. It is, in other
words, the maldistribution of America's resources (resources disparities between blacks and whites) that defines the race problem insofar as it relates to black Americans in the Obama phase of post-civil rights America."13 While earlier stages of the post-civil rights era witnessed the emergence of narratives of slavery that grappled with the dyad of slavery and freedom, Obama's presidency is historic because it means that the ultimate national symbols, the head of state and the First Lady, are inseparable from black corporeality. While the history of the White House, as the story of Thomas Jefferson and Sally Hemings attests, has always been intertwined with that of slavery, the White House is, for the very first time, now inhabited by those who most directly bear that history; according to Farah Griffin, Michelle Obama, as both the First Lady and a descendant of slaves, gives "cause for an honest discussion about our nation's painful past but inspiring history."14

Unfortunately, neither the residency of Michelle Obama in the White House nor the recent unearthings of the foundation of the President's House have meant the ongoing practices of racial inequality have dissipated.15 Rhetorically, the rising popularity of white supremacist historical revisionists, such as the New Confederates and members of the Tea Party, are reminders that specific conservative groups are reconstructing the founding pasts of slavery and freedom in order to keep both past and contemporary African Americans invisible within American civic culture. This is exactly the type of historical amnesia that contemporary African American narratives on slavery have challenged. Against such an upsurge, the President’s House alone cannot change the ideology or the resulting inequality that continues to deny African Americans full citizenship. The backlash against the exhibit itself has already begun, with Edward Rothstein writing that the President’s House "ends up distorting history by demanding the sacrifice of other perspectives," most notably downplaying Washington and Adams as statesmen.16 This pushback against the museum and the rising trend of Confederate nostalgia suggests that critical patriotism, the type espoused by Frederick Douglass’s "The Meaning of July Fourth for the Negro" and embodied in the collective effort to preserve the President's House, must vigilantly serve as a corrective against the mono- lithic, cult-like narratives of an uncritical patriotism. The singularity of the first African American president and the propagation of racial inequality in the form of mass incarceration, disproportionately high