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Parodies of Ownership

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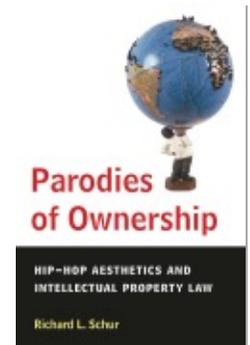
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Claiming Ownership in the Post–Civil Rights Era

The origins of hip-hop can be traced to the late 1960s in Jamaica, but the music began capturing national attention during the 1980s.¹ During hip-hop's early years, Ronald Reagan's election deepened existing cultural divides and furthered the "culture wars" that dominated the attention of African American activists, intellectuals, writers, musicians, artists, and politicians. These activists and intellectuals sought to complete the social transformation begun during the 1950s and 1960s. Hip-hop aesthetes and critical race theorists had to confront intellectual "segregation," which kept the contributions and experiences of African Americans and other historically marginalized groups outside of the nation's classrooms, museums, historical monuments, and legal doctrines. In this cultural context, African American cultural workers questioned who "owns" American cultural history and how minority voices should participate in contemporary cultural dialogues.

This chapter seeks to build a bridge between the Civil Rights and hip-hop generations through close readings of Toni Morrison's *Beloved* and Adrian Piper's *Vanilla Nightmare* series, texts produced in the late 1980s. These works, by two artists whose careers span the end of the Civil Rights era and the flowering of hip-hop, explore the politics surrounding property and cultural ownership and thus link Civil Rights era hopes to the reformulation (not simply a redistribution) of property rights. Neither Morrison nor Piper is generally considered part of the hip-hop generation, for good reasons, and it would be folly to view them solely in this vein. How-

ever, their work shares basic elements of hip-hop aesthetics (sampling, layering, rhythmic flows/asymmetry, and irony) and consistently questions what “ownership” means. Both authors also examine the problems African Americans still encounter when claiming ownership over themselves and their cultural heritage. Placing Morrison and Piper into dialogue with the hip-hop culture that Bronx youth created in the 1970s and 1980s allows an exploration of the connection between popular and “high” cultural forms. This conversation transforms hip-hop aesthetics from a potentially isolated artifact of youth culture to a response to broader concerns and ongoing difficulties in the post-Civil Rights era. It also acknowledges the pervasive shift from civil rights to property rights rhetoric within social and legal discourse. Morrison and Piper, along with other hip-hop aesthetes, anticipate the centrality of intellectual property law in contemporary debates about American culture because they foresee how the ownership of cultural texts and cultural memory remains an open question.

Through Morrison’s and Piper’s work, we can explore how claiming ownership in the post-Civil Rights era has been transformed by and through hip-hop aesthetics. Their works assume a critical attitude toward dominant legal theories of property. Legal decisions, much more so than scholarly writing on the topic, tend to presume that owners and appropriators share status and power.² African American writers, painters, and musicians tend to rely on an alternative assumption: racialized power shapes the existing distribution of property ownership, including rights in intellectual properties. Hip-hop aesthetics constitutes a primary strategy for African Americans to articulate ownership over the public sphere, even if legal discourse has already distributed the ownership rights over some of the texts, objects, sounds, and images of that “public” sphere. To understand how Morrison’s *Beloved* and Piper’s *Vanilla Nightmare* series participate in this ongoing conversation, one must attend to their examinations of property within the contexts of literary and visual culture.

Claiming Ownership of Literature

Freeing yourself was one thing; claiming ownership of that
freed self was another.

—Toni Morrison, *Beloved*

To link Morrison and her award-winning novel *Beloved* with hip-hop aesthetics may appear problematic because the novel does not reference hip-

hop explicitly, nor has Morrison identified such a connection. In a number of interviews, though, she has linked this and her other works to the social, economic, and political crises that fueled the growth of hip-hop in the 1980s.³ Literary or cultural studies scholars have generally considered her work through music, with blues- or jazz-based paradigms the norm, and with good reason.⁴ However, I will argue that Morrison's *Beloved* and its trope of rememory constitute a metaphysical inquiry into the ironies of self-ownership in the post-Civil Rights era, especially as the ghosts of racism and racialization undermine the realization of the previous era's social activism. This focus on property, combined with Morrison's blend of Modernist and postmodernist writing strategies, suggest a number of affinities with hip-hop aesthetics.⁵

Many critics have identified the unusual structure and rhythmic flow of the novel and struggled to find an adequate paradigm to contain or represent it. For example, Linda Krumholz offers a fairly compelling and accurate characterization of *Beloved*:

To make the novel work as a ritual, Morrison adapts techniques from modernist novels, such as the fragmentation of the plot and a shifting narrative voice, to compel the reader to actively construct an interpretive framework. In *Beloved*, the reader's process of reconstructing the fragmented story parallels Sethe's [the novel's main character] psychological recovery: repressed fragments of the (fictionalized) personal and historical past are retrieved and reconstructed. Morrison also introduces oral narrative techniques—repetition, the blending of voices, a shifting narrative voice, and an episodic framework.⁶

I have quoted Krumholz's description at length to reveal the conceptual difficulties talented and insightful scholars have encountered with the novel. Bernard Bell, an astute and influential critic, has similarly struggled to describe Morrison's text:

In her multivocal remembrances of things past, Morrison probes the awesome will to live of her characters to celebrate the truth and resiliency of the complex double consciousness of their humanity. What she has wrought in *Beloved* is an extremely Gothic blend of postmodern realism and romance as well as of racial and sexual politics.⁷

To better capture the aesthetic structure of *Beloved* and its theme of how to “own the self,” I propose the then-burgeoning hip-hop aesthetic—which features sampling, layering, rhythmic flows/asymmetry, and irony—as the principle that can unify this sprawling and seemingly disjointed text. Hip-hop aesthetics supplies both a poetic and a historical referent for *Beloved*. As a forerunner of hip-hop aesthetics, Morrison’s novel captures the cultural tensions of the 1980s, when 1950s and 1960s activism had ebbed, and African Americans and other historically marginalized people reflected on the strengths and limits of Civil Rights strategies. Rememory, *Beloved*’s central trope, offers an alternative name for the processes by which sampling, layering, rhythmic flows/asymmetries, and irony provide emotional renewal despite the persistence of race, racism, and racialization. *Beloved* is not a hip-hop novel, but it responds to some of the same artistic and political challenges, especially as experienced by young African American artists.⁸

Morrison’s *Beloved* relates the stories of a family and a community in the period leading up to and following the Civil War. Although the novel portrays a wide range of characters, its narrative center revolves around Sethe, who escaped from slavery; Denver, Sethe’s daughter who survived the escape; Paul D, a friend who located Sethe several years after the war; Baby Suggs, Sethe’s mother-in-law; and Beloved, the ghost of Sethe’s daughter whom she killed in order to protect her from slavery. The novel constantly moves back and forth between the 1850s and the 1870s, suggesting how sampled bits of historical memory, not the events themselves, shape the present lives of her characters. The novel’s shocking element, which some have termed tragic, is that upon being cornered by slave catchers in Ohio, Sethe kills one child and begins attacking the others. By killing her own offspring, Sethe “wins” her freedom. Beloved is the ghost of the killed girl, who has returned to demand Sethe’s attention and love. The community, which once found warmth and self-love through Baby Suggs’s preaching and hospitality, ultimately shuns Baby Suggs, Sethe, and her children. Writing initially in the voice of an omniscient author, Morrison moves toward a series of first-person narratives that alternate among characters.⁹ Ultimately, through the help of the community, Sethe is able to exorcise the ghost of Beloved.

As my brief summary implies, the novel does not offer a simple chronological account of a singular event or a particular character’s development. Rather, it is comprised of a complex web of voices, events, memories, and characters. Although few (if any) scholars have drawn such a comparison,

Beloved progresses through a relentless array of samples. Sampling is not simply the reshaping and reuse of a recorded text, but a method of textual production, in this case writing, that proceeds by listening for and incorporating discrete parts, rather than completed wholes, and constructing an aesthetically satisfying text out of them.¹⁰ In recent years, hip-hop music producers have been forced, because of the difficulty and cost of clearing samples, to hide their samples by reworking them or cutting them into smaller and smaller pieces. As is well-known, Morrison first learned of Margaret Garner, the historical figure on whom *Sethe* is based, when completing research for *The Black Book*.¹¹ However, as Steven Weisenburger has demonstrated in *Modern Medea*, where he explores the historical events that led up to Garner's attempt to murder multiple children and her being forced to return to slavery, Garner's real story is more complicated than Morrison's version suggests, because the slave owner apparently fathered a number of the murdered children. The murders thus constituted a "rebellion against the whole patriarchal system of American Slavery," as Garner attacked not only her children but her master's property as well.¹² Moreover, unlike *Sethe*, whose violent actions freed her from slavery, Margaret Garner's actions did not result in her freedom, but fated her to being sold down the river. But Morrison does not aim to tell a historically accurate version.¹³ Rather, she reworks the historical details to better fit a story, presumably one relevant to the 1980s situation that Morrison herself confronted.

Morrison's use of samples can be seen in her serialized description of *Sethe*'s violence against her children after Schoolteacher, his nephew, the slave catcher, and the Sheriff—whom Morrison calls the "four horsemen"—descend upon Baby Suggs's house. The chapter opens with an unidentified narrator who describes the events based on the view of an 1850s slave owner or proponent of slavery. Through this sampled voice, Morrison "borrows" or "appropriates" a perspective not generally discussed or presented in the rest of the text. Rather than narrating the entire story through a singular narrator, Morrison relies at strategic moments on such sampled voices to represent the epistemological conflicts that continue to haunt American culture. For example, a nameless, ostensibly white narrator observes: "Caught red-handed, so to speak, they [African American slaves] would seem to recognize the futility of outsmarting a whiteman and the hopelessness of outrunning a rifle. . . . The very nigger with his head hanging and a little jelly-jar smile on his face could all of a sudden roar, like a bull or some such, and commence to do unbelievable things."¹⁴

In this passage, Morrison potentially shocks the reader because this voice has been muted or absent from the text and emphasizes the ideological context for Sethe's actions. It is irrelevant whether Sethe "knows" this particular articulation of racism because she is responding to a social structure and a systemic ideology, in which these comments are ubiquitous. This sampled voice allows Morrison to foreshadow and explain the unspeakable thing that Sethe will do.

The nameless narrator, however, does not tell the whole story, only one aspect of it. Baby Suggs takes over the narrative and describes the immediate aftermath of Sethe's deed. This second sample works against the first and offers a second perspective from which to view the spectacle. If the first narrator emphasizes the "danger" presented by African Americans, Suggs demonstrates the kindness and love as she attempts to take care of Sethe's children.¹⁵ Baby Suggs possesses a keen eye for details that the white narrator omits: after Beloved's initial murder, Denver nurses from Sethe's breast, mixing mother's milk and Beloved's blood. This sampled image, only accessible through Baby Suggs's eyes, suggests the implicit tension for African Americans in claiming self-ownership after slavery. Any attempt to possess oneself requires coming to terms with how slavery and segregation destroyed and disfigured families and cultural traditions. There is no "pure" or "authentic" inheritance that is not tainted with the blood of ancestors. Contra Baby Suggs's exhortations before Sethe's actions, it is not enough merely to love one's hands and flesh.¹⁶ Any attempt to claim self-ownership, especially in the post-Civil Rights era, is necessarily ironic because the flesh or the hands always exist within a historical or cultural context.¹⁷ Sethe's desperate attack to save her children by killing them reinserts the violence endemic to making any kind of property claim, a violence that Baby Suggs's approach to healing had failed to consider.

Morrison's text, however, is not merely content to provide two accounts. Morrison also includes bits and pieces of Stamp Paid's and Sethe's memories, combined with Paul D's reaction upon learning of Sethe's actions. For Paul D, Sethe's "love is too thick." Sethe counters, "Love is or it ain't. Thin love ain't love at all."¹⁸ She then asks Paul D if her love for her children required that she and her children return to slavery. At this point, the conversation between them breaks down, and Paul D hurls an insult at Sethe. Her choice reminds him, and ultimately the entire African American community, of the danger implicit to claiming ownership of and loving the self when emotional and psychic health are intertwined with property law. The dissonance between these two discursive regimes produces social,

cultural, and psychic conflict because the demands of law and family cannot be reconciled easily. Property law does not attempt to address the psychological aspects of ownership, even though it takes precedence over psychological discourses within American culture. By describing multiple perspectives about the realities of slavery, Morrison shows the limits of romantic or tragic accounts that emphasize one view over all others and highlights the ironies implicit within any claim of self-ownership.¹⁹

As a number of commentators have noted, *Beloved* and other novels such as *Dessa Rose* (1986) and *Corregidora* (1975) constitute “neo-slave narratives [which revisit] an era marked by immense faith in the emancipatory promise of print literacy.”²⁰ However, this return to the slave narrative is not a simple recapitulation of an older style in which contemporary writers resurrect a previous generation’s faith in America’s promise of freedom through literacy. Rather, Lovalerie King argues, “a neo-slave narrative brings to light information subjugated by the privileging of certain narratives over others, Toni Morrison’s *Beloved* exists as a form of alternative discourse and, thus, takes its place in a continuing tradition of resistance.”²¹ Morrison offers multiple perspectives on the novel’s events to illustrate the generic limits, including those of the slave narrative, to describing social reality and liberating individuals and communities. Although there is no one slave narrative that Morrison samples particularly, *Beloved* writes against this entire genre, as the novel only offers bits and pieces of potential slave narratives that could have been written by Sethe, Paul D, Beloved, Baby Suggs, Halle, and others. As should be clear, however, their stories have been omitted from the genre and thus American literary history because of illiteracy (in the cases of Sethe, Paul D, and Baby Suggs) or because they did not survive the journey toward freedom (in the case of Halle and Beloved). *Beloved*, as a text produced in the 1980s, attempts to evoke enough of these slave narratives, via sampling, to demonstrate their inadequacy as historical representations. At this moment in post-Civil Rights era history, Morrison and other hip-hop aesthetes must rely on sampling in order to show the limits of the received versions of history and to claim ownership over it by reworking it.²²

Sampling alone, however, cannot effectively assert the kinds of ownership claims that Morrison wishes to make. Sampling is not another word for rememory. Rather, samples must be given new levels of meaning by their deployment in new patterns. Rememory is the pattern, not the recollections themselves, because certain moments stand out against the background and repeat themselves in the unfolding of chronological time. Like

a strip quilt, a nonlinear or asymmetrical pattern must be pieced together from the remnants of American literary history. By reshaping the debris of Margaret Garner's story and reorganizing it, Morrison creates a text that describes the historical trauma of slavery and property law while attempting to find a method to heal that pain. Layering is the art of creating productive tension.²³ For any historically marginalized community to claim ownership over American literary history, productive tensions must be revealed. In a moment when the comic meets the deadly serious, Morrison uses the voice of Sixo to signify on the limits of the property law and to emphasize its discursive authority to shape cultural relations. In an oft-quoted section, Sixo receives a beating from Schoolteacher for stealing and "to show him that definitions belonged to the definers—not the defined."²⁴ While scholars have tended to view this moment as a critique of Western epistemology or the Enlightenment, they have neglected or downplayed its ironic critique of property and the law of evidence, as Schoolteacher's methods of cross-examination force Sixo to testify against himself. When Schoolteacher claims that Sixo has stolen food, Sixo does not classify his actions as theft. Rather, he states that he has been "improving your [Schoolteacher's] property."²⁵ Sixo's response exemplifies signifying, illustrates hip-hop's attitude toward intellectual property law, and highlights how property law itself has always struggled to distinguish among the layers of ownership. Reading this fictional conversation within the cultural context of when Morrison wrote *Beloved*, in the 1980s, Sixo can be understood as asking who owns the sample from a text that gets transformed through layering or a later act of consumption/production.

Morrison's textual response to this dilemma can be found a few sections later. As the story comes to a close, the novel's layers of samples begin to fall in on themselves, not merging into a unified voice but producing what Tricia Rose calls the "Black Noise" of hip-hop aesthetics. After rewriting the biblical "Song of Songs" and its heart-wrenching tale of lost love in a paragraph, Morrison weaves together the interior monologues of Sethe, Denver, and Beloved to show both the similarities and the differences between their personal and social desires. Rather than presenting distinct voices, the text makes clear how their respective identities are produced socially: "Beloved / You are my sister / You are my daughter / You are my face; You are me / I have found you again; you have come back to me."²⁶ In these lines, it is clear that Sethe, Denver, and Beloved are engaged in an unconscious dialogue about how to order their relationships to one another. Textually, Morrison represents this struggle for order by layering

their voices. However, she does not portray their voices in fully drawn narratives. Rather, she samples their voices and then shapes the meaning of these samples by layering them in asymmetrical patterns. Sethe, Denver, and Beloved form a triangle in which desires and responsibilities do not fall evenly or symmetrically upon one another. Instead, their demands may be incommensurate, meaning that realizing one desire may necessarily frustrate a second desire.

The tension that layered samples produce comes to a climax in this section's conclusion, "You are mine / You are mine / You are mine," in which Sethe, Beloved, and Denver assert contrasting ownership claims. Layering their voices and placing these statements next to one another allows Morrison to interrogate the foundations of property law, in which there is an object and individuals with claims of varying strength. Rather than providing a neat or ready solution to conflict, property law must always navigate conflicting desires and choose one set of interests over another. Even as they struggle, as individuals and as symbols of a communal struggle, with the aftermath of slavery and the legacy of being "owned," Sethe, Denver, and Beloved continue to make ownership claims. Ironically, it is because their claims are too strong—or, in the words of Paul D, their love is "too thick"—that their desires for ownership come to "own" them. Only when the community returns to 124 can this trio be saved from their excessive internalization of property law's assumptions.²⁷

According to the logic of *Beloved*, African Americans can only find freedom by balancing personal and communal claims of ownership. Excessive reliance on property law transforms too much into objects to be owned, while forgoing the logic of ownership creates its own problems. The choice to present the intertwined stories of *Beloved* through layered samples enables Morrison to depict the partial views of American history that literature provides. It also allows her to assert a certain ownership over that history, even if dominant groups already believe they own that history or literature. Morrison's strategic use of layered samples implies that property rights do not simply bind a text/object to particular individuals but are constructed by social and textual networks. Ownership rights can be created by producing something *de novo* or constructing new meaning within a social/textual framework—the primary tool of hip-hop aesthetics. Reading rememory and Sethe's violent acts through this aesthetic principle reveals that Sethe's crime shattered the fragile networks of signification that this newly freed community had created. The "art" of layered sampling thus hinges on the ability to invoke memory, but not be controlled by it, to as-

sert ownership over literary and cultural history in order to reveal the “unspeakable thoughts, unspoken.”²⁸ In one of the novel’s multiple endings, Morrison writes that “he [Paul D] wants to put his story next to hers.”²⁹ Paul D’s desire, in effect, articulates hip-hop’s strategy of layering as a method to bring together what dominant society seeks to keep apart.

The aesthetic structure of *Beloved* does not simply rely on layered samples, but layers these samples in rhythmic patterns that defy traditional narrative and representational modes. Morrison’s approach to storytelling in the novel swirls through time, jumping up and back, instead of moving forward in linear, chronological time. Organizing the novel’s events proves difficult because Morrison seeks not to emphasize historical or representational accuracy, but to capture the experience of living in an age saturated with historical narratives and cultural icons. As many scholars have observed, *Beloved* attempts to show how the absences created by the African Diaspora have reinscribed themselves as presences or “ghosts” within contemporary African American cultural relations.³⁰ Unlike postmodern theorists who posit the emptiness of these historical and cultural signs, contemporary African American writers and artists struggle against their weight and oversaturation with meaning. The rhythmic flows and asymmetries of hip-hop aesthetics fashion these samples into pulsing, living texts, which do not simply haunt the reader but allow her to experience the past and unequal cultural relations viscerally. In the novel, the ghost of Beloved returns to life. She moves from being an invisible presence to returning to life to being exorcized. Paradoxically, Morrison suggests that in order to find healing from contemporary social problems, the haunting nature of existing narratives, icons, and symbols must be uncovered. If the chronological time of most narratives orders and thus protects us from experience, the discontinuities of hip-hop rhythmic flows and asymmetries draw readers/viewers/listeners into texts even as they frequently shift directions and open as many questions as they answer.

Critics have identified *Beloved* and other novels from the same period as neoslave narratives and have explored why writers chose to revise this genre during the post-Civil Rights era. According to Paul Gilroy, “Morrison and others are drawing upon and reconstructing the resources supplied to them by earlier generations of black writers who allowed the confluence of racism, rationality, and systematic terror to configure both their disenchantment with modernity and their aspirations for its fulfillment.”³¹ I would argue that the discontinuities within these neoslave narratives anticipate the growth of hip-hop aesthetics. The rhythmic flows and asymme-

tries of these contemporary slave narratives reveal the gaping silences within the original slave narratives. Most slave narratives operate within linear, chronological time, characteristic of Enlightenment epistemology. Even if the slave narratives do not describe every life stage or event, they move forward through time to demonstrate the transition from bondage to freedom as a fairly neat movement, without psychological remainder. Morrison fills her text, however, with gaps between samples, stories, and even historical periods. Instead of moving through time, the narrative moves *across* time, the characters' memories reorganizing the supposedly regular pattern of chronology as they, unlike the self-created heroes of the traditional slave narrative, are haunted by what they have experienced. *Beloved* refuses to draw rigid boundaries between the 1850s and the 1870s because those periods coexist within the present time of the characters' minds.

Morrison's approach to temporality shares hip-hop's rhythmic flows and asymmetries. I am not, however, suggesting that Morrison borrowed from the music or patterned her writing style from it. Rather, Morrison has interrogated the temporality of African American literature and cultural criticism since the early 1970s in *The Bluest Eye* and *Sula*. *Beloved's* repetitions, gaps, and silences constitute a fulfillment of Morrison's initial approach to writing, in which she consciously created breaks or asymmetries in her texts so as to undermine the tragic or romantic vision proposed by canonical American authors.³² Following a trajectory similar to that of hip-hop deejays, Morrison increasingly focuses her attention on the rhythmic undertow of American literary and cultural production, especially in those textual moments critics have typically overlooked. In *Playing in the Dark*, Morrison argues that American literary critics have "manage[d] *not* to see meaning in the thunderous, theatrical presence of black surrogacy—an informing, stabilizing, and disturbing element—in the literature they do study."³³ In order to make this haunting presence visible, Morrison ultimately decides to display the temporal limits of American literary history. The breaks among characters, settings, and dates within *Beloved* and her other novels require the reader or critic to piece together the connections that could have been otherwise overlooked. This novel displays the "cracks" that have always existed but have only become the subject of literary criticism in the post-Civil Rights era. Morrison's juxtaposition of flowing descriptions and tightly drawn dialogues with awkward gaps and silences depicts how race-conscious rules of etiquette limited public dialogue about race at the very moment when America should have been liberated to engage in wide-ranging and transformative interracial and in-

traracial conversations about race. The pacing of Morrison's novels plays with and frustrates settled expectations. The rhythmic flows and asymmetries invoke racial difference and mark ownership claims over public discourse by representing racialized contexts and narratives and by breaking down the unspoken or unconscious elements of those representations.

Although *Beloved* has been widely praised and taught as *the* exemplar of "multicultural literature," does this high regard for the novel follow from a faulty reading of its narrative mode? As this chapter argues, *Beloved* falls within the paradigm of hip-hop aesthetics because it relies on layered samples, rhythmic flows/asymmetries, and an ironic recounting of African American cultural history. Despite an absence of heroes and heroic actions, characters who are beaten down and haunted from the beginning, and an ambiguous ending, scholars and critics tend to understand the novel as either racial tragedy or racial romance. To read the novel as a romance requires a hero who overcomes a crisis. Most often, those who wish to read *Beloved* romantically transform either Sethe or Denver into a hero. Ashraf Rushdy, for example, argues that Denver is transformed by her experiences with *Beloved* and by her action to get the community's help to protect Sethe from the ghost.³⁴ Barbara Christian argues that the novel promotes healing and thus narrates an unsentimental but nonetheless romantic overcoming of the crisis of slavery and second-class citizenship.³⁵ Both readings place Morrison's text within a tradition of social and cultural uplift. Through this lens, *Beloved* appears as a story of one family's and one community's attempt to heal and claim ownership over themselves. Jon-Christian Suggs has argued that *Beloved* exemplifies the neoromantic impulses within contemporary African American literature and signals a break from the historical concerns of African American textual production in the post-Civil Rights era.³⁶

Not all view *Beloved* as romance. In a well-known and frequently criticized essay, Stanley Crouch observes: "For *Beloved* above all else, is a black-face holocaust novel. It seems to have been written in order to enter American slavery into the big-time martyr ratings contest." He continues: "That Morrison chose to set the Afro-American experience in the framework of collective tragedy is fine, of course. But she lacks a true sense of the tragic."³⁷ Even though Morrison critics tend to dismiss Crouch's appraisal, Crouch's sense that the novel fails to realize the standards of romance is a telling one. For Crouch, *Beloved* constitutes a tragic text because it emphasizes the horrors of slavery and the general failure of Emancipation to liberate the novel's characters. He also rightly detects a "pulp style" that un-

dercuts the tragic impulse, because individuals lack control over their fates, and perceives a lack of subtlety in the novel's overstatements and melodramatic moments of cultural and historical criticism.³⁸ To Crouch, all of these failings derive from Morrison's sentimentality and her attempt to transform the African American experience into a "martyr contest." Crouch's reading of *Beloved* suggests how a reader could mistake irony for tragedy.

For Morrison, "language can never live up to life once and for all. Nor should it. Language can never 'pin down' slavery, genocide, war."³⁹ Rather, *Beloved* offers an ironic and ambiguous account.⁴⁰ Two moments stand out as ironic narratives. The first is the aforementioned discussion of Sethe's attempt to claim ownership over her children by killing them both figuratively and psychologically. Morrison narrates this event from at least four points of view. Instead of directly stating the authoritative version of the events, Morrison chooses to let her characters present possible ways of reading this moment. In this manner, she provides a realistic account of the events and their aftermath without placing them within any one narrative. The result of Sethe's violent acts, however, is clearly ironic. Sethe wins her physical freedom by killing or psychologically maiming her offspring. Within the logic of the novel, this action frees Sethe because she is no longer deemed suitable for slavery. As many have noted, *Beloved* is not designed simply to address historical concerns, but to engage contemporary cultural disputes. For Morrison, the central question of the post-Civil Rights era is: can African Americans claim ownership over themselves *and* provide a nourishing and hopeful environment for African American youth?⁴¹ Can the Civil Rights generation free themselves without forcing their psychological scars onto their children? Sethe's story illustrates the ambiguous effects of major social changes. Contra romantic renderings of the novel, historical forces and cultural relations influence Sethe's actions and the community's response to them. Unlike Crouch's reading of *Beloved*, which finds the tidal waves of history and culture structuring the individual's experience, an ironic reading of the novel centers on the unintended consequences of Sethe's actions. Sethe's choice to claim ownership over her children and liberate them from slavery by killing them demonstrates not only the hand of history but her own importance in shaping the future. Crouch's tragic reading omits Sethe's role in shaping the future, while the romantic version neglects the very real power of history and social relations.

Beloved's conclusion presents the second significant ironic moment,

with its assertion that “this is not a story to pass on.”⁴² This sentence holds two apparently contradictory meanings simultaneously. First, the passage denotes that readers should not “pass on” or transmit this story to future generations. The historical trauma of slavery, segregation, and racism must be ended. However, the second meaning suggests that the story, as a chronicle of past psychological states and cultural inheritance, cannot be “passed on” and missed. Creating the necessary conditions for long-term hope and success for African Americans requires understanding and overcoming historical trauma. These alternate ways of reading this one expression could be synthesized and translated so that Sethe’s claim for self- and familial ownership must be remembered, but not relived. Because slave narratives were written for public consumption and thus cautious about what they revealed, Morrison reminds her readers that “only the act of imagination can help” reconstruct the interior lives of enslaved men and women.⁴³ At its heart, the question of “passing on” the story or not invokes the laws of cultural inheritance and, by implication, property law.

Through *Beloved*, the question Morrison asks is not so much how Sethe or her contemporaries can heal themselves, but what the post-Civil Rights generation should inherit from their parents and how their experiences should be understood. In her speech accepting the Nobel Prize, Morrison asks this very question through a parable about the young children who ask the blind griot whether the bird in one of their hands is alive or dead. The griot answers, “I don’t know whether the bird you are holding is dead or alive, but what I do know is that it is in your hands.”⁴⁴ Later in the speech, Morrison explains that the future is in the hands of children.⁴⁵ In much the same way, *Beloved* articulates the choices African Americans face but ultimately allows future generations to choose their path. I identify this closing challenge as irony because the passage’s brevity contains multiple possible readings. The book ends without an ending. If Sethe seeks finality and closure, *Beloved* refuses any simplistic endings (tragic or romantic) and offers ambiguity and irony instead.

Claiming Ownership of Visual Culture

Completed in the same year as *Beloved*, Adrian Piper’s *Vanilla Nightmare* series, examines questions of ownership in visual and popular cultures. Unlike Morrison, who has become the exemplar of post-Civil Rights era

African American literary production, Piper occupies a less-defined place in African American art.⁴⁶ As Kobena Mercer argues, Piper is more closely identified with Conceptualism and Minimalism, movements that seem relatively far removed from developments within African American art and art criticism.⁴⁷ Even though her work engages issues of identity and racial politics, its tendency toward abstraction and its reliance on canonical philosophy, especially Immanuel Kant, has frequently pushed her work outside African American art's boundaries. Moreover, her art pieces and performances, which use funk and R & B to explore identity and racial politics, have received less critical notice. These factors have shaped an uncertain legacy around Piper. Her work is relatively well-known, but it does not quite fit the categories used to understand and promote African American art. Piper's interventions into racial identity exude ambiguity and irony. Like Morrison, Piper neither romanticizes nor demonizes race but examines how it structures contemporary culture and shapes social relations.⁴⁸

In *Beloved* and her other historically based fictions, Morrison suggests that contemporary racialization and racism result from history and its traumatic memories. Piper, however, suggests an alternative but equally compelling case for the persistence of racial discourses: visual culture. Jean Fisher offers an insightful observation on the assumptions underlying Piper's work: "Racism is a pathology first of the visual register. . . . Piper's work may be thought of as the development of strategies that would expose and disarm this gaze by deflecting visibility into other modalities—text with image, music, and the immediacy of bodily encounter."⁴⁹ In this account, race constitutes a spectacle that then shapes other discourses. By contrasting *Beloved* with the *Vanilla Nightmare* series, I do not mean to suggest that Morrison overlooks or neglects visual culture, as Margaret Garner's actions were memorialized in Thomas Satterwhite Noble's *Modern Medea*, an image that Morrison helped reprint in *The Black Book*. Rather, I argue that Morrison and Piper can be read in a complementary fashion in which both history and visual culture must be reclaimed. Their shared emphasis on layered sampling, flow, and irony reveals the limited vision of legal discourse, which attempts to produce a stable meaning from dynamic texts.

Long central to intellectual property law (although increasingly less so) is the idea/expression dichotomy, which states that specific expressions can be owned but that ideas, which can be articulated in many ways, exist within the public domain. The central premise of this idea is that an expression has a singular or relatively stable meaning. But what if, per Piper

and Morrison, the words, notes, or images that comprise texts lack a stable meaning? What if these expressions change with their context? Morrison's intervention into the structures of meaning is primarily temporal. Her novels typically unravel how memory haunts the contemporary era. Her characters cannot escape the pull of history, even as they attempt to create a better future. For Piper, the challenge of racism is not so much temporal as it is spatial and visual. In the *Vanilla Nightmare* series, Piper interrogates how a newspaper, the *New York Times*, and its advertising conceal as much as they reveal. By sampling representative articles and advertisements and then layering images, especially raced and sexual ones, Piper questions the version of reality described by the *New York Times* and seeks to master and rework its racialized representations.

Perhaps even more than Morrison's, Piper's work has shifted dramatically from its early Minimalism and Conceptualism to share an aesthetic terrain with hip-hop culture.⁵⁰ From its very beginning, her work experimented with sampling, one of the key elements of hip-hop aesthetics. Piper's provocative statements about her theory of art echo hip-hop's concerns with American culture, especially intellectual property and the circulation and dissemination of ideas, symbols, and sounds. In addition, her work appears to have become increasingly focused on identity and racialization through the 1970s and 1980s. Writing in 1981 about one of her earliest pieces, *Meat into Meat* (1968), in which she photographed her then-boyfriend preparing and eating four hamburgers at certain time intervals, Piper explores why such a project ought to be considered art. Piper's answer is revealing because it explores the very meaning of originality and genius, which intellectual property regulates, especially vis-à-vis hip-hop culture. Piper writes that her "objectified perceptions became art by being registered deliberately as the product of an aesthetically informed consciousness. Thus, I [Piper] functioned as an active Art Selector, conferring Art status on certain objects in the environment (including human ones) by virtue of my Art Consciousness. . . . As artist, I use my art awareness as a tool for 'discovering' art."⁵¹ In this explanation of her methods as a conceptual artist, Piper attempts, in effect, to defend the processes of sampling and layering. The language she deploys of "discovering art" within preexisting objects echoes hip-hop producers' claims that sampling requires hearing differently, not simply copying.⁵²

In an interview in 1991, at a time when courts were first examining hip-hop sampling, Piper adamantly insists that she does not "appropriate images." She claims that "as a result of my Afro-American experiences, I see

appropriation as an excuse for ripping off other people and not giving them credit. To me, it represents a certain kind of moral degeneration.”⁵³ She adopts this position because she understands how Western artists have long sampled without permission from minority cultures: “We find the original styles and idioms the cubists, fauvists, surrealists, pattern painters, arte povera, performance artists, and neograffitiists, among others have plagiarized without acknowledgment—under the ethically disingenuous, postmodernist rubric of ‘appropriation.’”⁵⁴ Piper simultaneously condemns biting or stealing another’s style or look even as her attempts to regain ownership over visual culture requires a certain amount of borrowing in order to criticize the racialized nature of American visual culture. Apparently reversing course in 1992, Piper defends her use of sampled music in her performance piece *Funk Lesson*, from the early 1980s:

I had been trained as an art student in the late 1960s and was given to understand that I could appropriate from popular culture into a high-culture context just as Andy Warhol had done. I found that when I attempted to appropriate black working-class culture, in particular the music and the dance, that medium of artistic expression was universally condemned and misunderstood.⁵⁵

Because of the conceptual nature of her work, Piper has argued both for and against using sampling or appropriation within her work. Although her critique of appropriation centers on the economic losses that African Americans have experienced due to cultural theft, her own work, especially *Funk Lesson*, borrows freely from African American cultural traditions.⁵⁶

In the *Vanilla Nightmares* series, Adrian Piper freely samples from American popular culture. Despite her apparent ambivalence about appropriation art, she clearly samples from the *New York Times* and its advertisements. However, her own description of this work skips over words such as *appropriation* and *sampling* in favor of *selected* or *chosen*. Piper describes her artistic process as follows:

The *Vanilla Nightmares* illuminate manuscripts selected from *The New York Times*. The manuscripts are chosen for their racially loaded content, their graphic imagery, their subliminal connotations, and the objective declarative voice in which they purport to speak. . . . With charcoal and oil crayon, I draw in the subauthoritarian news that’s not fit to print.⁵⁷

Much like hip-hop producers, Piper samples images and texts because they possess a truth not quite accessible to their creators. In the case of hip-hop music, producers and deejays liberate bass and drum lines lost under banal melodies. The original artists had missed the best or most interesting parts of their recordings, and copyright law imprisons these sections because it requires almost all samples—even brief ones—to be licensed. Sometimes deejays displayed their anger and/or comedic skills by establishing aural links that had gone unnoticed. Similarly, Piper attempts to show the unspoken or unconscious images and narratives that allow dominant culture to make sense of these racialized images. Although stylistically distinct from graffiti art, the *Vanilla Nightmares* series operates much like graffiti because it disrupts the intended messages the advertisers and newspaper tried to convey. Graffiti art forces its viewers to recognize the ownership claims being made by historically marginalized people and acknowledge the stunning artistry of its practitioners. Piper's work functions similarly because it attempts to interrogate the nature of Western standards of beauty and demand a visual and narrative space within the *New York Times*.

Vanilla Nightmares #18 (1987) provides an exemplary instance of Piper's reliance on sampling. In contrast to other drawings in the series, this image relies primarily on one sample: a print advertisement for American Express from the March 6, 1986, edition of the *New York Times*. This advertisement consists of a full page of white newsprint with the words "membership has its privileges" in large, capital letters, centered on the page. In small print, the advertisement states: "It is the privilege of knowing that, even though there is a number on the card, you will never be treated like a number by anyone at American Express." On top of this sampled image, Piper has drawn a crowd of bald, dark, male faces peering out at American Express's target audience. Despite some similarity among the faces, Piper has drawn subtle differences in bone structure, color, expression, and head shape in order to represent the faces as part of an undifferentiated mass for those who quickly view her image and as distinct individuals for those who carefully scrutinize her work. Her drawings also feature a number of open hands that shield the dark faces from the brightness of the page, while also indicating these people's desire to be selected for membership. In the bottom right corner of the page, Piper does not simply sign her name but asserts her ownership over the revised American Express advertisement and the *New York Times* by including the copyright sign next to her signature, much like Basquiat. The underlying political message of this artwork requires that the viewer knows that the advertisement is a real one that has

been sampled, not a fake or a substitute one. Piper literally writes over both the *New York Times*, then the most prestigious paper in the United States, and American Express, then the most prestigious credit card. In both cases, Piper attempts to show that these institutions' very cultural importance follows from the subtle and unspoken ways that they continue to marginalize African American faces and voices from their products. Like Toni Morrison's and Anna Deavere Smith's, Piper's methodology requires sampling in order to challenge the unconscious racialization of American culture. Despite generic differences among literature, drama, and art, each relies on the same aesthetic structure to demand that her audience recognize the subtlety, intelligence, and humanity of African Americans. Interestingly, they all have chosen to sample others' stories or voices to articulate an African American perspective in the post-Civil Rights era.

Even though *Vanilla Nightmares #18* only relies on one sample, it nonetheless is a deeply layered image. Other pieces from the series include a variety of news stories and/or images. *Vanilla Nightmares #18*, however, only *appears* relatively thin because the sampled image and Piper's revision of it actually reveal the many layers of unconscious cultural narratives that shape the advertisement's meaning. The sampled image is actually a double sample. It is not simply an American Express advertisement, but one that appears at a particular spatial-temporal location in the most highly esteemed newspaper in the country. As her frequent analysis of the "indexical present" suggests, Piper "wanted to explore objects that can refer both to concepts and ideas beyond themselves and their standard functions, as well as to themselves."⁵⁸ In this instance, Piper clearly emphasizes the sample's original date, clearly within the post-Civil Rights era, and its location, the *New York Times*, by taking great care not to mark over these items as she did the rest of the page. By stressing its location within the *New York Times*, she suggests the tension between the articles this newspaper prints and the advertisements that support it. In this case, the supposedly liberal slant of the newspaper's coverage is undermined by its participation in the marketplace. Piper thus creates a certain ambiguity about the text from which she is sampling. On a second level, the image appears to provide a modern retelling of Plato's "Allegory of the Cave." As a Continental philosopher, Piper is clearly aware of this founding allegory of philosophy within Plato's *The Republic*, in which Plato describes how philosophy can enlighten those who seek the truth. In her contemporary revision of it, Piper depicts the seekers of knowledge as Diasporic Africans seeking to learn the truth of their condition. Ironically, they exit the cave of illusions when they see the

American Express advertisement, which “enlightens” them to their true position in society. Third, the mass of African American faces might connote to some viewers the Middle Passage and the continued disenfranchisement of African Americans during the current era. Although ostensibly only sampling one advertisement, Piper carefully layers historical, cultural, and philosophical arguments within her image to represent and critique the racialized nature of contemporary visual and popular cultures.

Piper’s work not only contains layered samples but relies on rhythmic flows and asymmetries to further her ironic commentary on the *New York Times* and American Express. In *Vanilla Nightmares #18*, the appropriated or sampled image and her drawings on top of that image are interwoven, flowing almost seamlessly together even as they move in a jarring or asymmetrical way between mass culture and Piper’s critique of that mass culture. The drawing requires this double effect or reading because it invokes multiple subjectivities that, according to Piper, necessarily conflict when they encounter the same object. Piper attempts to represent both flow and asymmetry simultaneously through her drawings because the viewer must be reminded of the original text and provided an avenue to see that text through new eyes. Like hip-hop music, this methodology enables the artist to produce new meanings out of extant and clichéd texts. As Schloss describes in his discussion of musical producers, Piper’s approach allows her audience to hear and see according to the aesthetics of hip-hop. *Vanilla Nightmares #18* revels in the breaks between and among her revisionist drawing of the Middle Passage, the American Express advertisement, and the *New York Times*. Implicitly, she asks where the *New York Times* ends and her drawings begin and who can claim ownership over the unspoken but all too real relationship between American Express’s advertising campaign and the continuing exclusion of many, if not most, African Americans from the American Dream.

Piper’s answer, like Morrison’s, is an ironic one. Although legal discourse suggests that the distinctions between competing property rights can be clearly delineated, Piper’s entire corpus of art increasingly interrogates the spatial and temporal constraints that specify a text’s meaning and its boundaries. Through the 1970s and 1980s, Piper explores the ambiguity of identity and property within her *Mythic Being* projects (1974–75); her installation work, *Art for the Art-World Surface Pattern* (1976); *Aspects of the Liberal Dilemma* (1978) and *Four Intruders Plus Alarm System* (1980); her performance piece *Funk Lessons* (1983); and the continuing *Vanilla Nightmares* series (1986–87). Drawing on her scholarly work on Immanuel Kant

and merging it with her approach to art, Piper disrupts the conventional idea that an image possesses a distinct or singular meaning:

I believe that in the case of any image the possibilities for interpretation are infinite. One way of directing the interpretation of an image is to rule out certain interpretations as being inadequate in various ways. I guess my sense is that it has to be, as I suggested earlier, based on the specifics of the particular, concrete situation that is occurring between two people who are interacting in the indexical present. One cannot prescribe such things as a general policy. . . . Political art presents the extra challenge of presenting content that is accessible, on the one hand, but sophisticated or ironic, on the other.⁵⁹

Although her commitment to ambiguity and irony exemplifies postmodernism's impact on art and its critique of representation, this quotation highlights how Piper's commitment to racial justice and antiracism has caused her to develop methods or strategies that only appear to be postmodern. Piper, however, is critical of postmodernism for its ethical shortcomings⁶⁰ and because it enables white intellectuals to reify cultural difference as the *one* theory to explain social and cultural relations.⁶¹

Piper's art from this same period, however, exemplifies how concerns about racism's effects created the conditions for postmodern, postrepresentational, ironic art. Her installation *Four Intruders Plus Alarm Systems* attempts to exemplify, through sampled or appropriated language, the possible responses to images of black men. In it, the audience views images of African Americans and hears recordings of clichéd opinions (redneck, liberal, appropriative, etc.) about these images. Instead of "prescrib[ing] the politically correct one," Piper "delineates, and holds up for ridicule, what most black Americans agree are wrong (alienating, condescending, ignorant) responses."⁶² *Four Intruders* thus constitutes an ironic narrative because it does not identify the moral failing that causes racism or the key trait to eradicate it. Rather, illustrating Deleuze's and Hutcheon's approaches to irony, Piper's art relies on ironic repetition to make racial difference visible by highlighting how a text's meaning is unstable and relies on the viewer to be completed. Commenting on her entire oeuvre, Robert Storr argues that Piper eschews tragic and romantic narratives to describe the condition of African Americans. Rather, she acknowledges that "the cruel givens of the collective situation in which we involuntarily share are not the work of the fates but the direct result of our illusions. If it is not en-

tirely within the grasp of logic to change the world, changing consciousness, which is the locus and origin of our crippling misperceptions, is.”⁶³ Storr identifies Piper’s primary mode of narration as ironic precisely because it opens the possibility for reinscribing cultural history based on the experiences of historically marginalized people.

Through her *Mythic Being* character and other strategies, Piper has transformed her own person(a) into an art object that can criticize social and cultural relations. Her *Self-Portrait Exaggerating My Negroid Features* (1981) and *Self-Portrait as a Nice White Lady* (1995) reveal the “visual pathology” of race by altering her appearance in subtle ways in order to transform its racial meaning. Recounting the process behind her *Self-Portrait*, Piper offers:

I sat in front of a mirror and drew myself, making certain key decisions at certain points of representation, so as to heighten certain features that are often associated with one’s common image of what a black person looks like. I personally think there is no black person who corresponds to any stereotype about what Africans or African Americans look like.⁶⁴

At one level, Piper makes clear that surface appearances, including her own, do not possess a determinate meaning. At a second level, she aims to implicate the viewer’s preconceived ideas in shaping a text’s meaning.

Lucy Lippard classifies Piper as a multicultural artist whose art emphasizes “turning around,” or what I call irony. Lippard argues that “the effective turnaround is a doubling back rather than a collusion or a dispersion. . . . Transformation of the self and society is finally the aim of all this mobile work that spins the status quo around. While irony, with its tinge of bitterness as well as humor, is the prevalent instrument, another is healing, in which the artist, as neo-shaman, heals her or himself, as a microcosm of the society.”⁶⁵ Lippard’s analysis makes clear that Piper’s appropriations constitute not just social criticism or deconstruction of social relations, but an attempt to promote social transformation. This social transformation begins with herself and the objects she works with in her art because healing herself requires claiming ownership over these representations. Piper’s ironic use of appropriated material both performs difference, as it reveals hidden layers of meaning, and complicates the viewer’s understanding of consumer culture. Her work suggests how historically marginalized communities use and make meaning out of popular culture’s imagery. Irony

empowers Piper because it allows her to deconstruct her cultural reality by revealing the ambiguity of texts, objects, and bodies. In addition, her work uncovers the unconscious influences shaping that social reality without reifying them into an irresistible force. Unlike tragic or romantic narrative modes, irony provides agency and autonomy precisely because its meaning cannot be fixed. Irony, like race itself, always signifies a double meaning, rejecting the rigid boundaries of either/or classifications that identity, art, and law have traditionally attempted to provide. Revealing these ambiguities provides Piper the imaginative space to revise dominant narratives and thus reclaim the right to “own” herself.

Reading *Beloved* and the *Vanilla Nightmare* series as complementary interventions into the cultural wars of the post-Civil Rights era suggests that claiming self- and cultural ownership, even after the Civil Rights Movement, requires African American textual producers to rewrite American history and visual culture. Although the NAACP’s legal strategy ultimately led to court decisions and legislation that outlawed intentional discrimination in housing, employment, and other areas of life, Morrison’s and Piper’s work explores, in terms of both subject matter and aesthetics, how dominant white interests continued to claim American cultural discourses as de facto private property. A basic assumption of copyright law is that unowned texts remain in the public domain and can be reused and recycled as needed. African American activists, however, soon learned that the newly reconstituted legal discourse did not challenge extant cultural narratives that maintained cultural barriers, even as legal, political, and social ones had dismantled formal inequality. The post-Civil Rights era has made it apparent that the imaginary domain remains segregated, private property despite the legal victories of previous decades. African American writers, artists, musicians, and intellectuals have frequently relied on irony to show how color-blind rhetoric, the favored strategy of legal and cultural discourses, actually possesses a double meaning, in which racial hierarchy remains “hidden.”

K. J. Greene, Olufunmilayo Arewa, Keith Aoki, and Stephen Best have recently examined how these “hidden” forms of racism or racialization constitute part of the foundation of copyright and trademark law. K. J. Greene observes that “an underlying assumption of race-neutrality pervades copyright scholarship. However, not all creators of intellectual property are similarly situated in a race-stratified society and culture. The history of Black music in America demonstrates the significant inequality of protection in the ‘race-neutral’ copyright regime.”⁶⁶ Greene explores how

inequalities in bargaining power and pervasive societal discrimination left most African American jazz, blues, and increasingly hip-hop musicians powerless to claim complete ownership of their creations. Record companies and producers found that a combination of contract and intellectual property law supplied them with the legal means to strip musicians of their ownership interests. Greene also claims that copyright law, due to its requirement that protected items be written or tangible texts, privileges Western forms of creativity, emphasizing composition over African American forms that tend to emphasize orality, improvisation, and performance. He suggests that African American cultural production follows different patterns and thus receives less protection from intellectual property law. Following Greene's analysis, Arewa shows how George Gershwin and his heirs could "own" his version of African American stylings in *Porgy and Bess* and other songs because his creativity focused on composing scores.⁶⁷ For Greene and Arewa, it is not simply formal legal doctrines but the social structure that produces the unequal distribution of ownership interests.

Beloved and the *Vanilla Nightmare* series anticipate these criticisms as they reveal how African Americans have entered property law too frequently as property to be owned or as trespassers to be excluded, rather than as owners. For Sethe, legal discourse, social institutions, and cultural relations come together to undermine any attempt to claim ownership over herself and her family. Baby Suggs, Sethe, Paul D, and even Denver disagree about exactly what kind of property claims they should make and what those claims might mean. Legal discourse provides little guidance for African Americans about claiming ownership rights, either through contract or through intellectual property law, primarily because they had little ability to participate in the crafting of official doctrine. Their experiences, institutions, and cultural traditions do not shape property law's normative assumptions. For Piper and today's hip-hop aesthetes, law continues to recognize the ownership of racialized properties. Copyrights and trademarks still confer ownership rights over racialized images, texts, logos, and sounds. Hip-hop texts do not assume that racism or racialization has withered away or that legal discourse operates in a color-blind fashion. Rather, hip-hop aesthetics reveals how postmodernism's play and ambiguity stem from its reliance on the unconscious mapping of racism onto social relations. These samples recontextualize and thus make obvious what intellectual property law erases or hides. Thus, Piper completes the American Express advertisement by depicting the unspoken fear behind the company's famous slogan.

Providing a more thorough theoretical critique, Best argues that the long journey from an economic system based in slavery to one based in intellectual property rights reflects the ongoing conceptual problem of defining the relationships among the body, personhood, and property.⁶⁸ Over the course of the nineteenth and twentieth centuries—from the slavery that Morrison describes to the image culture of today, upon which Piper “draws” and comments—the theoretical elusiveness of defining personhood has evolved into new forms but remains tethered to property rights. For Best, a literary critic, the ambiguous relationship between bodies and authorial voice presents the challenge of speaking or writing authentically and establishing ownership of the self, its representations, and its expressions. As legal discourse frees legal personhood from particular bodies, their labor—both physical and mental—becomes increasingly available for commodification. As an example of his thesis, Best provocatively demonstrates how blackface minstrelsy becomes the trademarked act of T. D. Rice, a white performer in blackface, precisely because he mimics or copies “authentic” African American dancing practices, thereby breaking the link between a movement or ritual and its original performers.⁶⁹ Rice becomes the de facto owner precisely because he has transformed a communal ritual, based in shared knowledge and experience, into an easily consumed and commodified form. Racialized slavery is fundamental to capitalism’s development and the legal infrastructure the country developed, Best argues, because it is the pervasive fiction of race that permits the distinction between legal persons and actual physical bodies. Best’s analysis suggests a provocative explanation for Sethe’s incomprehensible actions: she is not trying simply to save her children from slavery’s horrors but to demonstrate their humanity despite the law’s attempt to transform them and her into a commodity, thus refusing to acknowledge their legal personhood.

Best’s study only examines property law through the *Plessy v. Ferguson* (1896) decision, but Best offers some provocative conclusions about how intellectual property law has become the contemporary battleground for distinguishing actual minds and bodies from legal persons possessing rights.⁷⁰ He also suggests that equality jurisprudence has followed property law’s assumptions by distinguishing between persons and bodies. By doing so, equality has proven to be an empty standard for improving the conditions of those African Americans because its reliance on legal personhood rather than bodies has “made the world safer for commodified personhood than for universal freedom.”⁷¹ In her study about law and culture, Jane Gaines lays the groundwork for Best’s conclusion. She argues that estab-

lishing property rights in cultural products constitutes the first step toward a de facto loss of ownership of those products for a cultural group.⁷² Adrian Piper, in effect, illustrates Best's and Gaines's analysis by juxtaposing the trademarked slogan of American Express, a disembodied corporate entity but nonetheless a legal person, and images of African American men. Although Piper herself has never been directly sued over *Vanilla Nightmares #18*, American Express threatened to sue a publisher if it chose to use the image as the cover art for a book. In response, the publisher chose to include the image within the book, and American Express did not file suit.⁷³ Despite the drawing's imagery, the unconscious racialized fears upon which American Express's slogan plays have most likely affected many more people than Piper's revision of it has. As per Bent's argument, property law in effect preordains this outcome because the legal personhood conferred to American Express establishes its priority over the real bodies of African Americans, Adrian Piper, or the men depicted in her art. Piper, the philosopher and the artist, clearly understands the property implications in both her art and American culture because she signs this work with a copyright symbol, thereby attempting to assert her property rights over a racialized image and trademarked slogan. Despite recent efforts by African American cultural workers, such as Morrison and Piper, to speak the language of property rights, Best is skeptical. *The Fugitive's Properties* culminates with this final sentence: "To that extent, it seems reasonable to conclude, in matters of property as well as matters of right, that there are no rules."⁷⁴ The history of property discourses, according to Best, has developed increasingly abstract concepts of legal personhood, which fortify the distinction between legal subjects and actual bodies, thus furthering the marginalization of the disempowered.

In spite of Best's pessimism about the efficacy of property rights for fostering greater equality, African American artists have frequently asserted property claims within the post-Civil Rights era. The culture wars of the 1980s can be understood as a battle for ownership of and control over the intellectual domain from which individual people and the American people as a whole imagine themselves.⁷⁵ CRT, the primary response from legal scholars and activists of color during this period, appears more ambivalent about property law's potential. Like Morrison and Piper, CRT writers tend to adopt a cautious yet optimistic attitude that social change can happen even though the Civil Rights Movement did not realize all of its aims. Rather than suggesting a clean break with the Civil Rights Movement, critical race theorists and hip-hop aesthetes have learned from the

NAACP's overreliance on litigation as the key to social transformation. Increasingly, they have shifted their approach from legislative efforts to addressing the persistence of economic inequalities.

Responding to the same cultural dynamics that informed Morrison and Piper, Patricia Williams and other critical race theorists began embedding their legal criticisms within the forms of autobiography, fiction, and dialogue. Unlike their Civil Rights era precursors, they explicitly examine the relationships among cultural narratives, normative assumptions, and legal doctrines. Rather than adopt the more deconstructive tone of CLS, CRT attempts to “probe, mock, displace, jar, or reconstruct the dominant tale or narrative” in order to reconstruct these cultural assumptions and reconstruct legal discourse so that it might more effectively respond to those inequalities the Civil Rights Movement failed to address.⁷⁶ In *The Alchemy of Race and Rights*, Patricia Williams explores how Civil Rights era court decisions and legislation no longer provide sufficient remedies to the operation of racial hierarchy during the post-Civil Rights era. Irony proves to be a central feature of its critique. Seeking both to represent difference through repetition and to show how the experiences of minorities shape their social perspective, CRT demonstrates how putatively color-blind decisions and actions constitute de facto, unconscious, and discursive racism. These “new” forms of racism have replaced the intentional and legally enforced racism of earlier periods.

Similar to *Beloved* and the *Vanilla Nightmare* series, *Alchemy* sutures together a range of perspective issues and time periods within a single work. Williams also anticipates Stephen Best's focus on the shifting relations among body, personhood, and property. She uses a variety of anecdotes about ordinary events—what I have been labeling layered samples—as entry points to explore racialization and racism as quotidian phenomena that occur within well-trodden paths laid down by legal discourse, rather than as deviations from American culture. Williams's text moves from “what may have been the contract of sale for [her] great-great-grandmother” to her exclusion from a Benetton store, then engaged in an aggressive multicultural advertising campaign, and her difficulty in writing about this experience for law journals, to her reconstruction of a founding case in property law to demonstrate how cultural narratives influence notions of legal personhood and ultimately shape legal doctrine.⁷⁷ In each of these instances, the cultural fiction of race organizes social relations even if its influence remains unseen to most (white) people. Because the Civil Rights Movement focused primarily on voting rights, public accommodations,

and housing issues, interventions into the construction of (intellectual) property discourses tended to fall outside its parameters. The Civil Rights Movement reviewed existing legal doctrines for their suitability for redeployment within its litigation strategy, not as racist artifacts to be modified or destroyed. To demonstrate the injustice of segregation and racism, the Civil Rights Movement displayed a tragic or romantic facade in which African Americans, especially of the middle class, existed as living saints, suffering hardships heroically. Because of this strategy, legal discourse and American culture more broadly accepted some changes in race relations so that those African Americans who proved themselves worthy could enter into dominant culture. Williams, however, specifically repudiates such romantic or tragic renderings of African American history or culture because she is attempting to create the discursive openings to reconstruct legal discourse for the daily struggles, both heroic and pedestrian, that ordinary folks face.

Not to diminish voting rights, housing segregation, or job discrimination, Williams attempts to show how race shapes nearly every interaction or contract, no matter how big or small, in which most African Americans engage with white people. To demonstrate the banality of race, Williams compares her attempt to rent an apartment in New York City with that of Peter Gabel, a white colleague and founder of CLS.⁷⁸ In the 1980s, when she writes, formal housing segregation is prohibited, and there are no longer designated white or black neighborhoods. Rather, individuals must make individual contracts to secure housing. Although there is no grand social policy driving residential patterns, race still shapes where and how people live. Gabel, as an adherent of CLS, believes that contract law impedes his effort to develop a mutually enriching agreement with a landlord and thus eschews a formal arrangement with clear rights. Williams, however, is skeptical of this approach because Gabel's trust in property law forgets or neglects how property law has tended to frame African Americans as anything but legitimate bearers of rights for more than two hundred years. Contrasting her experience with Gabel's and recounting their ongoing dialogue about it, she writes: "For blacks, then, the battle is not deconstructing rights, in a world of no rights; nor of constructing statements of need, in a world of abundantly apparent need. Rather, the goal is to find a political mechanism that can confront the *denial* of need."⁷⁹ For Williams, property law will necessarily play a significant role in the continued liberation of African Americans, but legal discourse will need to confront the violence against African Americans upon which it was built. Switching ter-

minology, as CLS suggests, is unlikely to produce a real change in the material conditions of African Americans. Nor is it enough to say, as law and economics tend to suggest, that racism is inefficient in the long run because the skills of creative and hard-working people and money-making opportunities will be lost or underutilized, so the market will ultimately persuade all but the most racist individuals to stop discriminating. This might be true if current property and contract law had developed strategies “to become multilingual in the semantics of evaluating race” or to recognize irony.⁸⁰ However, because property law operates in a fairly abstract manner, it favors abstracted legal persons who are disinterested, who operate in transactions at arm’s length, and who tend to follow Anglo-American cultural traditions. Claiming rights within the public sphere requires not only access to that sphere, which stands as the primary achievement of the Civil Rights Movement, but a reconstruction of the imaginary resources available within it and greater freedom in how those resources may be deployed. The Civil Rights Movement laid the foundation for including foundational texts about the African American experience and presenting a less idealized representations of black life. Hip-hop aesthetes have sought to complete this reconstruction of the imaginary domain. The resulting texts, as a result, frequently examine the meaning of ownership and the distribution of property rights

One goal of post-Civil Rights era cultural production, such as Morrison’s, Piper’s, and Williams’s, is to represent these varied histories and traditions and suggest how existing institutional and discursive frameworks elide the experiences of historically marginalized people. Although the Civil Rights Movement achieved its greatest success when making claims based on abstract moral principles, contemporary artists, writers, and intellectuals have adopted a less idealistic and more realistic tone in order to demonstrate the relative failures of settled legal doctrines. Contemporary African American cultural production increasingly focuses on materialism, despite its connection with immorality, because abstract rights without material consequences constitute empty promises. Patricia Williams concludes *The Alchemy of Race and Rights* by reflecting on the relationship between rights and power:

In the law, rights are islands of empowerment. To be unrighted is to be disempowered, and the line between rights and no-rights is most often the line between dominators and [the] oppressed. Rights contain images of power and manipulating those images, either visually

or linguistically, is central in the making and maintenance of rights. In principle, therefore, the more dizzyingly diverse the images that are propagated, the more empowered we will be as a society.⁸¹

For Williams, the creation of any property regime relies, either consciously or unconsciously, on a distinct configuration of language and images. Although she makes no mention of either Morrison or Piper, Williams articulates the stakes in their efforts to claim ownership over a portion of visual and literary culture. In addition to sharing a historical moment and some aesthetic characteristics, these works engage with and provide alternative lenses for viewing law's influence on contemporary culture.

In reading *Beloved* against the *Vanilla Nightmare* series in the context of CRT, the causes of the 1980s culture wars become clearer. The imaginative resources of literary, visual, and even legal culture had become implicated in the social reconstruction project begun during the Civil Rights Movement, and the political and social changes necessitated a cultural transformation. As Morrison noted just after publishing *Beloved*: "Canon building is Empire building. Canon defense is national defense. Canon debate, whatever the terrain, nature and range . . . is the clash of cultures. And *all* of the interests are vested."⁸² In this frequently cited essay, Morrison specifically frames debates about culture as debates about property discourse. According to Morrison, critics, especially white and male ones, have neglected the hidden African American presence in canonical literature in order to claim exclusive ownership in American literature. Her task in this essay and in her fiction is to reveal that ghostly presence and examine how it has disfigured the American cultural imagination. Similarly, Henry Louis Gates views the culture wars as a battle between those who wish to see the canon as personal property and those who can imagine a pluralist alternative of shared ownership. Gates argues that "pluralism sees culture as porous, dynamic, and interactive, rather than as the fixed property of particular ethnic groups."⁸³

Despite modernity's attempt to distinguish realms of knowledge as discrete disciplines, African American cultural workers have used similar forms to break these discursive boundaries down and show how disciplinary structures form an interlocking framework for creating and maintaining racial and cultural hierarchy. Hip-hop aesthetics, rather than constituting a break from the Civil Rights Movement, may be its culmination, because perhaps the only way to realize the movement's social and political

goals is through a cultural transformation that necessitates a reconstruction of the property concept. By examining ownership in literature and visual culture, Morrison and Piper contribute to the development of aesthetic practices that might engage productively with the turn from civil to property rights within dominant legal discourse. Their attempts to claim ownership reveal the normative assumptions that have long dominated property law. As Gates suggests, the pluralist conception of culture views tradition and extant texts as inspirational and as the raw materials for future innovations. Of course, this pluralist approach has come into increasing conflict with how intellectual property law has structured the rules for fair-use copying and secondary uses. Not unsurprisingly, the next generation of artists, writers, and musicians is grappling with these questions.