Contentious Discourses: Signifying on the Law in African American Writing

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African American narratives are peopled with subjectivities struggling to retrieve and reconstruct themselves as persons—and thus citizens—through and against American legal narratives, where personhood and citizenship are concerned. Thus, there was the problematic for blacks of how to apply citizenship to their corporeal existence when they were labeled as property. The historical legal narrative of America was constructed on the power of the dominant white elite to prevent the emergence of a narrative of African American life other than that which they authorize, legislate, and narrate. To this end, it has been argued, that narratives in African American literature treat the question of the legal status of African Americans or have it as a fundamental trope of struggle in the narrative. This idea suggests that the law's ability as a shaper and determinant of African American social identity, presets the narrative base for African American narrative. This paper examines the relationship between “laws of separations”, and African American narrative through a rereading of works of two contemporary novelists, Toni Morrison and Gloria Naylor. Their works, the author argue, are counter-positioned narratives that create contentious dialogue and elaborate the way in which segregationist codes and Jim Crow laws are grounded in the very nature of citizenship for African Americans.

Keywords: African American narrative, citizenship, chattel property, counter-narrative, law and slavery, legal status

In his “Letter from a Birmingham Jail” (1963), King answered white clergy who criticized the marches by referencing the oldest politico-legal paradox in U.S. history: the conflict between divinely-sanctioned law—called “natural law”, invoked in the Declaration of Independence—and “positivist law”, those legal ordinances created by and for a privileged group with the power to interpret and enforce them. To the claim by the clergymen that he and his supporters were “breaking the law” and fomenting hatred and conflict in the community, Dr. King said the following:

One may well ask: “How can you advocate breaking some laws and obeying others?”. The answer lies in the fact that there are two types of laws: just and unjust. I would be the first to advocate obeying just laws. One has not only a legal but a moral responsibility to obey just laws. Conversely, one has a moral responsibility to disobey unjust laws. I would agree with St. Augustine that “an unjust law is no law at all”.

Now, the difference between the two...is that a just law [or natural law] is a man made code that squares with the moral law or the law of God. An unjust law [or positivist law] is a [man-made] code that is out of harmony with the moral law. To put it in the terms of St. Thomas Aquinas: An unjust law is a human law that is not rooted in eternal law and natural law. Any law that uplifts human personality is just. Any law that degrades human personality is unjust. All segregation statutes are unjust because segregation distorts the soul and damages the personality. (p. 575)

Dr. King's argument is only a contemporary one in a long series of such arguments over the contentious legal discourse around rights and citizenship for African Americans stemming from the paradox of selective freedom embodied in the U.S. Constitution. Reading African American literature through the lens of American legal history broadly construed and reading American legal history through the lens of African American literature reshapes both texts of the American experience and provides new readings of the literature and new perspectives on the law. The historical legal narrative of American, and specifically Black American, life, from the slave coffle to the Supreme Court, is to a large extent, constructed on the power of the dominant white elite to prevent the emergence of a narrative of African American life other than that which they authorize, legislate, and narrate.

This suggests, then, as Suggs (2000) points out, that fictional (as well as other) texts in African American writing treat the question of the legal status of African Americans or have it as an unspoken ground of the struggle in the narrative. This idea suggests that the law's ability to shape—its historical force as the sole yet ever elusive determinant of African American social identity—presets the narrative base for African American literature (Suggs, 2000). Slave codes, as a “law of separations”, “black codes”, and “Jim Crow laws” formed the justification for consigning an entire class of people to the status of property. In his study: *Dred Scott's Revenge: A Legal History of Race and Freedom in America*, Napolitano (2009) notes that:

The bedrock of the new 18th century American government, as expressed in the Declaration of Independence, was that “all men are created equal and endowed by writing their Creator with certain unalienable rights, among which are Life, Liberty, and the Pursuit of Happiness”. Nevertheless, the U.S. Constitution, our lexicon of fundamental justice, contained express provisions that supported inequality and inhumanity for millions in the popular through its recognition and acceptance of slavery; the Constitution, in fact, protected slavery as a legal institution, and insulated it from regulation or interference by the federal government... (p. 34)

Thus, according to Napolitano (2009), Slavery and its legacy, racism, owe their existence to the U.S. government. William Lloyd Garrison of the (*The Liberator*) in fact, called the U.S. Constitution: “a covenant with death and an agreement with hell” (Napolitano, 2009, p. 35). While the words “slave” and “Negro” are not mentioned in the Constitution directly, there are numerous references to them in it.

There are three major provisions where this occurs: The Fugitive Slave Clause, the Importation Clause, and the Three-Fifths Clause (Napolitano, 2009, p. 35). In fact, “Article I, Section 9, Clause I prohibited Congress from outlawing the ‘importation of such Persons as any of the States now existing shall think proper’ until 1808” (Napolitano, 2009, p. 36), a twenty year window for the continuation of the international slave trade allowing importation of new slaves to the colonies. Article IV, Section 2, Clause 3 mandated that states return any “person held to Service or Labour in one State” who had stolen away into “its jurisdiction” (Napolitano, 2009, p. 36). The Three-Fifths Clause (or Three-Fifths Compromise) was put in place to ensure adequate congressional representation for southern states which held large numbers of enslaved Africans (the apportionment clause). The Three-Fifths Compromise is “considered to be the chief pro-slavery clause in the Constitution”... reducing each enslaved African to three-fifths of a person, reflecting the framers’ notion of the inferiority and subhuman nature of blacks. This compromise gave slavery a “constitutional seal of approval” (Napolitano, 2009, p. 40). These three provisions in the Constitution are evidence of federal justification of slavery and the incarnation of government-sponsored racism and inequality. The courts, state and federal, continued throughout the 19th century to render decisions in favor of the institution of slavery. The Fugitive Slave Act of 1793 made it a federal crime to assist fugitive slaves. In 1842 in a fugitive slave case involving the

slave catcher Edward Prigg, the Court ultimately “held that the Constitution implicitly vested Congress with the power to assist private slave owners in securing the return of escaped slaves” (Napolitano, 2009, p. 42) and that individual states had no authority superior to that of Congress to create laws in opposition to this process. Ongoing sectional conflict necessitated laws such as the 1850 Fugitive Slave Law (The 1850 Compromise) and, in William Seward’s words, “a convulsion resulting from... compromises of natural justice and of human liberty” (or higher/natural law as identified in the Declaration of Independence) in favor of “positivist” law—positive “taking its name from the superior position of the lawmaker and defining law as the rule a superior lays down to an inferior” (Crane, 2002, p. 131).

As Crane (2002) points out in his study, *Race, Citizenship, and Law...*, “Many Northern and Southern intellectuals, authors, jurists, and politicians....[found that] ‘class and race domination [was] ample proof that neither conscience nor consent but power actually structures and organizes law and society’” and that “Northern judges deeply convinced of slavery’s immorality... set aside their own higher law scruples as irrelevant to the professional duty of the judiciary to enforce the political will of the majority expressed in legislation”:

Slavery is wrong, inflicted by force and supported alone by municipal power of the state or territory wherein it exists. It is... the mere creature of positive law. Hence it being my duty to declare the law, not to make it, the question is not, what confirms to the great principles of natural right and universal freedom—but what do the positive laws and institutions command and direct. (Crane, 2002, p. 131)

The logical conclusion from the above, then, is that “The outcome of any case is what the grammar of the law will allow to be said about the conflict in question” (Suggs, 2000, p. 6).

In this light, then, Ralph Ellison argues, that race emerged as a motif in American life from the arguments of the Declaration of Independence and the Constitution (Suggs, 2000, pp. 321-322). For Ellison, “Race was a source of that rot in [in law] and... even within the mystery of the legal process, the law was colored and rigged against [black] people” (Suggs, 2000, pp. 321-322). Thus, law and fiction are alike in that each consists of symbolic acts and each has some connection to defining social order, and resistance in African American narrative is principally resistance to the law (Suggs, 2000). The specific construction of the African American as something apart from a citizen and a person, which began with the framing of the Constitution, continues through the 18th century Fugitive Slave Laws; the infamous Dred Scott Decision of 1857; the 1865 Black Codes and Jim Crow Laws; to Plessy v. Ferguson, 1896 (Separate but “Equal” laws), until they are finally overturned by Brown v. the Board of Education (1954) and the Civil Rights Acts of 1964, 1965, and 1968. As Suggs, Napolitano, and others have noted: “The Constitution assumes white men’s rights to hold citizenship. African Americans, on the other hand, are amendments to the narrative of American legal and social reality and their individual and collective existences must always be argued rather than assumed” (Suggs, 2000, p. 45). The black presence was prohibited from the courts, underscoring their location at the intersection of law, property, and personhood as it appears in a courtroom context in the presentation of the black body. In effect “white words given under oath were true; white black words were not true or were not discourse” (Suggs, 2000, p. 133). Thus, as Justice Taney made clear in the Dred Scott Decision, it was not “the inherent person of the slave (the enslaved person) that appeared in court but the body of the slave, as property [...] serving as object, as evidence [...] because it could be seen and not heard, it became the story; it became the text” (Suggs, 2000, p. 133), especially since, as Justice Taney declared, the black man was not a citizen, a legal person who could bring a case to court in the first place.

The Fathers May Soar and the Children May Know Their Name

My focus here is on the relationship between these “laws of separations” and the conflict between “natural Laws” and “positivist laws” as the *Point d’appui* of African American literature through a rereading of select African American novels. These works, the author argue, are counter-discursive interrogations of the texts of nationhood; they are narratives that disrupt the monologism of American legal discourse through contentious dialogue with the law within their fictive universe. In this manner, they question the very nature of American citizenship as it applies to African Americans. The contentious nature of African American narrative and legal edicts is a prominent characteristic of Toni Morrison’s 1977 novel, *Song of Solomon* (SOS) and Gloria Naylor’s *Mama Day* (1989). In the texts, the narratives are stories liberated from their imprisonment within traditional historiography, law and the marginalized knowledge associated with the subaltern. It is these discredited stories from the vernacular tradition of African Americans which they reclaim in the novels in question. Written during the height of the Black Power movement, *Song of Solomon* embodies a discursive polyphonicity that turns on heteroglossic acts of naming and unnamings. This begins with the novel’s opening. The narrator reveals that the black community has chosen to memorialize its only black doctor by naming the street on which he lives, “Doctor Street”. The post office and city officials, however, are not interested in supporting this communal act of black cultural memory and append a very official legal notice for all of the south side residents to see. The notice states that:

...[T]he avenue running northerly and southerly from Shore Road fronting the lake to the junction of routes 6 and 2 leading to Pennsylvania, and also running parallel to and between Rutherford Avenue and Broadway, had always been and would always be known as Mains Avenue and not Doctor Street... (p. 4)

However, as Mikhail Bakhtin suggests, monological language is [just] a corruption of an underlying dialogism; and while [the notice]

was a genuinely clarifying public notice because it gave south side residents a way to keep their memories alive and please the city legislators as well...[the black community] called it Not Doctor Street and were inclined to call the charity hospital at its northern end [which did not serve them] No Mercy Hospital... (p. 4)

Such sanctioned white legal documentation is evident in the very name of the family, Dead. The father of the protagonist, Milkman Dead, explains how the name came about:

Papa couldn’t read, couldn’t even sign his name. Had a mark he used...Got his name messed up cause he couldn’t read...When freedom came, All the colored people in the state had to register with the Freedmen’s Bureau...Papa was in his teens and went in to sign up, but the man behind the desk was drunk. He asked Papa where he was born. Papa said Macon. Then he asked him who his father was. Papa said, ‘He’s dead’. Asked him who owned him, Papa said, ‘I’m free’. Well, the Yankee wrote it all down, but in the wrong spaces. Had him born in Dunfrie, wherever the hell that is, and in the space for his name the fool wrote, ‘Dead’ comma ‘Macon’... (p. 53)

Morrison’s reappropriation of the 1869 census here is significant. On February 26, 1869, Congress sent the Fifteenth Amendment to the Constitution to the states for approval. The amendment guaranteed African American males the right to vote. The census for through which Milkman’s grandfather went into legal record with a misapplied name, invokes Bakhtin’s (1982) notion of monologic texts and positivist laws.

The Freedman’s Bureau’s record is an example of official legal discourse which assigned the family an arbitrary name. The drunken white soldier’s error is “correct”, since it was legally assigned. The

counter-narrative of Milkman's family history, however, is embodied in a children's game; it is "a tropic fugitive act which redeploys the black trope of extra-legalism" (Holloway, 2014, p. 64) through an oral text which creates a discursive collision between the illegitimate black vernacular and legitimate white legal documentation. Unnaming and misnaming of enslaved Africans was a routine practice during slavery, and in her depiction of the cavalier attitude of the Yankee soldier, Morrison signifies on this tradition and the continuing depersonalization of African Americans in American legal documentation.

The novel invokes "the earliest constitutional language" (Holloway, 2014, p. 30). That is to say, "the legal history in the matter of persons...[can become even in 1869 after the passage of the 13th, 14th, and 15th Amendments to the Constitution] claims of property as well..." (Holloway, 2014, p. 30). The Yankee soldier's question: "who owned you?" (SOS, 1977, p. 53) re-invokes the uncertainty of African American status in the mid-nineteenth century: Was he "a person or something owned?" Did he "have an 'immutable' identity?" (Holloway, 2014, p. 30). Milkman's aunt, Pilate Dead, could not be sure of the answers to these questions, "so she kept the little piece of paper on which her father had written her name when she was born and placed it in a little brass box which she wore as an earring" (SOS, 1977, p. 53).

As well, Morrison's specifying of 1931 as the date of Milkman's birth signifies on two landmark legal events in African American history. The first is The Davis-Bacon Act, which was passed with the specific intent of preventing non-unionized black and immigrant laborers from competing with unionized white workers for scarce jobs during the Depression (Removing Barriers, 2012). It is a law that continues to have devastating discriminatory effects today, as blacks and other people of color tend to be vastly underrepresented in highly unionized skilled trades and over-represented in the pool of unskilled workers. Davis-Bacon restricts both contracting and employment opportunities for minorities (Removing Barriers, 2012). The second legal issue invoked by the year 1931 is the Scottsboro Boys trial, April 1931. The case involved the charge by two white women of rape by five black men—one as young as 12 years old—traveling with them in a railroad boxcar. In fact, throughout the novel, there are constant references to legal cases and injustices committed against African Americans, including reference to the 1955 murder of 14-year old Emmett Till in Mississippi, for which no one had been convicted when Morrison wrote the text.

The site of dialogic interchange is profoundly captured in oral counter-narratives of flying Africans, conjurer women, living ancestors, and biblical patriarchs. Central to Toni Morrison's aesthetic principles is the incorporation and revision of canonical tales of African American cultural memory. Their revision enables the dialogism between monologic legal documents and the liberatory acts of African American storytelling. Employing cultural legend as process, rather than product, insists on a hermeneutical exposé of the value of the culture's collective memories. Morrison insists that these are empowering oppositional texts, in contrast to their status in official legal and social scientific discourse—as static elements subject to erasure by the power of officialdom.

However, folk tradition and imagination, coming from a counter-discursive expressive tradition, mitigate against such disappearance. Toni Morrison affirms the counter-hegemonic function of African American narrative stating:

The novel has to provide the richness of the past as well as suggestions of what the use of it is. I try to create a world in which it is comfortable to do both, to listen to the ancestry and to mark out what might be going on sixty or one hundred years from now. (Raus, 1994, pp. 93-118)

The legend of the flying Africans, a central trope in *Song of Solomon*, in all of its variations, is about transcending the discursive boundaries of textual representation as well as the legal limits of hegemonic law and socio-cultural historiography. The legend ultimately leads the protagonist, Milkman Dead, to the true history of his family, which is preserved in a simple song sung by the children of Shalimar, Virginia—Milkman's ancestral home. Eventually, in decoding their rhyme, Milkman comes to understand that his great-grandfather, Solomon, left twenty-one children when he flew back to Africa; the youngest was his son, Jake Solomon, the true name of Milkman's grandfather, misnamed by a drunken Union soldier and then subsequently murdered by whites who wanted his land. It is the sonic power of music—the black trope of extra-legalism in *Song of Solomon*—that intrudes the dialogic exchange with the legal discourse which officially defines African Americans and their community. Music is, indeed, a framework for the novel. Morrison herself stated about the Sugarman song that Pilate Dead sings that

...[It] was always part of the folklore of my life; flying was one of our gifts. I don't care how silly it may seem. It is everywhere—people used to talk about it, it's in the spirituals and gospels. Perhaps it was wishful thinking—escape, death, and all that. But suppose it wasn't. What might it mean? I tried to find out in *Song of Solomon*. (LeClair, 1994, p. 119)

Throughout the narrative structure, we see affirmation of the idea that songs themselves carry historical stories throughout generations of black people. Wilentz (1992) notes that this is an idea closely tied into the actual folklore referenced in the text. He suggests that in traditional African music, the lyrics were often meant to pass on familial stories as well as cultural touchstones that were otherwise impossible to keep track of in African societies. The children's song, thus, is a history lesson in contention with official records of the earlier census that misrepresented the family and its history. The song, nevertheless, reconstructs a musical history of Milkman Dead and his family:

Jake the only son of Solomon
 Come booba yalle, come booba tambee
 Whirled about and touched the sun
 Come konka yalle, come konka tambee
 Left that baby in a white man's house
 Come booba yalle, come booba tambee
 Heddy took him to a red man's house
 Come konka yalle, come konka tambee
 Black lady fell down on the ground
 Come booba yalle, come booba tambee
 Threw her body all around
 Come konka yalle, come konka tambee
 Solomon and Ryna Belali Shalut
 Yaruba Medina Muhammet too.
 Nestor Kalina Saraka cake.
 Twenty-one children, the last one Jake!
 O Solomon don't leave me here
 Cotton balls to choke me
 O Solomon don't leave me here
 Buckra's arms to yoke me
 Solomon done fly, Solomon done gone

Solomon cut accross the sky,
Solomon gone home. (p. 303)

The story of Solomon's flight, his distraught wife, Ryna, the twenty-one children and their names all locate the Dead family as originating in Africa. This musical chant provides the narrative of contention with the official laws of history, forbidding literacy, African language, culture, and family knowledge through violent oppression to any expression of such knowledge. As such then, the music, as a vehicle of vernacular/oral culture, is an historical force of reconnection and spiritual healing. If entry into the literate public sphere entails rejecting the speech which vehicles one's own culture (Dubey, 1999), what then is its value one might ask? Morrison's novel counters this trend among many other black writers by meticulously preserving the vernacular and asserting its centrality to maintaining African American communal integrity. Morrison says that music was "for a long time, the art form that was healing for Black people" ("Rootedness", 1984, pp. 339-345). In other words, black music functions as a sort of "talking cure" in which the weight of individual problems is alleviated through traditional songs as a "form of catharsis" (Visvis, 2008).

This adherence to the African American musical tradition can be seen most explicitly through Milkman's aunt, Pilate Dead, who receives both spiritual and literal direction through singing. The archives of black spirituals and folk songs reveal that for captive Africans and early African-Americans, the use of music was one of the only ways to create collective expression. Morrison acknowledges this in *Song of Solomon* where she depicts the creative use of ancestral knowledge from the vernacular tradition functioning counter-discursively and counter-hegemonically in a simple children's game. Since she participates in publishing novels, Morrison participates in this public sphere constituted by print literacy. Morrison alludes to the "word public itself" as "bankrupt" and ineffective for fostering multifaceted interests where a language of national reconciliation is concerned (Dubey, 1999). Such an incapacity to render plural interests is evident in the legal texts concerning African Americans. For example, legal texts and their monologic nature in *Song of Solomon* refuse to acknowledge counter narrational accounts of personhood and experiences of citizenship of black people. In fact, citizenship is denied to the Dead ancestors. Thus, for Morrison, since the African American oral tradition has lost much of its force with migration and modernization, it is the novel that must address the erasure of history of the black experience in mainstream legal and literary discourse. The novel "must accomplish certain very strong functions" (Morrison "Rootedness", 1984, pp. 340-41) and excavate historical as well as new information for the well-being of the people and for the resolution of "problems" and "conflicts" of contemporary life (Morrison "Rootedness", 1984, pp. 340-41).

The Facts of History and the Magic of Communal Memory

Holding closely to the legacy of Toni Morrison, her literary godmother, Gloria Naylor positions law and official history in contestatorial dialogue with the extra-legal stories of a people's origin on a fictitious island off the East Coast of the United States in her 1988 novel, *Mama Day*. Written in a cacophony of voices, the novel is a counter narrative to the laws and codes of slavery and post-Reconstruction. Here, Bakhtain's idea of the heteroglossic nature of discourse is borne out again, as it is in Morrison's *Song of Solomon*. The novel tells the story of the Days, descendants of slaves, freed in 1823 by their master, Bascombe Wade, when he deeded to them his entire holdings just before he died. The private island off the coast of South Carolina and Georgia called Willow Springs has a history shrouded in mystery. Mama Day, a conjure woman and matriarch of the island, helps keep the island's unique heritage alive. The preface of the book begins with a family tree

depicting the Day Family and a bill of sale detailing the purchase of a female slave, Sapphira, who is suspected of using witchcraft. Willow Springs is a liminal space that belongs to no country, only its inhabitants, and how they came to own the land is recounted in varied stories passed down through the years. Some claim that Sapphira Wade bore seven sons for her master, Bascombe who loved her but was not loved in return. By some accounts, he died of a broken heart but not before leaving the island to Sapphira and her heirs. Others claim that Sapphira used her magic to get him to sign over the island, killed him, and then flew off back to Africa.

Willow Springs signifies on Edisto Island and the period of Reconstruction. Historically, prior to any formal, governmental policy on reconstruction, General William T. Sherman created his own land redistribution policy in 1865. He met with Lincoln's Secretary of War and a delegation of twenty black leaders to address the problems of the Freedmen. After hearing that what the Freedmen desired most was their own land, he issued Special Field Order #15, which declared that the Sea Islands on the coast of South Carolina and Georgia would be reserved for Freedman (After Slavery: Educator Resource). Under this order each black family would be eligible for 40 acres of land for their own cultivation. The area included the islands of Hilton Head, Port Royal, St. Helena and many other smaller islands that had been under Union control since 1861:

The islands from Charleston south, the abandoned rice-fields along the rivers for thirty miles back from the sea, and the country bordering the Saint John's River, Fla., are reserved and set apart for the settlement of the negroes now made free by the acts of war and the proclamation of the President of the United States.

At Beaufort, Hilton Head, Savannah, Fernandina, Saint Augustine and Jacksonville the blacks may remain in their chosen or accustomed vocations; but on the islands, and in the settlements hereafter to be established, no white person whatever, unless military officers and soldiers detailed for duty, will be permitted to reside; and the sole and exclusive management of affairs will be left to the freed people themselves, subject only to the United States military authority and the acts of Congress (After Slavery: Educator Resource).

This and other acts appear to be the basis for the idea of "forty acres and a mule" as an initial gesture of reparations, which has been passed down through African American history. When Andrew Johnson was elected president, however, these acts were all reversed and the freedmen & women were left with nothing.

Mama Day is a narrative in contention with this official data. Contrary to the historical reality where blacks failed to receive reparations for their forced labor in the form of land, the people of the fictitious island of Willow Springs own the entire island. How they came about it is contained in oral stories of the "18 and 23's". The anecdote of Reema's boy who searches for the meaning of the saying gives us important information about the island and its multi-voiced historical narrative. The boy, an ethnographer who represents officialdom and legality, wants to learn the meaning of the saying in order to write a book on it. He asks everyone on the island what it means, but they all tell him that it is just their way of saying something. Clearly, this is not the full definition of "18 & 23", which, we learn, references the relationship of Sapphira and Bascombe Wade. The narrator never reveals exactly how a slave woman acquires an island from a powerful white man, since the laws that imposed the Black Codes/Slave Codes on captive Africans were in full force in South Carolina and Georgia in 1823.

Guarding the true history of land ownership of Willow Springs is the omniscient voice of the communal griot, the disembodied voice of the island itself which witnessed all of the events that the people can only capture in myth and folktales. It is the voice which adds the unofficial history of Sapphira Wade and her seven

sons; the embodiment of ancestral magic is left to her descendant, Miranda Day (called “Mama Day”) by this powerful ancestress. Thus, the knowledge is extra-historical and, therefore, extra-legal and unofficial. The voice speaks for the unacknowledged sacred past of the former slaves, not the one recorded at the Freedmen’s Bureau or captured in “Nobody Knows the Trouble I’ve Seen”, and other songs of despair created by the nameless survivors of historical disappointment. The map of Willow Springs identifies it in an uncharted geographical space connected to the mainland only by a rickety bridge. It serves as one of the key symbols of the novel for separation and the liminal spaces in which the African American experience is located. Like Morrison’s flying African in *Song of Solomon*, Naylor’s character, Mama Day, who underscores the African and African American belief in different levels of reality, is a bridge between the rational world and the mystical world. Whenever she needs to do sacred work, Mama Day secludes herself at “the other place”, where she can commune with the spirits of her ancestors who deliver the messages and knowledge she needs to continue to heal her community. Mama Day, like Morrison’s ancestor Solomon, is the spiritual agent and link to the empowering, disruptive history and knowledge which keeps the community whole.

Enslavement and separation not only sets up boundaries that keep the victims outside the mainstream of the society and isolated from the centers of power, but captivity and enslavement also represent a hybrid or “third” space of resilience. Victor Turner (1995) has referred to this in his theory of liminality—that is a state in the cracks or margins “betwixt and between” rungs in the society or, in the case of post-Reconstruction America, a state of transition between the old order (enslavement) and the new world (the so-called freedom of African Americans through the 13th and 14th Amendments to the Constitution). Turner argues that the liminal state is characterized by ambiguity, openness, and indeterminacy. Thus, liminality is a period of transition from the normal limits to thought, self-understanding, and behavior. For that moment, one is an outsider on the margins in an indeterminate state. Turner notes that it is from the standpoint of this marginal zone that great artists, writers, and social critics have been able to look past social forms in order to see society from the outside (Turner, 1995).

Like Morrison, Naylor validates the integrity of the mystical and magical within the black vernacular tradition as a force which fosters black agency and healing, in opposition to the objectifying texts of legal discourse that labeled them property. In this way, the tale interrogates official narratives’ ability to capture the truth of black existence. In placing this story on an all-black, uncharted island, officially unconnected to any mainland state, Naylor underscores a rarely invoked aspect of African American history. Captive Africans were brought to a number of regions on the east coast of the United States and many were off-loaded onto the Sea Islands of Georgia and South Carolina long after the laws against trans Atlantic slave-trading outlawed the practice. In the days following the end of the Civil War, many of these ex-slaves were forgotten, but they continued to thrive. The most significant aspect of their postwar existence is that they lived in virtual isolation without intrusion from the outside world. In short, what legal narrative cannot capture is the story of how these African Americans forged ahead as an intact community, maintaining cultural nuances and linguistic patterns from the distant past. While Willow Springs is a completely fictional place, it does, nevertheless, wield the power of reality as a result of its confrontation with official history.

In the beginning of *Mama Day*, the griotic narrator tells us that the “legend of Sapphira Wade” is about “a slave woman who brought a whole new meaning to both them words, soon as you cross over here from beyond the bridge” (p. 3). For, as Mensah (2012) suggests, “Willow Springs represents a space where slavery is

remembered differently: Sapphira Wade becomes a testament to the agency of slaves in general and black female slaves in particular” (SOS, 1977, p. 11). The official legal document, the bill of sale which describes Sapphira as a rebellious darky wench and witch, is deconstructed by the oral account of her remembered in the vernacular tradition of Willow Springs:

Here we see matrilineality and geography inextricably linked. To speak of Willow Springs’ independence is to speak of the history of Sapphira Wade and her resistance against her master. In essence, Sapphira Wade’s character is perpetuated by the landscape, and Willow Springs serve as a safe space and the political grounds for the Day matrilineal line to practice self-determination, independence, and creativity. (Mensah, 2012, p. 27)

Mama Day, like *Song of Solomon*, also borrows from African-American folklore in its rendering of the Day family history. Periodically alluded to throughout the novel is the relationship between Sapphira and Bascombe Wade and how she somehow persuades Wade to deed the land to his progeny. No one is sure exactly how Sapphira accomplished such a feat. Some speculate that she even killed Wade after persuading him and then suddenly disappeared, perhaps “flying” back to Africa. This part of the Sapphira Wade story is directly linked to the legend of Ibo Landing. In 1858 the slave ship *Wanderer* arrived on Ibo Landing, an island off the coast of Charleston, South Carolina with a cargo of Ibos from Africa: “The incident is especially noteworthy because the federal Slave Importation Act, passed in 1807, had officially banned the foreign importation of slaves into the United States” (*Act to Prohibit the Importation of Slaves*, 1807). Myth recounts that as soon as the would-be slaves disembarked and saw their new home, they turned and proceeded to walk back across the ocean on their way back to Africa. The story of Willow Springs, like the legend of the Ibos who walked on water back to Africa, serves in part as foundation of the history of African-American resistance and agency.

The island itself sits just out of the legal reaches of Georgia and South Carolina. The communal narrator(s) invoke the narratological contentions between official law and the folk history of Willow Springs at the beginning of the novel: “And the way we saw it, . . . America ain’t entered the question at all when it come to our land. . . . We wasn’t even Americans when we got it—[we] was slaves. And the laws about slaves not owning nothing in Georgia and South Carolina don’t apply, ‘cause the land wasn’t then—and isn’t now—in either of them places” (p. 5). On the mainland, such an occurrence was not possible because of the laws of South Carolina and Georgia that denied slaves the right to own land. It is the land that gives power to the people of Willow Springs, and they have had a policy of not selling it to outsiders. Resistance and contention with law is evident from the beginning also with the great mother of the island, Sapphira Wade. Contrary to the way the law described enslaved Africans, she was not a piece of property without thought under Bascombe Wade. On the contrary, Sapphira’s desire to be free meant that she, like Harriet Jacobs (*Incidents in the Life of A Slave Girl*) was able to maintain agency in the liminal space of Willow Springs and, thus, create a contentious relationship with her master over the rights to her being. “Therefore, despite the force of legality of the bill of sale, meant to symbolize whites’ power over Sapphira Wade’s body and justify her subjugation, Sapphira’s thoughts and emotions resist enslavement” (Mensah, 2012, p. 27).

In particular, Sapphira Wade’s legacy and Mama Day (Miranda) and the other elders of the Day clan linecreate a radical base for the youngest descendant Ophelia/Cocoa Day. Thus, she is in constant contest with her husband, George, and his western scientific view of the world. White legal discourse did not presuppose black subjectivity, “which means that blacks were understood as not having either interiority or humanity. As

Naylor's bill of sale indicates, black slaves had no personality. They were never individualized: each enslaved black was not thought of as unique but rather as part of a black monolithic mass" (Mensah, 2012). Willow Springs, and the fictional Day family in particular, are in contention with oppressive slaves codes and Jim Crow laws.

Because Sapphira Wade ensured an inheritance for her children, Willow Springs has been allowed to flourish in the present, largely free of outside encroachment.

Naylor alludes as well, though, to the harsh reality of African-American land ownership. While Willow Springs is still intact, its primacy has been threatened over the years by crafty and greedy developers. In the 1980s, when Naylor was in the process of crafting this novel, efforts were being made by crafty developers to wrest land from black owners on the coastal regions of Georgia and South Carolina, especially poor African Americans whose families had owned waterfront properties for generations (land gained largely because whites had formerly thought such land was worthless for agricultural purposes). Now that this land was deemed valuable as a place for the construction of resorts, these blacks were swindled out of their holdings, or if they refused to acquiesce, their taxes were summarily raised, and because they could not afford to maintain payment, they lost land that developers then scooped up for a pittance. This is the harsh history that Naylor is also addressing. Willow Springs is a testament to what might have been for a group of proud and resilient enslaved Africans known as the Gullah/Geechee of the Georgia and South Carolina Sea Islands. The Geechee Gullah... are a unique set of African-based cultures scattered along the outer island coast from North Carolina to Florida. Their forebears were brought to the United States from rice producing civilizations along the West Coast of Africa, particularly the country of Sierra Leone:

Brought to the New World and forced to work on the coastal plantations of North Carolina, South Carolina, Georgia, and Florida, Gullah Geechee people developed a separate Creole language and distinct culture patterns that included more of their African cultural traditions than the African-American populations in other parts of the United States... After their emancipation from slavery, the Gullah Geechee people's isolation became more of a choice, as people returned to their homes, communities, and their way of life. In these rural communities, Gullah Geechee people continued their language, arts, crafts, religious beliefs, folklore, rituals and food preferences, and a strong sense of place and family (Our History and Culture, 2012).

Over the years, land speculators have engaged in a massive destabilization campaign of displacing the Gullah Geechee from their land to develop it for tourism. Congressman James E. Clyburn, who refers to himself as a "Gullah man", says the following about this policy of land-grabbing:

...The primary strategy for sustaining the deprivation of an indigenous culture is to seize control and ownership of the land. Coffin, founder of the Hudson Motor Company in Detroit, MI, went to Sapelo Island and purchased land. Later, R. J. Reynolds, Jr. of R. J. Reynolds Tobacco purchased all of Coffin's land. Reynolds, through scare tactics and land grabs forced the Gullah/Geechee people to re-locate, dis-establishing their communities. Reynolds' widow Anne Marie later sold the lands that originally belonged to the Gullah/Geechee people to the state of Georgia for four million dollars. During the latter part of the 1900s the systemic deprivation of the Sapelo Island indigenous culture was impacted by public policy of government instrumentalities of the state of Georgia. Those instrumentalities are the governors, state departments, the Sapelo Island Heritage Authority and McIntosh County government. (Our History and Culture, 2012, Retrieved from <http://www.gullahgeecheecorridor.org/?Itemid=103>)

Congressman Clyburn's observations speak to the ongoing legal objectification of African Americans as "positivist" laws continued to be created in favor of a white elite to the disadvantage of black people. In the

dominant discourses surrounding the black body, Lewis R. Gordon argues that “This presence-absence dichotomy is constituted by a particular way of existing. The phenomenological tradition, both existential and transcendental, considers the locus of this dichotomy to be in the unsurpassability of the material standpoint of inquiry itself—the body” (Mensah, 2012, p. 27). Saidiya Hartman also speaks of this treatment of the black body as inhabiting a “state of determinate negation” (Mensah, 2012, p. 27). This construction of the black body-become-citizen had continued long past slavery into post-Reconstruction and Jim Crow and into the period of desegregation and integration. In resistance to such over-simplification of a people, Morrison and Naylor’s narratives are counter-positioned texts that dismantle the monologicistic, universalizing discourses which aimed to co-opt the complexity of black existence by reducing them to static commodities confined to the pages of legal texts. Still, the contentious nature of black existence in the U.S. remains a field of interrogation for African American writers, for as Gloria Naylor’s assessment of the state of black citizenship affirms:

...[We’re] still struggling under the scars of slavery, and I think that the Civil Rights Movement did not work... Okay, there are a few things that have changed and certain blacks have gained ascendancy. But for many, it remains the same if not worse. (Ashford, 2005, p. 73)

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