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The Heart of the Other?

Sarah Tyson

In the introduction to *The Prison and the Gallows*, Marie Gottschalk notes: “Political openings do occur, and then the political future is less constrained by the institutional past and present. These moments are usually few and far between, but they can have profound political consequences. And all the political ferment and mobilization in anticipation of that opening help determine whether major public policy reforms succeed or not.”¹

If, as Derrida urges us, at the end of the first volume of *The Death Penalty*, we harbor no illusion that “even when it will have been abolished, the death penalty will survive; it will have other lives in front of it, and other lives to sink its teeth into,” then it becomes much more difficult to determine the meaning of successful reform.² If we come to think that the death penalty will survive, then its abolition looks even more complicated than before.

This point is particularly pressing for those seeking the abolition of the death penalty in the United States, where life without parole (LWOP) has become the most politically viable alternative to the death penalty. If we are wary of the death penalty’s survival, even certain that it will survive, then we must look for its survival in the measures taken to abolish it. With

that wariness in mind, the first part of this essay argues, drawing on the work of the poet Spoon Jackson, that life without parole is one means of the death penalty's survival.

The second part places life without parole within the lineage, explored by Derrida, of creating a more humane form of the death penalty. Derrida focuses on the attempts, in the forms of the guillotine and lethal injection, to guarantee a painless death that can properly be called more humane. I extend that discussion to consider the "painless" death of life without parole.

In the final section, I question whether the heart of the other, the well-spring, according to Derrida, of the strength, drive, and interest to fight for the abolition of the death penalty is sufficient for the struggle against the death penalty under conditions of white supremacy. Derrida notes that to understand the death penalty in the United States, one must understand its history of racism.³ That is undoubtedly true. But if "the social lives of some are made possible through the social death of others," then we need more than a reminder of the historically structuring role of white supremacy in the United States to think about militating against the death penalty.⁴ For it is possible to militate against the death penalty without addressing social death, but that is not an abolitionism worthy of the name.

Abolishing the Death Penalty?

Derrida writes: "Well, one cannot help but think that the death penalty, inasmuch as it puts an end, irreversibly, along with the life of the accused, to any prospect of revision, reparation, redemption, even repentance, at least on earth and for someone living, the death penalty signifies that the crime it sanctions [*sanctionné*] remains forever, on men's earth and in men's society, un-forgivable."⁵

The death penalty sanctions an act—and we must wonder about both the punishment and the permission implied by the word *sanction*—it sanctions that act and inextricably with the claim that the death penalty itself is neither murder nor crime. Rather, the death penalty is what allows the crime to stand, forever unforgiven, even as it punishes that crime.

The imprisoned writer Spoon Jackson insists, despite his direct experience that this is not the case, that "there must be a way for society to forgive its criminals."⁶ Derrida reads the death penalty as a refusal, by the state, of exactly this: "It all happens as if these powers decreed that the imputed crime must remain forever unforgiven: the death penalty signifies

in this regard the inexpiable or the unpardonable, the irreversibly unpardoned. Pardon, the power to pardon is returned to God. ‘Pardon, Lord.’”⁷ We can see the theological side of the death penalty. The possibility and the power of forgiveness are excluded from the realm of the human.

Peggy Kamuf renders the political side of the theologico-political clearly: “When the state exercises its sovereign right to execute a death sentence, it pronounces some crime and some criminal unforgivable. To forgive them, the state decides, is impossible. Capital punishment is thus the site of the state’s and the law’s decision as to what is possible/impossible.”⁸ The sanctioning makes a distinction, and it does so through calculating an end, but not an end to the sanctioned crime. The crime rather endures as that which is impossible to forgive on this earth. The death of the criminal marks the endurance of the crime for this state.

But that is not all the death of the criminal marks. The death penalty is the enactment of sovereignty. Indeed, Derrida argues that the state is never more visible to itself as sovereign than when it stages for itself an execution.⁹ Thus, it seems something hopeful, good even, is happening when states replace the death penalty with life without parole. Indeed, in abolishing executions, the state appears to be doing something unintelligible, as Geoffrey Adelsberg observes, which is calling for “the end of the theologico-political state as such.”¹⁰ That is, it appears to be abstaining from decisions over life and death. Yet, Derrida is clear, just because the state is most visible to itself at the scene of execution does not mean that something so good, so hopeful, is happening if the state demurs from further executions. To see this, let us consider someone condemned not to death but to life.

To do this, let us read Derrida’s questions in the Ninth Session with Jackson in mind. Jackson is not condemned to execution but to life in prison: “When does one die? How to die? Given that I have to die, how do I know, how do I determine what will happen to me under that name, under that intransitive verb, ‘to die,’ a verb that is more intransitive than any other even as it is always understood as the passage of a transition, a transiting, a perishing, and whose subject, the I, as such, is neither the agent nor the patient, even if it thinks it is committing suicide?”¹¹

Further, Derrida maintains: “Fundamentally, it is by answering the question, when? that one can divide, as with a knife blade, two deaths or two condemnations, the condemnation to die and the condemnation to death.”¹² Jackson is like all of us who are not on death row in that he is not condemned to die. Yet, this mutated condemnation is the sanction that maintains the crime as unforgivable in the eyes of the state.

As Andrew Dilts argues: “What LWOP *as abolition* represents is not the end of the death penalty, but a recent (and politically seductive) form, expressed as an economic replacement that stands not outside or against the power of the state to take life, but entirely within and subsumed by it. In this case, part and parcel with the death in prison, comes the prohibition on suicide implicit (and strictly enforced) as part of the of the LWOP sentence. Inseparable from the harsh treatment of extended confinement itself in LWOP, *life itself* has become a part of punishment.”¹³

Under life without parole, one must not die until one dies naturally. One is condemned to live until one dies. Jackson asks: “Will death be enough? I have died a thousand deaths. Death sometimes seems way more real and promising than living an LWOP sentence.”¹⁴ Under what calculation can we answer Jackson’s question? Are Jackson’s thousand deaths enough? How could we know? The knife blade has been removed. The state is enacting a different, less visible form of sovereignty.

While Derrida is attuned to the possibility of life in prison and even to life in prison as possibly more cruel than the death penalty, particularly when discussing Cesare Beccaria, he has a more central interest in interrogating the scene of execution.¹⁵ He directs us, quite early in the seminar, that “whatever we may think or say during this seminar, we have to think, we still have to think ceaselessly, take ourselves there by way of the heart and the imagination, by the body as well, of the early morning of what is called an execution. At the dawn of the last day.”¹⁶ In order to understand the death penalty, Derrida analyzes the figure of the guillotine, as well as the phantastical promise of a painless, anesthetized death through the process of lethal injection.

Derrida acknowledges the role that time plays in cruelty: “One cannot think cruelty without time.”¹⁷ Even as he considers execution, notice the role of waiting for death: “One must do everything one can to come as close as possible, in one’s body, to those for whom the death penalty is the death penalty, effectively, in an effective way, concretely, undeniably, and cruelly threatening, in the absolute imminence of execution, and sometimes in the suspension of an imminence that can appear infinitely brief or last interminably (in the United States, this can go on, as in the case of Mumia Abu-Jamal, for up to eighteen years at least, eighteen years day after day and night after night).”¹⁸

I suggest that we resist seeing Jackson’s waiting to die as progress over the way Abu-Jamal was once waiting to die.¹⁹ And further, that resistance is in line with Derrida’s injunction that we should harbor no illusion about the meaning of the death penalty’s abolition.

Olivia Custer argues about Derrida's warning to harbor no illusion: "This claim is Derrida's warning against misreading."²⁰ For "the prognosis of inevitable progress toward abolition (which the good signs confirm) is doubled by the claim that the death penalty will survive."²¹ In other words, no good sign is simply a good sign. We must interrogate what appears to be the abolition of the death penalty as also its means of survival. Life without parole eliminates the scene of execution without abolishing death in prison. Life without parole allows "condemned to die" to stand in for "condemned to death" under the name of life.

Humanity

On the grounds of the knife's removal, life without parole, of course, is meant to be more humane. Life without parole avoids what Michael Naas calls the scandal of the death penalty: "The scandal of the death penalty consists in this calculation *by the other* of the instant of my death, a mechanical calculation of the instant that leaves no room for the incalculable future or for the event—even if, though this is another story, such calculation is always a kind of phantasm of control or mastery over the event."²² Life without parole leaves one room, not much, and increasingly less, but room nonetheless in the absence of the mechanical calculation of the instant.²³ Unless, we note in line with Derrida's thinking about the relationship between the death penalty and life insurance, that the calculation is actuarial (so, not an insignificant form of calculation).

Impelled by life without parole, we might reformulate the questions that Derrida asks of a discourse that maintains the humanization, humanism, and humanitarianism of the guillotine: "What is it that is proper to man; what is the history of what is proper to man that allows one to think this? What must be that which is called man so that at a moment of his history he comes to consider the guillotine [read, now: life without parole] as an advance in human progress, an advance in man's appropriation of his essence?"²⁴ Beyond even the anesthetic death of lethal injection, there is a death that allows one to die without blood, "without cruelty," in the "care" of the state, as it were; there is life without parole. Like all of us who are not condemned to death, Jackson is condemned to die.

We might ask, then, about the conditions under which life without parole is served. First, we must note that the United States is not only exceptional among Western countries in maintaining the death penalty but also exceptional in the intent to punish beyond incarceration. European policy is guided by three principles, summarized by Gottschalk: "that

deprivation of liberty should be the sole instrument of punishment for those sent to prison; that reeducation and resocialization of offenders should be the main aim of treatment; and that prisons must respect the basic rights of individuals and foster a humane, dignified environment.”²⁵ One cannot speak in general about the nature of the care of the state, since in the United States prisons are different from jurisdiction to jurisdiction. Yet, it is well established that deprivation of liberty is only one aspect of punishment in the United States.

Food, for instance, is routinely used as punishment within U.S. prisons. While “the American Correctional Association, which accredits prisons and sets best practices for the industry, discourages using food as a disciplinary measure,” many prisons serve *nutriloaf* as a form of punishment.²⁶ The bland concoction of ground-up food is served meal after meal, sometimes in a brown paper bag and rarely warm.²⁷ For those of us who have not had the experience of subsisting on *nutriloaf*, perhaps we can begin to imagine it by remembering the last time we had overabundant leftovers, then amplify that experience by a total inability to secure other food, a total lack of control over when the food will arrive or in what state, and a total lack of control over the composition of the food in the first place. We should probably also imagine ourselves very cold or very hot and alone for days, weeks, months, years, or decades on end. And if we are in any sort of pain, even life-threatening pain or the throes of death, we cannot expect the people who toss the *nutriloaf* through a tiny slit in the door to offer any help.

Yet, of course, to enumerate the cruelty of the death penalty is to fall into a logic and rhetoric that has led to the idea, first, that lethal injection was an acceptable form of penalty and, now, that life without parole is. After all, we could address issues of food quality, housing quality, and health care—just as lethal injection supposedly addresses the “issue” of a painful death.²⁸ Abolition undertaken under the certainty of the death penalty’s survival, however, has some resilience in the face of such reforms of the forms of sovereignty, because that abolitionism already knows it cannot effect a simple and definitive abolition of the death penalty.²⁹ Any change, no matter how positive it appears, is also the means of the death penalty’s survival.

After enumerating the states that have replaced the death penalty with life without parole, among other developments in the United States that seem to indicate the waning of the death penalty, Elizabeth Rottenberg warns that eliminating blood in the quest to eliminate the cruelty of the death penalty can become an alibi for developing psychic cruelty instead.³⁰

Reading Jackson's work, or the work of countless others who have narrated, and shown the limits of narrating, the experience of life without parole attests to it as a sophisticated form of psychic cruelty (one that does not abandon physical cruelty).³¹

It is thus somewhat surprising when Rottenberg ends her essay by entertaining the possibility that Derrida's seminars on the death penalty could be the swan song of the death penalty, alluding, it seems, to the trend of replacing the death penalty with life without parole. Rottenberg does not make this argument expressly. Indeed, she offers the powerful distinction between a sign of mutation and one of progress and, central to the essay, tracks the importance of cruelty's endurance beyond the spilling of blood. But the essay nonetheless suggests—it gives one hope—that the death penalty could have a swan song and we might already be able to hear its tune in the United States.

Olivia Custer, responding to Rottenberg's essay, frames a series of questions that offer further resistance to the seductive idea that the death penalty can be finally and fully replaced with something that accomplishes its abolition. She asks:

How is Derrida's struggle against the death penalty modified by his awareness that it will survive its abolition from the earth? What new kind of struggle for abolition can "appropriate" this fact, can be appropriate in view of this prognosis? How can we mobilize our philosophical heritage in a struggle that will not be undone by the survival of the death penalty? How are we to fight against the death penalty while keeping in mind that the "victory" would not turn out to be pyrrhic if the adversary survives? Beyond being "simply a fact," is this survival threatening and discouraging, or desirable?³²

Custer follows these questions with an example of a humorous campaign to end a cruel practice in the management of piglets in Belgium. What is particularly remarkable and of great pedagogical value to those seeking the abolition of the death penalty is that the campaign successfully ends a cruel practice but does not save a single pig from slaughter. If one is seeking a simple and definitive end to the death penalty, then the campaign to save piglets from a particularly cruel practice looks beside the point, at best, and certainly a failure. If, however, one's abolitionism is informed by the awareness that the death penalty will survive, then the successful campaign to end a cruel practice is neither a sign of progress nor a pyrrhic victory. A mutation has been effected. Now, where should pressure be applied?

The Heart of the Other

In what Peggy Kamuf calls the heart of the seminar, Derrida writes that the alternative to the death penalty is not immortality but indeterminacy. The philosophical form of the paradox of the death penalty, according to Derrida, “is that what is ended by the possibility of the death penalty is not the infinity of life or immortality, but on the contrary, the finitude of ‘my life.’”³³ Thus, what the death penalty seems to make possible is an end to such indeterminacy. We seem to face finitude. Life without parole, by contrast, does not end the finitude of “my life.” Rather, it depends upon the principle of indetermination to punish, to sanction. The calculation of the death penalty is removed, but the state still decides forgiveness is impossible.

If there is no simple, definitive alternative to the death penalty, then the death penalty’s alternative, indeterminacy, could become a means of the death penalty’s survival. That is what is happening with the replacement of the death penalty with life without parole—the death penalty survives through capitalizing on indeterminacy. Those who seek the abolition of the death penalty can be guided by this notion of survival. I want to urge that practice and then move on. But I have one more concern to raise in light of something Spoon Jackson writes: “Perhaps it is my age, why write anything when, for colorful reasons, it goes nowhere? Even in my letter-writing, it seems I write and write, yet nobody hears.”³⁴ There are many ways to approach Jackson’s question and concern, but I propose a quite straightforward approach: to believe that his writing goes nowhere and that he is not heard.

I make this proposition to resist my favorite lines of the seminar, the ones that leave me with the most hope. These are: “Where else would I find the strength and the drive and the interest to fight [*me battre*] and to struggle [*me débattre*], with my whole heart, with the beating [*battant*] of my heart against the death penalty? I can do it, me, as me, only thanks to the other, by the grace of the other heart that affirms life in me, by the grace of the other who appeals for grace and pardon or appeals the condemnation, and with an appeal to which I must respond, and that is what is called here, even before any correspondence, responsibility.”³⁵

It is a beautiful thought, if also at times terrible, that the heart most interior to my own is the heart of the other. But I want to entertain for a moment the thought that while it may be true that I can do it, me, as me, only thanks to the other, it is also true that I can do what I can do thanks to the negation of the other—the impossibility of the other as an other to or for me.

There are many articulations of this possibility, but I will raise only two here. First, Saidiya Hartman's claim: "The slave is the object or the ground that makes possible the existence of the bourgeois subject and, by negation or contradistinction, defines liberty, citizenship, and the enclosures of the social body."³⁶ And Frank Wilderson's claim: "But *African*, or more precisely *Blackness*, refers to an individual who is by definition always already void of relationality. Thus modernity marks the emergence of a new ontology because it is an era in which an entire race appears, people who, a priori, that is prior to the contingency of the 'transgressive act' (such as losing a war or being convicted of a crime), stand as socially dead in relation to the rest of world."³⁷

These thinkers, among many others, offer an understanding of how the life of some can be built on the social death of others. If my life is made possible by the negation of the other, then what happens to responsibility? From whence the strength, the drive, and the interest to fight for the abolition of the death penalty? For those living social death, what appeal can be made? Is there responsibility that does not already amount to transgression? Under what conditions can Jackson be heard?

Perhaps we have left the subject of the death penalty. In the Tenth Session, Derrida considers whether genocide can properly be considered the death penalty. He writes:

For there to be condemnation to death, and not just putting to death, crime, murder . . . it is necessary at least, *in principle*, that there be, *at least*, precisely [*justement*] a system of justice, a code of law, a simulacrum at least, a scene of judgment. A genocide or the putting to death of a collective or anonymous entity (languages, institution, culture, community) does not therefore partake, *sensu stricto*, literally, of a logic or of the concept of condemnation to death. A question of structure and proportion. There must always be a judgment, a verdict, and the subject of it must be a personal, nameable subject, answerable to his or her name.³⁸

If a code of law, or at least a simulacrum of it, is built on the social death of some, then those who bear the weight cannot appear as personal, nameable subjects.

Even when someone appears under a name, their name, that does not necessarily amount to being a nameable subject. As Saidiya Hartman notes of slavery: "Not surprisingly, the agency of the enslaved is only intelligible or recognizable as crime and the designation of personhood burdened with incredible duties and responsibilities that serve to enhance the repressive

mechanisms of power, denote the limits of socially tolerable forms of violence, and intensify and legitimate violence in the guise of protection, justice, and the recognition of slave humanity. This official acknowledgment of agency and humanity, rather than challenging or contradicting the object status and absolute subjugation of the enslaved as chattel, reinscribes it in the terms of personhood.”³⁹

But, of course, we need not leave Derrida’s work to find that the name is not so simple. To cite but one complication: “The proper name was never possible except through its functioning within a classification and therefore within a system of differences.”⁴⁰

I raise the possibility that we may have left the subject of the death penalty in the pursuit of harboring no illusions. The deaths of Michael Brown, Eric Garner, and Tamir Rice, to name but a few, show us that there are powerful illusions still at work.⁴¹ Their deaths were not enactments of the death penalty, but neither were their killings, apparently, outside the law. It is strange how easily we can group their names together given their very different lives, their very different encounters with police that led to their deaths, and their very different deaths.

Yet, they recognizably form a group, one that protestors have mourned under the banner “Black Lives Matter.”⁴² Alicia Garza, Patrisse Cullors, and Opal Tometi created #BlackLivesMatter after the killing of Trayvon Martin as “an ideological and political intervention in a world where Black lives are systematically and intentionally targeted for demise. It is an affirmation of Black folks’ contributions to this society, our humanity, and our resilience in the face of deadly oppression.”⁴³ One must protest that Black lives matter only in a situation where that idea is not obvious, reliable, assumed, and quotidian. As Garza’s description of the intervention “Black Lives Matter” vividly attests, it is an affirmation in the midst of systematic negation. It is a protest that has been underway a very long time, if under different banners.⁴⁴

Derrida clarifies that the activity of harboring no illusions does not preclude militating against the death penalty and, thus, for what is left of life.⁴⁵ Yes, and we must also militate for an end to forms of social life for some that are built on the social death of others. Following the work of Wilderson and Hartman, we can see that it is possible to militate against the death penalty without also militating against social death. And, indeed, many of the most prominent forms of organizing against the death penalty fail to militate against social death. With social death, no life may appear—left to save or for the death penalty to sink its teeth into. Life without parole is not just the death penalty by other means, it is also a means of

intensifying social death. To hear Jackson, I think, requires believing him that, under these conditions, he is not heard. And, further, for us to create the conditions to hear him, we can harbor no illusions about what hearing him demands.

NOTES

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1. Marie Gottschalk, *The Prison and the Gallows: The Politics of Mass Incarceration in America* (New York: Cambridge University Press, 2006), 17.
2. Jacques Derrida, *The Death Penalty*, vol. 1 (Chicago: University of Chicago Press, 2014), 282–83.
3. *Ibid.*, 74.
4. That particular turn of phrase from Andrew Dilts, in private correspondence. Important articulators include Frantz Fanon, Orlando Patterson, Hortense Spillers, Saidiya Hartman, Frank Wilderson, and Judith Butler.
5. Derrida, *Death Penalty*, 45.
6. Spoon Jackson, “Dead Man Living,” in *Too Cruel, Not Unusual Enough*, ed. Kenneth E. Hartman (Lancaster, Calif.: The Other Death Penalty Project, 2013), 117.
7. Derrida, *Death Penalty*, 46.
8. Peggy Kamuf, “At the Heart of the Death Penalty,” *Oxford Literary Review* 35, no. 2 (2013): 241.
9. Derrida, *Death Penalty*, 3.
10. Geoffrey Adelsberg, “Inheritances of the Death Penalty: American Racism and Derrida’s Theologico-Political Sovereignty,” in *Death and Other Penalties: Philosophy in a Time of Mass Incarceration*, eds. Geoffrey Adelsberg, Lisa Guenther, and Scott Zeman (New York: Fordham University Press, 2015), 87.
11. Derrida, *Death Penalty*, 219.
12. *Ibid.*
13. Andrew Dilts, “Death Penalty ‘Abolition’ in Neoliberal Times,” in *Death and Other Penalties: Philosophy in a Time of Mass Incarceration*, eds. Geoffrey Adelsberg, Lisa Guenther, and Scott Zeman (New York: Fordham University Press, 2015), 120.
14. Jackson, “Dead Man Living,” 118.
15. Derrida writes of Beccaria’s abolitionism: “And yet, when he proposes to replace the death penalty by life imprisonment, Beccaria seems not to realize that his best argument is the reference to the cruelty of ‘perpetual penal

servitude,' concerning which he says calmly that it is more dissuasive than the death penalty because more dreadful than death." (Derrida, *Death Penalty*, 94).

16. Derrida, *Death Penalty*, 3.

17. *Ibid.*, 220.

18. *Ibid.*, 138.

19. Abu-Jamal is now sentenced to life without parole. "Who Is Mumia Abu-Jamal?" Free Mumia, <http://www.freemumia.com/who-is-mumia-abu-jamal/>.

20. Olivia Custer, "Angling for a Stranglehold on the Death Penalty," *Southern Journal of Philosophy* 50 (2012): 164.

21. *Ibid.*, 165.

22. Michael Naas, "The Philosophy and Literature of the Death Penalty: Two Sides of the Same Sovereign," *Southern Journal of Philosophy* 50 (2012): 54.

23. Overcrowding in California prisons, for instance, was found in 2011 by the Supreme Court to result in cruel and unusual punishment (*Brown v. Plata*, 563 U.S. 493 [2011]). In 2014, California asked for and received an extension to rectify overcrowding. Howard Mintz, "California Prison Overcrowding Fix Gets Two-Year Extension," *San Jose Mercury News*, February 10, 2014, http://www.mercurynews.com/crime-courts/ci_25104083/california-prison-overcrowding-fix-gets-two-year-extension.

24. Derrida, *Death Penalty*, 192.

25. Gottschalk, *Prison and the Gallows*, 250.

26. Eliza Barclay, "Food as Punishment: Giving U.S. Inmates 'the Loaf' Persists," *the salt* (blog), January 2, 2014, <http://www.npr.org/blogs/the-salt/2014/01/02/256605441/punishing-inmates-with-the-loaf-persists-in-the-u-s>.

27. *Ibid.*

28. The Death Penalty Information Center maintains a website that lists examples of botched executions since the reinstatement of the death penalty in the United States; the majority of the cases listed are executions via lethal injection. "Botched Executions," Death Penalty Information Center, December 8, 2016, <http://www.deathpenaltyinfo.org/some-examples-post-furman-botched-executions>.

29. Precisely what Victor Hugo calls for and an approach to abolition around which Derrida organizes the seminars.

30. Elizabeth Rottenberg, "Cruelty and Its Vicissitudes: Jacques Derrida and the Future of Psychoanalysis," *Southern Journal of Philosophy* 50 (2012).

31. Spoon Jackson's work can be accessed at <http://realnessnetwork.blogspot.com/> as well as in *By Heart: Poetry, Prison, and Two Lives*, with Judith Tannenbaum (New York: New Village Press, 2010). See also a collection of

writing by people (including Jackson) serving life without parole sentences, Kenneth Hartman, ed., *Too Cruel, Not Unusual Enough* (Lancaster, Calif.: The Other Death Penalty Project, 2013).

32. Custer, "Angling for a Stranglehold," 165–66.
33. Derrida, *Death Penalty*, 256.
34. Spoon Jackson, "One Foot in Darkness," in *Philosophy Imprisoned: The Love of Wisdom in the Age of Mass Incarceration*, ed. Sarah Tyson and Joshua Hall (Lanham, Md.: Lexington Books, 2014), 126.
35. Derrida, *Death Penalty*, 257.
36. Saidiya Hartman, *Scenes of Subjection: Terror, Slavery, and Self-Making in Nineteenth-Century America* (New York: Oxford University Press, 1997), 62.
37. Frank Wilderson, *Red, White, and Black: Cinema and the Structure of US Antagonisms* (Durham, N.C.: Duke University Press, 2010), 18.
38. Derrida, *Death Penalty*, 253.
39. Hartman, *Scenes of Subjection*, 62.
40. Jacques Derrida, *Of Grammatology*, trans. Gayatri Chakravorty Spivak (Baltimore, Md.: Johns Hopkins University Press, 1997), 109.
41. These are the names that were foremost in mainstream U.S. media when I began writing this project.
42. Judith Butler reads these protests as acts of "open mourning for those whose lives were cut short and without cause, brutally extinguished. The practices of public mourning and political demonstration converge: when lives are considered ungrievable, to grieve them openly is protest." See "What's Wrong With 'All Lives Matter'?" interview with George Yancy, *New York Times*, January 12, 2015, http://opinionator.blogs.nytimes.com/2015/01/12/whats-wrong-with-all-lives-matter/?_r=0.
43. Alicia Garza, "A Herstory of the #BlackLivesMatter Movement," *Feminist Wire*, October 7, 2014, <http://thefeministwire.com/2014/10/blacklivesmatter--2>.
44. See, for an invocation of genocide to name the social death of Black people in the United States, Civil Rights Congress, *We Charge Genocide: The Historic Petition to the United Nations for Relief from a Crime of the United States Government against the Negro People* (New York: Civil Rights Congress, 1951), xi–xiii, 3–10.
45. Derrida, *Death Penalty*, 283.