IT IS DECEMBER 27, 1949. James Baldwin, just released from a French prison, stands on a chair. He is sweating as he holds a sheet in his hand, and he twists it, with bitterness and desperation, into a rope. He has left his home, his church, and his country in order to discover himself. He has published a short story, a dozen reviews, and a pair of essays. He is twenty-five years old. He has spent the past eight days in jail because an acquaintance brought a stolen sheet into his room.

The water pipe above his head is as revolting as everything else in this fleabag hotel. As in the house of John Grimes, the protagonist of the novel he is working on, there is dirt everywhere; dust rising all around him; no end to it. Even the City of Lights offers no hiding place from the world’s dirt, from the chaotic complexity of human consciousness. Aware that black American men have been dying with nooses around their necks for centuries now, Baldwin fashions his own hanging rope with bitterness, with tears in his eyes. The young, black, bisexual, expatriate writer destined to become famous, to appear on the cover of *Time* magazine, to be known as the spokesman for his race in its crucial hour, to be regarded as a prophet, a witness, a transcendent spirit, tosses the twisted sheet over the rusty pipe, secures it around his neck, and jumps.

When the water pipe breaks in the Grand Hôtel du Bac that day, Baldwin is saved, even “rebaptized by the flood,” as biographer David Leeming says.¹ The incident that caused Baldwin to spend over a week in jail before being laughed out of the French courts becomes the subject of an
early essay called “Equal in Paris,” and his early suicide attempt is deeply buried beneath an impressive mountain of work. His career flourishes for nearly four decades, reaching a high point in the early 1960s. His death in 1987, though premature, becomes an occasion for celebration of the life rescued from what could have been the truly premature death in 1949 that would have rendered his life a tragedy. A tragedy like Richard's death in *Go Tell It on the Mountain*, like Rufus's death in *Another Country*, like Giovanni’s death in *Giovanni’s Room*, like Richard’s death in *Blues for Mister Charlie*. These characters, not coincidentally, have all served time in jail and/or have been systematically scrutinized and monitored by the police. Like Baldwin, they have all felt the terrifying effects of the law’s power first-hand. Artists are somehow able to survive in Baldwin's fiction, to get a second chance on life after prison as Baldwin did when the water pipe broke, like Sonny in “Sonny’s Blues,” or like Fonny in *If Beale Street Could Talk*.

Art may act as the most enduring form of salvation for characters in Baldwin’s work, but for every black artist who survives the humiliation and degradation of police brutality, unfair legal trials, and wrongful imprisonment, there are many more black non-artists who do not, some of whom live in a bitter or damaged state, others of whom commit suicide. Baldwin’s prison experience brings into focus a theme that flourishes throughout his career. These eight days in Paris clarified for him the reality of the law’s power to subjugate individuals and to preserve societal hierarchies. Baldwin’s life work becomes a thorough interrogation of the law’s power and the way it affects the lives of people like him. His early essay “Many Thousands Gone,” which advances his aesthetic through a critique of Richard Wright’s *Native Son*, speaks of the necessity of combating stereotypical images of African American life and pursuing instead a deeper understanding. Wright's Bigger Thomas, in Baldwin's mind, had no agency, and was not rendered subtly or with sufficient human complexity in Wright's novel. Baldwin perhaps experienced such terror in Paris because he felt trapped and without agency, like Bigger, and he was determined to render his characters in as much human depth as he was capable of, not only to redirect the trajectory of African American literature, but to combat the capacities of the legal, judicial, and penal systems to define black men. In fact, Baldwin’s entire career can be seen as an attempt to revise *Native Son*, a novel of crime and punishment, filled with sensational courtroom drama yet devoid of any real articulation by the accused criminal of the forces that have shaped him, or of his own role in shaping his own identity. Bigger’s emotional experience essentially never develops
beyond fear; Baldwin’s response to the law and to the forces that shape it is a lifelong journey that develops from fear to outrage, and ultimately into a sense of autonomy, transcendence above the law’s force, and empowerment through the development of a voice that blends the sensibility of a literary artist with the authoritative rhetoric of a lawyer.

In Baldwin’s work, the dehumanizing effects of incarceration can only be fought through a lifelong commitment to writing about the lives of the incarcerated, and not “solely in social terms” (NNS 33), as he says of Wright’s novel. As his thinking evolves, Baldwin looks at the law not only in terms of incarceration, but in terms of the way the division symbolized by incarceration is replicated in society and regulated in the courts. Wright’s novel, a blunt test case for the intersection of law and literature, emphasizes Bigger’s crime and his trial, during which he is virtually mute, and deemphasizes his period of incarceration. In contrast to Baldwin, Bigger’s awareness of his place in society does not fully come to life in prison. Part of Baldwin’s purpose in his lifelong commitment to this subject is to illuminate the feelings of powerlessness associated with incarceration as a way of departing from Bigger, who experiences a fatalistic sense of relief when he is caught and put in jail. Initially, Baldwin’s time in jail aligns him with the “victims” H. Bruce Franklin describes in *The Victim as Criminal and Artist*: “Their art expresses the experience of being legally kidnapped, plundered, raped, beaten, chained, and caged—and the understanding that results.” It is this understanding that provides Baldwin with keen insight into the legal system and into the social power structure that serves as its foundation.

In this book I will examine Baldwin’s life and virtually all of his works in the context of the law. I am defining “the law” broadly to include two of its main connotations: (1) jurisprudence, or the official history of policies and legal decisions that comprise the American legal system, and (2) the common perception of the law as a potentially menacing regulatory force represented by police, corrections officers, juries, and prisons. Both of these facets of the law represent for Baldwin the potential for those in power to sustain their position of privilege while oppressing those who do not have it: the poor, the black, the immigrant, the homosexual, the artist, the drug addict—in short, the hero-victims of Baldwin’s work. These figures, whether real or fictional, illustrate the principle that the law’s power is far from abstract. Over the course of his career Baldwin demonstrates how first-hand experience with incarceration and police brutality constitutes one dimension of the law’s power, and that these physical forces can be transcended through a thorough understanding of the way they interact...
with the law’s rhetorical and theoretical manifestations, such as courtroom trials and Supreme Court decisions.

In a number of important ways, Baldwin anticipates the rhetoric of the leftist legal movement known as Critical Legal Studies (CLS) and its close relative, Critical Race Theory (CRT). James Boyle, in his introduction to his edited collection *Critical Legal Studies*, admits that the proponents of this movement “are a diverse group,” but that “they are generally marked by a commitment to a more egalitarian society and a dissatisfaction with current legal scholarship.”

In general, CLS, a movement that developed in the late 1970s and flourished in the 1980s and 1990s, is committed to merging progressive ideologies with legal studies both in theory and in practice. Robert W. Gordon distinguishes CLS from Marxist lawyers and other left-wing legal thinkers such as the National Lawyers Guild; he writes, “For [adherents of CLS], law is neither a ruling class game plan nor a repository of noble if perverted principles. It is a plastic medium of discourse that subtly conditions how we experience social life.”

According to Gordon’s summary, CLS is built upon a few basic beliefs: (1) that legal discourses are discourses of power, (2) that legal discourses rationalize and justify the existing social order, and (3) that legal discourses have the power to legitimate because they posit visions of an ideal society even as they uphold the status quo of an actual, imperfect society. From this perspective, the law is commonly idealized and not scrutinized deeply enough by the average citizen; legal scholar David Kairys writes, “The idealized model, the notion of technical expertise, and the notion of the law as neutral, objective, and quasi-scientific lend legitimacy to the judicial process, which in turn lends a broader legitimacy to the social and power relations and ideology that are reflected, articulated, and enforced by the courts.”

The essential impulse of CLS is akin to the theoretical fields of deconstruction and New Historicism in literary studies: that is, to expose the contradictions in established institutions and to reveal the power dynamics under the surface of these institutions. Insofar as these theoretical movements are used to critique society, Baldwin anticipates them in his writing throughout his career, viewing the law from perspectives that range from the intensely personal to the broadly sociological, and rendering his critiques with his trademark intelligence, passion, and clarity.

One important article that helps to map Baldwin’s gradual shift in thinking from a powerless, alienated individual to a powerful, sophisticated thinker on the subject of the law is “Building Power and Breaking Images: Critical Legal Theory and the Practice of Law” by Peter Gabel and Paul Harris. Gabel and Harris argue “that the legal system is an important
public arena through which the State attempts—through manipulation of symbols, images, and ideas—to legitimize a social order that most people find alienating and inhumane. Our objective is to show the way that the legal system works at many different levels to shape popular consciousness toward accepting the political legitimacy of the status quo, and to outline the ways that lawyers can effectively resist these efforts in building a movement for fundamental social change.”

Although Baldwin was obviously not a lawyer, his ultimate role in “building a movement for fundamental social change” through writing was clear by the end of his career. Without the benefit of a law degree, or any degree, Baldwin had to learn the lessons advanced in Gabel’s and Harris’s theory first-hand, through experience and observation. The efforts of creative writers and lawyers can co-exist comfortably and productively; as Barry Schaller writes, “Our national literature represents a living history and analysis of the universal legal themes of order and disorder, individual and community, liberty and responsibility, and their changes. The writers of imaginative literature, deeply engaged in perceiving, compressing, analyzing, and reformulating the forces at work in our society, have presented us with blueprints for our task of preserving, reconstituting, and revitalizing a free, civil, and humane society.”

Gabel’s and Harris’s theory, exemplary of CLS, has its parallel in literary studies in neo-Marxist or New Historicist theories such as those inspired by the writings of Michel Foucault. Just as Baldwin rejects strains of naturalism and Marxism in Native Son, the CLS movement eyes with suspicion Marxism’s tendencies to view individuals primarily through social forces. Gabel and Harris describe their perspective this way: “A central feature of this strand of radical thought has been a shift of focus away from the tendency of classical Marxism to explain all aspects of social life as resulting from ‘underlying’ economic factors, such as ownership and control of the means of production. While not disregarding the importance of economic factors, neo-Marxist theory places much greater emphasis on social alienation in shaping the contours of social life and argues for a theory of politics that makes the overcoming of alienation a central political objective.”

In Baldwin’s experience, overcoming the alienation he felt as a victim of the law’s power in Paris was a painstaking and lifelong process. For him, it was not necessarily a “political objective” so much as a personal struggle, yet the result is the same: the strengthening of his convictions over time led to empowerment with regard to the law, and the characters, fictional or real, who people his later works are a far cry from the terrified young man who fashioned his own hanging rope
after being released from jail. The transformation is explained less by the triumphs of the Civil Rights movement of the 1950s and 1960s than by a fundamental shift in Baldwin’s thinking.

CLS, like Foucault’s work, focuses on power rather than the more traditional legal emphasis on rights. This change in emphasis gradually helped to catalyze CRT, a more radical and specifically racialized outgrowth of CLS. Cornel West writes of how Critical Race Theorists “confronted the relative silence of legal radicals—namely critical legal studies writers—who ‘deconstructed’ liberalism, yet seldom addressed the role of deep-seated racism in American life.”11 The “liberalism” West refers to is the legacy of the Civil Rights movement itself, which CRT scholars regard with “deep dissatisfaction” even as they acknowledge its groundbreaking necessity.12 Critical Race Theorists felt that the well-intentioned aims of CLS scholars were too focused on changing the conservative culture of law schools and not focused enough on changing the culture of American society more generally. CRT pushed CLS scholars to scrutinize the way power is manifested in institutions that shape lives, especially in terms of the way the law not only reflects but produces racial power, sometimes referred to as “white supremacy” in their rhetoric.13 Patricia J. Williams, in her essay “The Pain of Word Bondage,” uses an anecdote about a shared experience she had with Peter Gabel as an opportunity to meditate on what she sees as the shortcomings of CLS, particularly in the way it moves away from rights; she writes, “while the goals of CLS and of the direct victims of racism may be much the same, what is too often missing is acknowledgment that our experiences of the same circumstances may be very different; the same symbol may mean different things to each of us. At this level, the insistence of certain scholars that the ‘needs’ of the oppressed should be emphasized rather than their ‘rights’ amounts to no more than a word game.”14 She goes on to say that “rights rhetoric has been and continues to be an effective form of discourse for blacks” and identifies “the battle” for black people as “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. The argument that rights are disutile, even harmful, trivializes this aspect of black experience specifically.”15 Williams ultimately places her faith in arguments about the need for the disenfranchised to develop a voice, which is a key facet of Baldwin’s aesthetic.

Baldwin’s work in fact anticipates both the intellectual methodology of CLS and the righteous insistence on self-definition of CRT. Despite their differences in emphasis, the goals of both movements are essentially con-
sistent with one another and with Baldwin’s recognition of a grave crisis in his nation’s movement toward racial harmony in his lifetime. General liberal principles and even Supreme Court legislation was ultimately not enough, from Baldwin’s perspective, and the challenges of appreciating Baldwin’s later work may be related to his feeling that racial progress during his lifetime had only been made on the surface of American society. Baldwin’s anger and emotional turmoil toward the end of his career struck some readers as the anachronistic rhetoric of black militancy, but it can more productively be seen as his frustration with societal complacency, a frustration certainly shared by CRT scholars who “desire not merely to understand the vexed bond between law and racial power but to change it.”

Powerlessness that results in alienation is reflected, according to Gabel and Harris, in hierarchy, a concept that Baldwin felt deeply throughout his life and represented consistently in his writings; Gabel and Harris write, “The source of alienation in capitalist societies (although by no means only capitalist societies) is to be found in the prevalence of hierarchy as the dominant form of social organization. The nature of this alienation is best described as the inability of people to achieve the genuine power and freedom that can only come from the sustained experience of authentic and egalitarian social connection.” The trajectory of Baldwin’s writings clearly illustrates the struggle of one alienated individual toward the “authentic and egalitarian social connection” the authors describe here. The strength and defiance of his characters in late novels and the strength of his own lawyer-like rhetoric in his final book, The Evidence of Things Not Seen, illustrate the success of this transformation. Baldwin eventually came to recognize what Gabel and Harris describe in their article: “The principal role of the legal system . . . is to create a political culture that can persuade people to accept both the legitimacy and the apparent inevitability of the existing hierarchical arrangement.” They go on to describe circumstances that relate even more specifically to Baldwin’s life: “Blacks can demand legal equality with whites, but they cannot demand the elimination of the societal conditions that produce institutional racism. In other words, the conservative power of legal thought is not to be found in legal outcomes which resolve conflicts in favor of dominant groups, but in the reification of the very categories through which the nature of social conflict is defined. . . . Like religion in previous historical periods, the law becomes an object of belief which shapes popular consciousness toward a passive acquiescence or obedience to the status quo.” Just as Baldwin famously works through the hypocr-
risy of religion and rejects its authority in early works such as *Go Tell It on the Mountain*, *The Amen Corner*, and *The Fire Next Time*, so does he reject the legitimacy of the law once he realizes its essential impulses to uphold the status quo. The difference is that Baldwin ultimately regarded the power of the law as more pervasive than religion, and thus it took him much longer to transform his feelings of powerlessness into expressions of power than it took him to reject the church’s authority over the individual.

In his study *Whispered Consolations*, Jon-Christian Suggs has broken important ground on the subject of African American literature and the law; he argues that “African American literature is universally grounded in law; in fact, all African American fiction carries the question of the legal status of blacks as its subtext.” Yet Suggs’s study focuses on “a classical African American narrative whose chronological boundaries are roughly 1820 to 1954,” stopping virtually at the beginning of Baldwin’s career (Baldwin’s first book was published in 1953). Suggs’s epilogue does account for the period that comprises Baldwin’s life, but only as a way of demonstrating how the trajectory of African American literature has been away from the law as the central “lens through which to view the lives of African Americans,” at least insofar as the law has been thoroughly demythologized in expressions of popular culture. Gregg D. Crane’s 2002 study *Race, Citizenship, and Law in American Literature* similarly focuses on nineteenth- and early-twentieth-century American literature. Other recent studies have usefully considered literature alongside race and prison, such as Peter Caster’s *Prisons, Race, and Masculinity* or Joy James’s *The New Abolitionists*, but Baldwin does not figure into their analysis. Some scholars have begun to look at Baldwin and the law, notably Lawrie Balfour, Lovalerie King, Richard Schur, and Deak Nabers, but until now no one has undertaken a thorough study of Baldwin’s writings—fiction, non-fiction, drama, and poetry—in this context.

Because of the prominence of the law in his writings, and because he defines the law from a broad range of perspectives, Baldwin is a crucial figure to focus on when extending the scope of such studies as those by Suggs, Crane, Caster, and James. Virtually all of Baldwin’s novels and plays have at their core a narrative of imprisonment, or police brutality, or police intimidation, or a rigged trial. These topics also pervade his nonfiction, where he meditates on the law’s other dimensions as well, considering Supreme Court decisions and legal history alongside police brutality. Prison is at the center of this web of associations connecting “the law.” Imprisonment becomes for Baldwin the central metaphor not only of the
African American experience, but of the broader restrictions that threaten to suffocate or alienate the disempowered individual, which is precisely the effect (if not always the intent) of imprisonment. Prison, like slavery, like legal decisions, like the police, exists for Baldwin as a means for society to compartmentalize, divide, control, and oppress. The law, in brief, is not a benevolent force, in Baldwin’s eyes, but a way to exercise what he calls “a criminal power” (FNT 23).

There are a variety of possible responses to the recognition that the law represents, for Baldwin and for other black people, a criminal power. Baldwin’s career is especially important in this context because he displays the full range of these responses. His life work can be viewed as a journey that follows a trajectory that leads from fear to engagement, to public outrage, to alienation, and finally to autonomy, mastery, and a sense of community. Baldwin’s maturity as a thinker can be directly linked to his response to the law. His identity as a writer represents a transformation discussed in general terms by Robert Cover in his influential article “Nomos and Narrative”:

The transformation of interpretation into legal meaning begins when someone accepts the demands of interpretation and, through the personal act of commitment, affirms the position taken. . . . Creating legal meaning, however, requires not only the movement of dedication and commitment, but also the objectification of that to which one is committed. . . . Creation of legal meaning entails, then, subjective commitment to an objectified understanding of a demand. It entails the disengagement of the self from the “object” of law, and at the same time requires an engagement to that object as faithful “other.” The metaphor of separation permits the allegory of dedication. This objectification of the norms to which one is committed frequently, perhaps always, entails a narrative—a story of how the law, now object, came to be, and more importantly, how it came to be one’s own.24

In Baldwin’s case, the “narrative” Cover speaks of is a life’s work of narratives which, taken together, represent Baldwin’s gradual and sometimes painful transformation from regarding himself as an object of the law to regarding the law itself as an object. By interrogating the law on all levels, he eventually takes control of it (making it “his own,” in Cover’s terms), transforming his powerlessness to power through narrative. Initially taking his cue from Native Son and from his own intense fear in prison, the young Baldwin believed the law to be fixed—an instrument of relentless
power against which he had no recourse and over which he had no control. Over the course of his career, through projecting variations on his own story and on Bigger Thomas’s, Baldwin grows to understand the law as a more flexible force that can certainly intimidate young black men, but that must not be allowed to destroy their hope for a better future.

The motif I have selected—Baldwin’s perception of the criminal justice system and its impact on society’s power relations—runs through nearly all of his work, and is thus a fitting context for unifying and making sense of Baldwin’s complete oeuvre. It has been noted by critics and biographers to varying degrees, but has never been used to assess his legacy or to synthesize his entire career, a career that began virtually at the moment of the landmark Brown vs. Board of Education case (1954) and that reached its high-water mark, in terms of notoriety, virtually at the moment of the Civil Rights Act and Voting Rights Act of 1964 and 1965, respectively. In terms of the law as context, my aim is to help to broaden the by now well-established field of literature and the law by combining it with the developing field of prison literature. The law and literature movement, as it is often termed, has its origins in the work of James Boyd White in the 1970s, but flourished in earnest in the 1980s and 1990s through the work of Richard Posner, Ian Ward, Brook Thomas, and others. The study of incarceration and literature has developed sporadically since the English translation of Foucault’s Discipline and Punish in 1977. The work of H. Bruce Franklin, particularly his 1978 study The Victim as Criminal and Artist, laid the foundation for studies of the intersection of incarceration and literature, especially in American literature.

These two movements do not necessarily mesh ideologically: the law and literature movement tends to be conservative, from a literary scholar’s point of view, and the literature of incarceration movement tends toward the progressive or even radical (though CLS and CRT tend to be progressive or radical). This somewhat diffuse mixture of approaches creates an especially useful methodology to examine a figure like Baldwin, whose body of literature resists easy classification and monolithic ideology. By foregrounding the importance of incarceration, I am hoping to extend the scope of the law/literature movement through this study of Baldwin, a writer who is conscious of the law on many levels: historical, cultural, dramatic, and personal.

The “criminal power” that is the title of my study refers to the law’s power to label criminals as such, but also to act criminally without legal repercussion, according to Baldwin. This perspective is anticipated by law and literature scholars such as Posner who writes, “The frequent discon-
tinuity between the spirit and letter of the law, or between its general aim and its concrete application, is one reason why law so often strikes laymen as arbitrary. And law’s apparently arbitrary and undeniably coercive character, combined with the inevitable errors of fact and law in the administration of justice and the resulting miscarriages of justice, and with law’s ‘otherness’... makes law a superb metaphor for the random, coercive, and ‘unfair’ light in which the human condition—‘life’—appears to us in some moods.” The law, paradoxically, contains its own transgression: in Baldwin’s work, individuals who operate “above the law” are almost always representatives of the law. As a mechanism of order in society, then, the law is a flawed instrument that reinforces social hierarchy more than it promotes justice.

This is not to say that the law is completely malevolent or uniformly misguided in Baldwin’s work, though. Baldwin did not render complex concepts that simply. The characters who people Baldwin’s writing have served time in prison, but they are not all “innocent.” Giovanni, Sonny, and Wayne Williams (if only partially, in Baldwin’s argument), for instance, commit the crimes they are accused of committing, but other incarcerated figures, such as Richard, Fonny, Tony Maynard, and Baldwin himself, do not. The idea that resurfaces in Baldwin’s work is not simply one of powerless victimization—that black men or poor men are frequently imprisoned for crimes they did not commit and that racist institutions exist to keep disenfranchised groups down, although that is certainly a large part of the idea. Rather, Baldwin’s writing, across the span of his entire career, testifies to the way power is abused under the pretext of the law, resulting in a hypocrisy much deeper even than that exhibited by religious hypocrites such as Gabriel in *Go Tell It on the Mountain*, or Sister Margaret in *The Amen Corner*. This response to the law, more than anything else, unifies Baldwin’s career and situates it in a way that explains his appeal beyond the turbulent circumstances of his life or his lifetime. Baldwin’s unique contribution to American thought and American literature is his analysis of the way power has manifested itself throughout history, disguised as a fair and equitable legal, judicial, and penal system, and how this power has converged on him and on his literary imagination. What kept Baldwin alive is the exact thing that nearly killed him in Paris in 1949: a sense of righteous indignation in response to injustice. Whether his subject was homosexuality or race, whether writing fiction or nonfiction, whether observing himself or others, America or Europe, women or men, this response to injustice is constant. Without it, we would have no Baldwin.
One of the major American writers of the twentieth century, Baldwin has been the subject of a substantial body of literary criticism. However, the only book-length studies to address Baldwin’s entire career are the two most thorough of his five biographies. Fern Eckman’s biography *The Furious Passage of James Baldwin* was published in 1966, so it covers only half of Baldwin’s career. W. J. Weatherby’s biography *The Artist on Fire* (1989) is, by his own admission, a “portrait” of the artist, not a traditional literary biography with thorough literary analysis. Herb Boyd’s *Baldwin’s Harlem* (2008) is delimited by geography. Only Campbell’s *Talking at the Gates* (1991) and Leeming’s *James Baldwin* (1994) address Baldwin’s entire career and analyze the body of his work, albeit from a biographer’s point of view. Biographers aside, critics have thus far shied away from discussing Baldwin’s work as a whole. The tendency has always been to regard Baldwin piece by piece, or to select his works that support a certain argument, or that were written in a certain time period. Unable to reconcile the tremendous variety of Baldwin’s work, Baldwin scholars tend to concentrate on only part of his oeuvre, such as his early essays, his later fiction, his work on race, or his inquiries into bisexuality. The titles or subtitles alone of some of the recent major studies on Baldwin indicate this tendency: *Black Women in the Fiction of James Baldwin*, *New Essays on Go Tell It on the Mountain*, *James Baldwin’s Later Fiction*, *James Baldwin’s Turkish Decade*. The result is that Baldwin scholarship as a whole resembles a half-finished jigsaw puzzle rather than a completed portrait. All of these studies are valuable and excellent at accomplishing their various critical goals, but none has taken on the complete Baldwin.

Baldwin’s critics have reconciled themselves to the idea that Baldwin is, as C. W. E. Bigsby put it, “a writer who has always been drawn in two apparently mutually incompatible directions,” though they have defined those directions differently. Take your pick: Baldwin is either an essayist or a fiction writer; Baldwin either writes about racial injustice or homosexuality; Baldwin’s early works are clearly superior to his later works. The influential Robert A. Bone, in *The Negro Novel in America*, describes Baldwin in one breath as “The most important Negro writer to emerge during the last decade” and in the next calls him “an uneven writer . . . strongest as an essayist, weakest as a playwright, and successful in the novel form on only one occasion.” Although the oeuvres of many prolific and important writers have been similarly subdivided, few have suffered Baldwin’s fate of never enjoying a single coherent critical study. Because his critics have tended to divide up his career, Baldwin’s place in American literary history has suffered. Baldwin himself spoke
of his resistance “to make myself fit in . . . to wash myself clean for the American literary academy.” It is not as though Baldwin is absent from college curricula—most students read “Sonny’s Blues” in one anthology or another, and literature majors might encounter Go Tell It on the Mountain or The Fire Next Time in certain contexts—but the richness, complexity, and struggles of this author have not been adequately synthesized. In Stealing the Fire, one of the first major nonbiographical studies of Baldwin, Horace Porter codifies this trend, without explanation: “except by implication and in brief allusions, I do not go beyond The Fire Next Time (1963).” Porter participates in what has become nearly a cliché in Baldwin studies: that the author stopped writing well after 1963 or so. Even Baldwin’s biographer James Campbell speaks of “an actual decline in the quality of his work” beginning in 1965. Baldwin’s reviewers and critics in his lifetime initiated this trend of dismissing Baldwin’s later work: Eldridge Cleaver’s Soul on Ice (1968) contains, as Baldwin scholars know, a vicious, homophobic attack that denigrates all of Baldwin’s work from Giovanni’s Room on. That same year, Mario Puzo wrote a scathing review of Tell Me How Long the Train’s Been Gone, which he described as “a simpleminded, one-dimensional novel with mostly cardboard characters, a polemical rather than narrative tone, weak invention, and poor selection of incident.” Darryl Pinckney describes Baldwin as “weary” in his final novel, Just Above My Head. Bigsby summarizes this trend in his 1980 essay “The Divided Mind of James Baldwin” this way: “His more recent novels have failed to spark the popular or critical interest of his earlier work.” This trend of praising Baldwin’s early work and denigrating his later work has only grown: many critics nearly refuse to accept the idea that the same man wrote the early masterpiece Notes of a Native Son and a challenging, passionate, though perhaps aesthetically imperfect work at the end of his career like The Evidence of Things Not Seen. The tendency to regard Baldwin as someone who lost his artistic powers in the mid-1960s is shopworn, to put it kindly, and it is time to move beyond it.

the trend of reevaluation that has revived critical interest in Baldwin. Most recently, Randall Kenan edited *The Cross of Redemption—Uncollected Writings* (2010), a collection that makes available Baldwin’s previously neglected or hard-to-find publications. These books continue the resurgence in Baldwin criticism beginning with critical collections edited by Dwight McBride (*James Baldwin Now*) and my own *Re-Viewing James Baldwin* in 1999 and 2000, respectively. There have been panels devoted to Baldwin at major conferences such as the Modern Language Association and the American Studies Association over the past half-dozen years, as well as conferences devoted entirely to Baldwin at Howard University in 2000, Queen Mary’s College in London in 2007, Suffolk University in Boston in 2009, and New York University in 2011. Clearly the time is right for a comprehensive study of Baldwin’s entire career.

My study, which reads the majority of Baldwin’s texts in the context of the American legal, judicial, and penal systems, is organized thematically, but also follows Baldwin’s career in roughly chronological order. Chapter 1, “No Room of One’s Own,” focuses on Baldwin’s first collection of essays *Notes of a Native Son*, his first story “Previous Condition,” his first novel *Go Tell It on the Mountain*, and finally his expatriate novel *Giovanni’s Room*, to consider Baldwin’s failed attempts to escape or avoid society’s persecution in the form of a corrupt police force and penal system. Chapter 2, “Other Countries, Hidden Laws,” demonstrates Baldwin’s reluctant return to the strife of the early Civil Rights movement, especially the aftermath of the *Brown vs. Board of Education* anti-segregation case (1954), including his essays in *Nobody Knows My Name*, his novel *Another Country*, and his play *Blues for Mister Charlie*. Chapter 3, “A Criminal Power,” reveals the maturing of Baldwin’s thought with regard to this subject, especially from the point of view of Civil Rights legislation. The law becomes a way to compartmentalize society in the aftermath of the *Brown* decision, prompting Americans to discover nonlegal means to address their society’s ills. The primary texts here are the “southern essays” in *Nobody Knows My Name*, his landmark essays in *The Fire Next Time*, and the stories collected in *Going to Meet the Man*. Chapter 4, “Return To Exile,” shows Baldwin’s anxiety as a public figure regarding the law as he seeks to redefine the criminal/artist in his novel *Tell Me How Long the Train’s Been Gone*; his experimental book-length essay *No Name in the Street* in which he meditates on the assassinations of Medgar Evers, Martin Luther King, and Malcolm X, but also on the imprisonment of his friend Tony Maynard; and his film scenario *One Day When I Was Lost* about the life of Malcolm X. Chapter 5, “The Fire Reignited,” dem-
onstrates Baldwin’s resurgence as a public figure, more like a lawyer than a preacher, railing against post-1960s complacency in his final works: his meditation on film The Devil Finds Work, his final novels If Beale Street Could Talk and Just Above My Head, and his book-length essay The Evidence of Things Not Seen. In this final stage Baldwin reveals how, after a long and difficult journey, he has learned to access the power of the law rather than to allow it to oppress him.

At the end of “Equal in Paris” Baldwin is not comforted by the laughter he hears at his trial; indeed, he is “chilled” by it because, “This laughter is the laughter of those who consider themselves to be at a safe remove from all the wretched, for whom the pain of the living is not real” (NNS 158). That “safe remove” is made manifest in the walls of the prison, described in great detail in the essay. In prison, Baldwin discovers a metaphor that is to become for him the metaphor that will develop throughout his career: prison itself. Carolyn Sylvander notes, “Sometimes in his speeches, Baldwin uses the prison analogy—he is imprisoned in the ghetto, but the man keeping him there, the warden, is to be found in the prison, too, and the prisoner knows the warden better than vice versa.” The male body becomes, in one essay, “The Male Prison.” The narrow, dirty rooms of John Grimes’s home in Go Tell It on the Mountain are reminiscent of prison. Giovanni’s room in his next novel is similarly dirty and confining, but it operates as a psychosocial space from which the narrator David longs to escape. And yet, as Peter Caster argues, “Something is lost when imprisonment becomes primarily a metaphor . . . any such challenge to definitions of criminality and practices of imprisonment must be grounded in the specificity of material, cultural, and historical conditions.” For Baldwin, metaphorical prisons are joined by actual prisons surrounded by real streets with very real cops patrolling them: outside these confining incarcerating spaces are the killing streets that will claim Giovanni, Rufus in Another Country, and Fonny’s father in If Beale Street Could Talk. Laws are created and enforced to keep society safe, but for Baldwin they operate to imperil the individual, to alienate the “wretched” who are often innocent, and to destroy anyone who is bewildered by the massive, mysterious power of the legal system. The prison is for Baldwin the enduring institution, more than a metaphor, that explains the way power operates in the contemporary world. Judges and lawmakers put that power into place, the police enforce it, and the lone victim shuffles around, as Baldwin described himself doing in “Equal in Paris,” like a rag-doll, robbed of his shoelaces and belt so he can’t hang himself, feeling vulnerable and dehumanized.
Wrongful imprisonment is a phenomenon Baldwin uses to meditate on the failures of American society, but his inquiry into the law goes well beyond imprisonment. According to Baldwin, we cannot attribute America’s failure to some isolated bad cops, or racist judges, or accusers who claim that all young black men look alike despite the fact that these three types surface repeatedly in his fiction. His works travel from the courtroom to the streets, and to even more private spaces, in order to examine the threats faced by the powerless, especially African Americans. The nervous expatriate arrested for “receiving stolen goods” in a Paris hotel emerged as the most prominent African American writer of his lifetime, whose final book cast him in the role of a lawyer, trying his nation’s conscience. In the nearly four decades between these moments, he produced a body of literature that is rich, complex, perhaps uneven, but far more coherent than critics have believed it to be.