

Freedom Thwarted: Post-Obama and the Struggle for the Demos

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Time would pass, old empires would fall and new ones take their place, the relations of countries and the relations of classes had to change, before I discovered that it is not quality of goods and utility which matter, but movement: not where you are or what you have, but where you have come from, where you are going and the rate at which you are getting there. (CLR James, *Beyond A Boundary*)

“Set the captives free”.
Bob Marley, *Exodus*

In 2004 Barack Obama was elected as President of the USA. As the first Black president of the USA the language of post-racial quickly came to mark the era of his election as a signal of a new set of social relations across racial groups. The role that the Human Sciences has played in the articulation of post-racial cannot be denied. Indeed, debates about racial constructivism have become more popularized and made everyday prior to Obama’s election than most scholars seem to notice. While in the general population racial constructivism takes on a number of different names like post-racial, colour-blindness, all-the-same, and so on these perspectives reside along side a still sturdy belief in race as a biological and cultural difference in many quarters. It is clear then that we live in deeply perplexing times. One of the ways these perplexing times often make themselves know is through violence.

In 2009 Obama signed into law the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act. The act was a significant amendment to already pre-existing hate crimes legislation in the USA. The Act named after the homophobic murder of Matthew Shepard and the white supremacist murder and decapitation of James Byrd enhanced legislation on crimes committed based on gender, sexual orientation, gender identity or disability. The act is generally referred to the Matthew Shepard Act.

On February 26, 2012 the murder of Trayvon Martin (17 years old) began to leak out well beyond Sanford, Florida. The details of the death seem to shock many into the reality that if the post-racial was supposed to mark a new set of social relations that it was a mirage. Indeed, the death of Martin seem to activate an awareness of the ways in which racial social relations had not shifted in the post-Obama era but rather retrenched in truly horrible ways. The eventual acquittal of the murdered of Martin left many wondering how the fundamental foundational could be resolved

In the aftermath of Martin's murder, followed by that of Mike Brown in Ferguson the question of how to make sense of social relations across racial lines became as urgent a question as in the mid-20th century in the midst of the civil rights movement and the anti-colonial movements for national liberation. What became at stake was now might we understand the legacies of these previous movements.

It is in part my argument that a democratic failure lies at the heart of the current moment. Significantly, it my argument that what we call the general public colloquially is in a crisis of knowledge concerning democracy, citizenship and understandings of race, freedom and even the history of our national and transnational intimacies. In effect the demos is in a crisis of knowledge about its own formation.

By the demos I mean I mean to recall the idea of the people. But by recalling the Greek notion of demos in which democratic possibility is endowed in the people and the peoples will to act, I mean to signal the crisis of our own representative democratic times, especially our institutions like policing and education. In asserting that we are in a crisis of “the people” I am suggesting that we must now face the dire consequences of the simultaneous intimate and yet very distant production of human relations in our time. Similarly, we must confront as people the proliferation and volume of information and access to it in a world that is simultaneously lacking knowledge about how the world actually works. It is these contradictions and ambiguities that animate the remainder of my talk.

Black people globally are yet to experience freedom post-slavery and post-colony. Indeed, one might state that in every moment that black people have sought to assert what freedom might mean and look like for themselves, that such desires have been violently interdicted. It is the interdiction of a potential black freedom that I have termed the long emancipation. The long emancipation is markedly not freedom, even though

emancipation is commonly understood as the “freeing of the slaves” in the post-Columbus world. In this work, I argue that we are still in the time of emancipation and that freedom, which is extra-emancipation or in others words beyond the logic of emancipation, is yet “to come”. So what is freedom then, or what am I taking as freedom? How do I might demarcate why and how black people do not yet have freedom? I take freedom to mean ways of being human in the world that exist beyond the realm of the juridical; that allow for bodily sovereignty; additionally freedom marks ones’ individual and collective desires to be in common and in difference in a world that is a non-hierarchal and non-violent in the context of social, political and imaginative conditions that make possible multiple ways of bring in the world.

Indeed, one might note that most definitions of freedom repeat the word itself (freedom) or the word *free* and that those definitions are rendered in opposition to something else – that is one is often “free from A or B” as an expression of “freedom”. I wish to suggest both oppositionality and something more about the idea of freedom, especially for black people. By making such a claim I am interested in noted what I will call glimpses of black freedom which exist inside of the dire conditions of present black unfreedom. To glimpse black free requires that those looking refuse modes of noticing blackness that refuse some of the major tenants of modernity, some of which will be further addressed in this work. Furthermore, I want to suggest that the conditions of a potential black freedom remain abjurant to its fulfilment because of the very ways in which modernist logics of freedom are deployed against black people and how black people themselves have largely

come to imagine what freedom might be. By such I mean that all of our present conceptions of freedom actually prohibit black subjects access to freedom as we presently understand it. But importantly, as well I want to suggest and will suggest that black people experience moments of freedom that are unscripted, imaginative and beyond our current modes of intelligibility.

In this work I explore the potential of black freedom and I point to how we might notice it in its fleeting moments. The central conceit of this work is to grapple with what Toni Morrison in *Beloved* puts into the mouth of Baby Suggs:

“in this here place, we flesh; flesh that weeps, laughs; flesh that dances on bare feet in grass. Love it. Love it hard. Yonder they do not love your flesh. They despise it... No more do they love the skin on your back. Yonder they flay it. And O my people they do not love your hands. Those they only use, tie, bind, chop off and leave empty. Love your hands! Love them! Raise them up and kiss them. Touch others with them, pat them together, stroke them on your face ‘cause they don’t love that either. You got to love it, you! And no, they ain’t in love with your mouth. Yonder, out there, they will see it broken and break it again. What you say out of it they will not heed...What you put into it to nourish your body they will snatch away and give leavins instead. No they don’t love your mouth. You got to love it.”

"This is flesh I’m talking about here. Flesh that needs to be loved. Feet that need to rest and to dance; backs that need support; shoulders that need arms, strong

arms I'm telling you. And oh my people, out yonder, hear me, they do not love your neck unnoosed and straight. So love your neck; put a hand on it, grace it, stroke it, and hold it up. And all your inside parts that they'd just as soon slop for hogs, you got to love them. The dark, dark liver - love it, love it, and the beat and beating heart, love that too. More than eyes or feet... More than your life-holding womb and your live-giving private parts, hear me now, love your heart. For this is the prize."

Reading this "sermon" points to that which must be undone so that black freedom might be glimpse globally. Morrison offers us an engagement with the black body as a site where the conditions of unfreedom and freedom compete. The reclaiming of the flesh as a body, a body loved is a glimpse of freedom in its kinetic form. In the reading I offer here, freedom meets love, where love becomes an activating force towards a potential freedom. In this instance freedom exist beyond the material even though it is importantly material conditions and something more than those conditions too. Indeed love, a non-material condition becomes a major context for moving towards freedom. A freedom "to come", as Derridian language on democracy might point us towards is both belated and always just ahead of us. It is my argument that black life marks the limits of the conditions of freedom most clearly because black life seems to dwell in the Derridian moment of "to come", somehow always anticipatory and future oriented. And therefore black life can point us towards what freedom might and ultimately is.

The conditions of black life, past and present work against any notion that freedom is now, in our present. Indeed, any serious student of black life can only but note the multiple ways in which freedom is interdicted and prohibited for black subjects continually. And, yet black peoples desires for freedom and to be free are marked continually and articulated continuously in multiple ways. In this work I think between that which is prohibited and that which is gestured too as insights into and evidence of “a freedom to come”. Furthermore I suggest that black freedom is not just freedom for black subjects, but rather black freedom inaugurates an entirely new human experience for all others as well. Thus the black freedom is not a kind of freedom that sits alongside other kinds of freedom but instead a global re-orienting and radical re-ordering phenomena.

Where we see glimpses of “black freedom to come” it is often in the vernacular cultures of black peoples everyday and ordinary lives. The manner in which black people “own” their bodies, the ways in which music, dance, clothing, attitude(s), language and a range of practices tied closely to the body and emanating from the black body configure and reconfigure modes of being in the world allow for us to glimpse black freedom in fleeting moments. Again, in noticing such practices the material conditions and something beyond them are marked as central to thinking what freedom can be. In this work I turn to those vernacular moments and practices but also to the ways in which those practices are violently interdicted to think about how black freedom and unfreedom registers. The vernacular is a particular fertile site for thinking about black freedom because the vernacular is contradictorily a sovereign site of black expressivity and creativity and

simultaneously one of the most heavily policed and interdicted black sites of life. Here think of the ways in which for example black men have remade the street corner and its simultaneous policing or how black women have remade hair as fashion beyond the hair cut or “hair style” and how black women’s hair remains a significant site of cultural debate, disgust and still culturally appropriated.

To think the above conundrums, ambivalences and contradictions this work grapples with Sylvia Wynter’s insights on questions of the human and the requirement that we (re)think what the human might be. In a world where black people have been ejected from the category of the human and have struggled to both enter it and to re-animate what it might mean (re)thinking the human is central to any notion of freedom. Therefore following Frantz Fanon and Wynter this work is committed to a notion of a new humanism, but it begins in the acknowledgement that our present conceptions of what it means to be human do not currently include black subjects, indeed it cannot contain them. Inspired by Fanon, Wynter, Édouard Glissant, Kamau Braithwaite and Jacques Derrida among many others I take what I have come to call the *black life form(s)* as a significant critique of the currently brutal realities of what it means to be human in the world. What Wynter terms the dysselected others – i.e. black subjects – I take as *black life forms* in so far as such a stark term makes clear the stakes of the matter at hand. It is not too much to claim that post-slavery renovations of the human have continually produced a brutal outside for blackness and black peoples globally. This work then grapples with that ongoing brutality in the face of global human rights discourses that I argue cannot imagine black subjects

as subjects for rights and therefore for freedom. Indeed, following CLR James and the quote I began with above, one might most starkly see the collapse of such human rights discourses when black subjects move, as is so chillingly clear with the Strait of Gibraltar or going swimming in McKinney, Texas, USA. Indeed, death, the death of black selves is central to any freedom to come because it is at the point of black death and the kinds of ways in which black people die, that unfreedom most glaringly reveals itself.

Death and Freedom

Indeed for the black subject freedom and death seem to have an indelible link. As I sit to write these words reports of black death continue occur across the globe. The deaths I mark here are deaths at the hands of state institutions like police and of global practices that produce black life as a lesser or non-life. Black women, men and children are all subject to what some call “extra-judicial” death within and across various nation-states. The problem with utilizing a category such as extra-judicial is that it assumes that black life is a recognizable life under and in the context of modernity and its orders of knowledge, rules and thus “life”. These deaths at the hands of police and other state actors and sub-state actors, are so often and numerous that a cynic might say that such deaths are a natural part of black life.

Black death orients black life in ways that both produce black life as excess and black life in deeply restricted ways as well. The tension between excess and restriction has been long produced in black studies as the tension between the sacred and the profane. While

that tension still exists in black studies, it is important to note how the profane, what I am calling the vernacular, has superseded the sacred as the dominant mode of thinking black life. In this work I turn to the vernacular because it is the dominant mode through which global blackness notices itself. I also turn to the vernacular because it represents the most original and resistive global black creative life force.

Indeed, forms of black creativity are central to any consideration of black freedom. Equally important is how black creativity is interdicted as outside what a human life might be. But even that is conditional on how black creativity is appropriated for the life of capital. Such appropriations deny black creativity or in piecemeal fashion award black creativity at the same time that it colludes to kill and or delegitimize other forms of black creativity. The assault against black forms of creativity are often the forms of recreativity that are not easily capitalized/financialized and or forms of creativity that suggest a sovereignty of the black body that refuses normative ideas of freedom. Here I think of saggin' pants because even when the fashion is appropriated, the style and the attitude remain an integral element of a "black ontology" that is not assimilable by others. It is in those moments then that saggin' pants become a symbol pointing towards black death. It is such moments of incongruity that modernist logics would require us to believe are anomalies that this work investigates – that is the appropriation of black cultural creativity at the same time the black life forms can be killed for the same creativity.

Death by violent anti-black action is so fundamentally a part of black life and the curtailment of black freedom that to ignore its constitutive role is to sidestep black life in its entirety. And yet, our contemporary discourse has been to assumed black freedom has been achieved as post-civil rights inclusion and post-colonial conditions. This work refuses such inclusion as a form of freedom and instead argues that such conditions are the compromise on the way towards a freedom yet to come. I make the argument in light of the ways in which ongoing black deaths are conditioned and enacted on black subjects when they assume the position of rights bearing late modern subjects. The ability to not tie black death and its carnage to unfreedom is a significant problem for thinking the future of all human life. But it is precisely because freedom and unfreedom have not remained central concerns of post-emancipation conditions that we have mistook emancipation for freedom and failed to acknowledge that freedom has not yet been achieved. Emancipation and post-emancipation allow for the production of black waste and in the face of such waste the killability of the black subject.

The Black Lives Matter (BLM) movement across North America has forced a reconsideration of the terms emancipation, freedom and liberation. For 15 days in March 2016 Black Lives Matter Toronto (BLM_TO) occupied the Toronto Police Services headquarters courtyard. They had a number of very simple, yet important demands. They wanted the two day Afrofest festival to remain a two day event, after it was reduced to one day by the city due to a few noise complaints; they wanted the “subject officer” to be

named and arrested in the shooting of Andrew Loku, a mentally ill African (Sudanese) migrant shot in the hall way of his apartment building, a building that housed the mentally ill; and they wanted an end to carding (stop and frisk) which disproportionately targets Black and Brown Torontonians. Those kinds of demands point to how the state shapes Black life experience in ways that continually mark the thin line between life and death. Importantly for me the actions of activist groups like BLM_TO open up an arena for rethinking how forms of Black life interact with the state as the very means of a possible survival. A popular refrain of the BLM movement is “we will get free”. I am interested in what work the refrain does, as it encounters and lives “within and against” the state, and how might the Human Sciences (Humanities and Social Sciences more specifically) inadequate forms of conceptualization inhibit (re)thinking freedom, again. In short the Human Sciences have not allowed us to think freedom in a post-slavery world well. Instead, post-emancipation has been taken as freedom and as an example of a democratic reorder.

In my view the actions of BLM and other Black radical activists groups presently engaged in direction action tactics return us to the languages and ideas of freedom, emancipation and liberty in a manner that requires both a searing and engaged critique of their signifying intentions. I hope to point to those terms rethinking as a long and enduring project of Black life and simultaneously as a quick and urgent rethinking that is often thwarted by incorporation into the state as neutered policy options rhetorics. Indeed, each of those terms often used interchangeably carry very distinct meanings especially

when thinking of Black life. In my own work I have turned to the legislative and juridical meanings of emancipation to ferret out what its meaning might signify for Black unfreedom and a coming and potential Black freedom.

Recent debates in political theory have turned to fugitivity and marronage as terms to both highlight Black unfreedom and as ways to mark Black renegade flights of desires for freedom as actual freedom. I take a different position. The turn to terms like fugitivity and marronage with their slim historical references in historical claims belie and or rather highlights the limits of emancipation as freedom and liberation. Concurrently, our turn to these terms demonstrate exhaustion with how unfreedom still frames Black livability and Black life. It is in part my argument that emancipation, fugitivity and marronage are limited frames for thinking Black freedom beyond their empirical indexes. By this I mean that each term even when accompanied by action only makes sense in the space to unfreedom and thus cannot be constituted as freedom. These terms mark the interstices of Black desires for freedom. To hold them as radical Black forms of freedom is to deny that each term and its practice is dependent on unfreedom being present and indeed each term only makes sense and can only be felt in a full condition of unfreedom. What I mean is that fugitivity and marronage only come to us as the outcome of an encirclement of unfreedom. Indeed, Black unfreedom and anti-black violence is a priori to fugitivity and marronage and once we acknowledge this concern the question of how to think freedom takes on a different tenor.

Similarly, the turn to marronage and maroons encircled by freedom's violence is not an adequate frame for thinking post-enlightenment Black desires for freedom. Flight is not freedom and neither is subterfuge. Marronage is a temporal self-emancipation that must collude with its other – captivity. Making the claim that I am making is not to undo what maroon communities have meant historically, but rather, I want to draw our attention to the limits of recuperating such strategies for our now. In fact, I would argue that if the plantation is a proto-state we need to think carefully about the *détente* between maroon communities and the plantation apparatus as a moment that prohibits the potential for Black freedom, rather than a moment that provides us a lens onto or into freedom. In short, we need to be more critical of Nanny and Quilumbo, and refuse the romance story that they are quickly becoming in some forms of political theory. Furthermore, it might be necessary that each time marronage and fugitivity is invoked that Haiti's revolution stands beside them as the potential and limit case of freedom and unfreedom. Significantly then, my argument is premised on the claim that fugitivity and marronage are freedom's violence. To recast these important strategies of resistance as freedom's violence is to highlight that we still live in an era awaiting a "freedom yet to come".

The ongoing conflation of judiciary and legislative emancipation as freedom is a significant element of what I am grappling with here. Emancipation might be read as a pathway for and towards freedom, but it is not freedom. One way to accentuate the argument I am making is to understand emancipation as an act of violence masking other acts of violence, for example enslavement, the ultimate and total theft of the Black body

and curtailment of sovereign personhood. In thinking the problem this way we begin to see how marronage and fugitivity cannot adequately provide the conceptual terrain necessary to think Haiti in their formulations because Haiti revolution is neither fugitive nor maroon but altogether other possibility. The interdiction of the revolution and its ongoing legacy highlights the necessity of thinking freedom yet to come. Haiti's revolution is a break with the compromise or the encirclement of emancipation's violence by refusing to continue pockets of emancipated arenas encircled by an unfree proto-state, the plantation(s). Instead Haiti's revolution forces us to think of the dastardly compromise that marronage in particular must make to survive in the context of the unfree state's constant threat of violence and recapture. Haiti's revolution sat as a refusal of freedom's violence of a settlement with unfreedom, that is Haiti refuse to hinged an emancipated encampment surrounded by unfreedom. The compromise is literally agreements to return, "run away slaves" to unfreedom. Such encirclement in my view limits this term's usefulness as an avenue for thinking freedom during and after enslavement.

The ruse of the law to produce freedom and act as or for freedom as freedom is important to my argument. In my own work I have turned to emancipation as uniquely different from freedom to engage with the ways in which I think much of our scholarship has collapsed the juridical and legislative emancipations of the formerly enslaved and now their descendants as "free". Instead, I argue that everywhere in the Americas Black peoples inhabit the time of emancipation still and indeed its attendant logics. Indeed, it is my contention that every time Black peoples attempt to bring into existence what

freedom might mean for them, numerous interdictions follow, the most dramatic and or drastic being that of Black death. My argument is in part premised on the claim that given Black peoples historical and ongoing conditions that what freedom would look like, would mean, and could be collectively for us is yet to be brought into fruition. Simone Browne's work along with a number of others has allowed me to think more nuancelly about my claims about the ongoing time of emancipation.

A significant aspect of what I am getting at here is that enlightenment and post-enlightenment modernist legislative and juridical practices inhibit freedom rather than endow it or provide for its proliferation or its coming into to being. We are not free, but that does not mean we are all not free in the same way. Thus the refrain of BLM that "we will get free" is crucial in so many different ways. For anyone who cares to know, the now often rehearsed queer foundation of the BLM movement, as founded by three Black queer women and the larger movement's more liberal arm as encapsulated in the Black queer personhood of Deray McKesson, the politics of intra-community violence on queer and Trans peoples is a central rhetoric of the movement. Black queer experiences and resistance to violence in multiple communities can be considered the foundational intervention of BLM. The "we will get free" can be read as free from such violence and by extension free to self-determinate. What BLM gets at is a certain kind of temperament. It is a temperament that is both emotional and social, political, cultural – it is a temperament that is an analysis of the present time and its past. But this temperament also exposes the limits of collapsing emancipation into freedom. This temperament reveals

that freedom is still beyond us.

Indeed, Browne's *Dark Matters* can work as bridge to better analyze this temperament. Browne's work asks that we think how surveillance and the security state combine to produce Black personhood as also tethered to the brutal architectures and logics of transatlantic plantation slavery. Browne's work reads the temperature of the moment and finds the temperament as one in which the link between the securitized state, the movement of Black peoples and practices of surveillance to be more clearly rooted in logics of unfreedom. Now some might think with my use of temperament that I am about to take the affective turn, but no I will not. Instead I want to offer temperament as a set of social conditions, indeed as conditions with real material effects and affects. But let me tarry with the social here a little while. *Dark Matters* opens up the arena of the social to a thorough interrogation of that which it has refused to imagine even though the evidence of its actions lie everywhere if we care to see. I don't want to mark this as simple erasure or invisibility because I have come to believe that such elisions register something much deeper and even more troubling than erasure and invisibility can mark. But let me say too I don't have the language yet to name it either, because freedom remains elusive and its acts, appearances and modes of annunciation reside beyond our reach.

Let me then proceed by way of example. The indignities that Black beings suffer and continue to suffer, whether in the bellies of slave ships, the corridors of airports and schools or the rafts of Lampedusa demands a new perspective. The social site of these

indignities is the accreted accumulations of knowledges designed and launched against Black being. Browne's return to the archive of transatlantic slavery as the foundation of the thought of surveillance is a nuance yet radical gesture for a better conversation that moves us closer to a new perspective. A new perspective that already alerts us to the ways in which marronage and fugitivity as strategies and furthermore forms of freedom remain limited and incomplete modes of a thwarted radical imaginary and political transformation. Browne's work shows how the itinerates of normative scholarship circumnavigate away from Black life, only having to be return to it, via Black scholarship, in this case not as corrective, but as the foundation of its very possibilities. But *Dark Matters* does not offer up a revised map. No, instead Browne re-educates vision and the eye both central to surveillance, but rendered utterly different in the hands of Black creatives who undo surveillance strategies "instituted forms of knowledge" by pointing to their attendant limits often as parody.

I turned to Browne as a way to make clear how the *proto-plantation cum state* and the modern state retains and is the harbinger of unfreedom. To make such a claim is to repeat, we are not free, but we are not free in different ways. For Black peoples unfreedom in the *sin quo none* of our very being given our invention as the outcome of transatlantic slavery. Take for example, the Trelawney Town, Jamaican maroons "deportation" to Nova Scotia in 1796. This "deportation" opens up the question of what exactly was maroon freedom? How did maroons protect their "freedom" encircled by the unfreedom

of the slave holding plantation proto-state? For me more important how does thinking with marronage open up new ways to notice the multiple forms of different unfreedoms in the face of an illusive freedom?

So what do I mean by freedom then? For me freedom marks a certain kind of sovereignty over the self in relation to collective and communal conditions. In the context of unfreedom we can glimpse modes of unauthorized being as self-authored acts pointing to or authorizing a potential freedom to come. Here I am thinking of the ways in which Black people break "rules" authorizing for themselves new ways of being in the world. These ways of being are often violently interdicted. Freedom is the gap or space between breaking the law and the reimposition of the law or its variant – that is violence. The law is violence in this conception I am offering. The law then always curtails freedom for Black personhood in the West. The Human Sciences have been called half-starved, as Sylvia Wynter has stated, for numerous good reasons. In a post-9-11 world the Humanities and Social Sciences (i.e. Affect Studies in Humanities and academic community partnerships in Social Sciences) are attempting to make themselves relevant to the difficult time of our lives, as they rightly should. However, the Human Sciences remain deeply complicit with the regimes of knowledge, power and practice that subtend and produce the material effects and condition of unfreedom. The radical move would be for the contemporary Human Sciences to produce the necessary sustenance required to both undo the chimera affects of democracy and freedom and instead point us towards a new perspective, one in which grappling with Black being might yet produce the routes,

intellectual and otherwise for a freedom yet to come. It is the BLM call that “we will be free” in the face of contemporary state violences of all kinds that keeps open the possibility of a freedom yet to come.

The inability of the human sciences to engage in a rethinking of the demos that might provide us a different way of being together is probably is biggest fault or deficit of contemporary education. In this crisis of the human that we are presently living, the experiences of black peoples can be and must be understood in the long duree of climate change – the movement of peoples, colonization, the remaking of landscapes and so on as a fundamental part of what we live now. Our inability to reckon with the historical and contemporary making of our world will be the death drive for all of us.