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The Arena of Suspension: Carrie Mae Weems, Bryan Stevenson, and the “Ground” in the Stand Your Ground Law Era*

Sarah Elizabeth Lewis

ABSTRACT, How are artists, and how are disciplines in the arts, humanities and law, responding to the hyper-visibility of racial injustices on American ground? This article explores a set of “groundwork” tactics in the Stand Your Ground Era in the United States. Stand Your Ground laws, first established in 2005, define the right to self-defense, to claim the ground on which one stands if there is a perception of “reasonable threat.” The law disproportionately affects black and brown lives today. The artworks under discussion in this article—*Grace Notes: Reflections for Now* by Carrie Mae Weems to honor lives lost to racial terror, and the Equal Justice Initiative (EJI)’s National Memorial for Peace and Justice to lynching—prompt the question, What does it mean to not be able to “Stand Your Ground”? What are the representational tools available to show the frequent challenge to this upright position as a statement of sovereignty over one’s own life? How has the manifold meaning of the term “ground”—as both reason, fact, but also soil itself, opened up a mode of critical inquiry to address the injustices wrought at our feet? Just as the field of environmental studies has begun to consider its nexus with racial inequity, this article approaches these representations of the “ground” through the lens of racial formation, art history, and legal study in the United States.

KEYWORDS, Stand Your Ground Law, ground, sovereignty, race, monuments, black art, Bryan Stevenson, Carrie Mae Weems, Antigone, Joseph T. Zealy

*surely i am able to write poems
celebrating grass and how the blue
in the sky can flow green or red
and the waters lean against the
chesapeake shore like a familiar,
poems about nature and landscape
surely but whenever i begin
“the trees wave their knotted branches
and...” why
is there under that poem always
an other poem?*

— *Mercy* by Lucille Clifton

There is no such thing as solid ground.

— Otobong Nkanga

The word “ground” is one of the most capacious, significant, and least theorized terms of cultural discourse and jurisprudence in the United States. This case is *groundless*. There are no *grounds* for this claim. This fact is *grounded* in law. Use of the term “ground” as a law-specified basis for a demand, complaint, suit, or defense occurs so often that there are countless examples. For instance, in *The Common Law*, focused on determining the “ground” of law in a changing society in the United States, Oliver Wendell Holmes Jr. used the terms “groundless,” “insufficient ground,” and “grounds” frequently in a dense set of configurations to convey reasons or lack thereof for a law, policy, or decisions, and even in reference to land.¹ After Martin Heidegger formalized the philosophical concept of “ground,” it frequently came to stand in for an entire way of describing reason and rationale for history itself.² Yet recently, the proliferation of Stand Your Ground (SYG) laws in the United States have thrown into high relief what we actually mean by “ground” as both concept and concrete reality when faced with the hypervisibility of unequal legal outcomes and fatalities in the context of such laws.³ What happens when we interrogate the idea of ground not as a notional plane to which all have access, or as part of an earthen foundation beneath our feet, but as a diasporic site of struggle on stolen indigenous land?

A set of artists and cultural workers—from artist Carrie Mae Weems to lawyer Bryan Stevenson—have initiated and advanced a vital material and discursive project that I will call “groundwork.” By “groundwork,” I mean both a materialist and a cultural attention to the figure-ground relationship. One of the central concepts of the arts, groundwork is also vital to the legal concepts that

underlie Stand Your Ground law.⁴ Groundwork projects have developed compositional strategies through which to challenge the literal and figurative meaning of “ground” by focusing on bodies denied this upright position of self-sovereignty and agency, what Martha Fineman has called the “vulnerable subject.”⁵ These projects range from the Equal Justice Initiative’s National Memorial for Peace and Justice to Weems’s *Grace Notes: Reflections for Now*, a project that engaged with the framework of Sophocles’ *Antigone* to meditate on the killing of nine men and women at the Emanuel African Methodist Episcopal Church in Charleston by a white supremacist, along with the legacy of Stand Your Ground law. In the arts, “ground” serves as a polyvalent term for reason and for the illusion that artists must create to realize a representational surface. As such, these projects consider “ground” in the most capacious sense possible with a triadic focus—on the surface of the composition and representational illusions that must be created to perceive spatial depth, the “reason” for events in the legal context, and an environmental foundation. Through their compositional tactics, the artists under discussion here force us to contend with the state of suspension that has come from not addressing the lack of material, conceptual, and legal specificity of this crucial term as it is embedded in the law.

The phrase “stand your ground” makes the law seem natural and applicable to all, and yet it covers up the fact that the crucible of this definition was formed and is still shaped by the lingering effects of slavery and settler colonialism, which challenged any presumed juridical or conceptual neutrality about the idea of ground.⁶ Stand Your Ground laws in the United States have been defined since 2005 as the right to claim the ground on which one stands—not just one’s legal property, but public ground—if there is a perception of reasonable threat. This idea originated in a nineteenth-century reinterpretation of the English common law “castle doctrine,” which was in fact hostile to acts of killing in self-defense; one had a duty to retreat “to the wall” so that the Crown could adjudicate disputes. Yet over time, legal cases in the United States repudiated the “duty to retreat” in favor of justifying a legal right to stand your ground if acting in self-defense.⁷ Caroline Light has assiduously traced this development in the context of nineteenth-century contestations in the American western frontier and post-bellum racial violence and gender panic in the wake of Emancipation. During this period, Supreme Court justices including Holmes began to see the “duty to retreat” as “legalized cowardice.”⁸ The result is that Stand Your Ground laws mean that there is now “no duty to give up ground to an assailant, whether in the home or in public.”⁹ This extension of the idea of ground in Stand Your Ground law to anywhere in public life also conflates the right to self-defense with the defense of “property,” which, following Cheryl Harris, has been defined in practice as the ability to claim the identificatory terrain of whiteness itself.¹⁰ The data regarding outcomes for Black citizens under this law show that having access to

what is called “ground” is so thoroughly shaped by this history that Patricia Williams could summarize it with this blunt assessment in *The Nation*: “The ‘Ground’ in ‘Stand Your Ground’ means any place a white person is nervous.”¹¹

A truncated list of just some of the most recent cases of Stand Your Ground violence underscores the urgent need to address this asymmetry between who is entitled to the rights ascribed to the colloquial valence of the phrase: George Floyd was killed by a white police officer when he was pushed onto the ground and held with the weight of a knee on his neck for nine minutes and twenty-nine seconds, an act that catalyzed what many have considered a racial reckoning during the summer of 2020. Eric Garner was arrested on suspicion of selling cigarettes, pushed onto the sidewalk, and placed in a prohibited chokehold while stating, eleven times, “I can’t breathe.” After he became unresponsive, his body lay on the ground for over seven minutes while police awaited an ambulance. Willie McCoy, in the Bay area of Vallejo, California, had fallen asleep in his own car outside a Taco Bell and was shot dead by fifty-five bullets fired in three and a half seconds by police responding to reports of an “unresponsive” man in the parking lot.¹² A young Black student at Yale University took a nap in the Hall of Graduate Studies common room—one replete with couches in which to loiter, read, and relax—and awakened to find that someone had called the university police to investigate whether she had a right to be there. Breonna Taylor was in her bed in her own apartment in Louisville, Kentucky, with her boyfriend, Kenneth Walker, when after a knock and no audible identification the door was forced off the hinges by what Taylor and Walker learned too late was a police squad. Without clarity on who was attempting to enter the home, Walker, a licensed gun owner, fired in self-defense when the individuals forced entry. The castle doctrine that undergirds the SYG law was of little use. Taylor died. Walker was arrested. From reclining in one’s own car, to the public space of a sidewalk, to a common room at one’s own university, to one’s own bed in one’s home, all these cases involving Black individuals who lost their lives or had their lives threatened emphasize the need to consider both the literal and conceptual valences of ground.

The disproportionate killing of Black bodies in the Stand Your Ground era forces a consideration of what we mean by “ground”—legally, socially, and phenomenologically. The virally disseminated images of this phenomenon also offer near daily reminders that the fragility of American rights have been secured not only by norms and laws, but also by how we judge, quite literally see, and have been conditioned to refuse to see each other. This violence, this lack of regard, remains unaddressed in the Constitution, a fact that the Fourteenth Amendment and its equal protection clause was meant to help resolve. As scholarship in the arts, sociology, history, and legal studies have shown, it is law combined with culture—images, films, music, literature—that shapes our social and racial narratives and justifies biases and stereotypes with deadly consequences.¹³ By this,

I do not only mean to point to what Christian Metz termed as a “scopic regime” as *inter alia* a “pre-reflective” form of visibility that filters what we see.¹⁴ Instead, I note that vision and judgment in the United States have been conditioned by specific “pre-reflective” narratives that justify anti-Black violence, cemented by the inexorable relationship between the legacies of slavery, the enduring marriage of whiteness and the investigative gaze conditioned by the Fugitive Slave Act, and the municipally endorsed spectacles and visual dissemination of racial terror that have been used to maintain racial order. As scholars in the arts, including Maurice Berger, Jasmine Nichole Cobb, Nicole Fleetwood, W.J.T. Mitchell, Leigh Raiford, Christina Sharpe, and Deborah Willis, have argued, defining who is afforded the privilege to read the body and whose body is read have become key issues in defining the boundaries of citizenship in the United States. This history of conditioned visual literacy, I would argue, is increasingly vital for understanding the construction of the histories of visibility and reception tied up in the actions taken under Stand Your Ground laws and also in legal studies.¹⁵

The SYG era has raised a number of questions: What are the effects of looking at a near rapid-fire succession of images of injustice and social inequity on citizenship and belonging? How do we create space to process what we see? I do not merely reference the ongoing debate about the impact of photographs of trauma as theorized by scholars such as Ariella Azoulay, Courtney Baker, Saidiya Hartman, Susie Linfield, Raiford, and Susan Sontag. I also mean to reference how the experience has resulted in what Elizabeth Alexander has called the “Trayvon Martin Generation,” referring to those who “always knew” and who watched these stories that “instruct young African Americans about their embodiment and their vulnerability,” altering the tenor of the production of cultural life.¹⁶ Alexander points to one element that periodizes this SYG era from the anti-Black violence that centered on the Rodney King trial and the attendant protests of the 1990s: the sheer ease of access to images of these events through the advent of digital photography and communications technology.¹⁷

This Stand Your Ground era has also seen the rise of the “do-it-yourself” model of legalized, weaponized vigilante actors who, as Light has deftly argued, continue to enjoy “exculpatory power” and an assertion of primary access to the ground.¹⁸ One need only conjure one of many virally disseminated images: Kyle Rittenhouse, a white, 17-year-old man who traveled with an AR-15 styled rifle fully on display to an August 2020 Black Lives Matter protest in Kenosha, Wisconsin, in the wake of the shooting of Jacob Blake, and is charged with killing two people and wounding another, or the white couple, Mark and Patricia McCloskey, who stood on the gated patch of green lawn in front of their Portland Place palazzo in St. Louis that same summer, brandishing a semi-automatic rifle and a handgun, respectively, which they pointed at Black Lives Matter protesters who were walking down the

street. Light discusses in her history of this period of Stand Your Ground that such actions increased after the election of President Barack Obama, and she attributes this shift to a response to terrorism and mass shootings, an acknowledgment of personal “vulnerability” that could not be shored up by the work of governments or the police.¹⁹

It is in this context that this article focuses on the groundwork tactics of visual suspension forged by Carrie Mae Weems and Bryan Stevenson through two vital projects: the nationally touring multimedia piece, *Grace Notes*, and the Equal Justice Initiative’s National Memorial for Peace and Justice in Montgomery, Alabama, respectively. By “suspension,” I mean an affective representational space designed to create a protracted temporal condition both contoured by and at a temporary remove from the current state of law. These groundwork aesthetics of suspension not only move towards an examination of what scholars have articulated as the false presumption of universal “sovereignty” but also indicate that any such analysis must be predicated on insufficient access to a capacious definition of “ground.”²⁰ The opportunity of suspension is, following Judith Butler, an achievement of a necessary state between grief and grievance, a “gap” that “opens between the experience of loss and the appeal to repair and rectify that loss,” the elongation of time that has been denied to deliberate on the disproportionate killings sanctioned by various forms of SYG laws.²¹ In so doing, these groundwork projects of suspension reveal new strategies through which contemporary artists are self-consciously fashioning the purview of visual representation as part of the extrajudicial work of representational justice.

THE ARENA OF SUSPENSION: BURIAL, PROTRACTED VISION, AND GROUND

I, then, will go to heap the earth above the brother whom I love.

— Sophocles, *Antigone*

“Imagine,” Carrie Mae Weems said at the opening of her piece, *Grace Notes*, a multimedia meditation on the history of racial violence in the context of Stand Your Ground law. It was the first day of the Vision and Justice Convening at Harvard University in 2019, an event organized around a guiding question: How has visual representation both limited and liberated our definition of American citizenship and belonging?²² Weems’s project had first debuted in Charleston, South Carolina, at the Spoleto Festival USA as a commission to honor the nine African American individuals murdered at the hands of a white supremacist in the Emanuel African Methodist Episcopal Church—Depayne Middleton-Doctor, Cynthia Hurd, Susie Jackson, Ethel Lance, Reverend Clementa C. Pinckney, Tywanza Sanders, and Reverend Daniel Simmons, Reverend Sharonda Coleman-



Figure 1. Carrie Mae Weems, *Grace Notes: Reflections for Now*, Vision and Justice Convening, April 25, 2019. Photograph by Evgenia Eliseeva.



Figure 2. Carrie Mae Weems, *Grace Notes: Reflections for Now*, Vision and Justice Convening, April 25, 2019. Photograph by Evgenia Eliseeva.

Singleton, Myra Thompson.²³ Its reception has turned it into a sought-after, touring, modular piece, able to be presented with Weems alone or with a full cast of actors and musicians including poet Aja Monet, mezzo-soprano Alicia Hall Moran, performer Eisa Davis, and composer Imani Uzuri. “Imagine,” Weems began, that “time and time again, your encounters with police ends with your death, a friend’s death, a child’s death ... for reasons unknown.” Standing on a riser behind a podium, accompanied by Vijay Iyer playing a swelling of chords on a piano, Weems detailed the scenes—being asked for identification and coming to her end, “going out for a stroll,” and meeting death at the hands of vigilante citizenship (Figures 1 and 2). The Cambridge, Massachusetts-based and livestreaming crowd, an interdisciplinary, intergenerational audience from legal scholars to artists and historians and students, were all interested in the relationship between art, culture, and justice. “Imagine this. Imagine this and see it in your mind’s eye. Imagine the worst of the worst. And know that it is happening, time, and time, and time, again.” Weems continued with images projected above her, accompanied by a sonic wash of unresolved chords and a looping melody by Iyer. “Imagine Trayvon Martin and Michael Brown ... only boys. Imagine Sandra Bland. Then imagine the grieving hearts of their mothers and fathers ... Then also imagine that no one has been convicted of these crimes.”²⁴ She stated these words from a podium in the auditorium as an exhortation turned incantation.

Weems’s use of the word “imagine” gestures to the fact that the hypervisibility of racial terror in the United States is born of narratives that construct our vision but that any move past this would require a pause of reconsideration, of suspension over this ground. In the broader context of Black artistic practice, the term “imagine,” as Kevin Quashie argues, doubles as a call to postpone “the logics of address, dominance, and misrecognition—the terms of an antiblack world—that interfere with beholding both black aliveness and a black ethic of relation.”²⁵ This call to “imagine” also approaches Chiara Bottici’s concept of “imaginal law,” as Weems underscored through repetition the indispensability of both the conceptual work of imagining and the function of works of art to, as Manderson argues, create the “discursive operations that organize and interpret normative, aesthetic, and legal structures around us.”²⁶ Yet Weems’s urging while consistently facing the crowd, penetrating any imagined fourth wall of the stage, indicated that the very terrain she wanted to move through was the audience’s own—the landscape comprised by our thoughts, visions, and memories. Weems literalized that “pre-reflective” space, our internal landscape, what Frederick Douglass called our internal picture gallery in his landmark Civil War speech about the power of images to alter America’s moral imagination.²⁷

Let me pause here to mention what the art historians in the audience would have known about Weems’s more-than-thirty-year practice—there is perhaps no other artist whose image-making has delved more deeply into the historic role of



Figure 3. Carrie Mae Weems, *You Became a Scientific Profile, a Negroid Type, an Anthropological Debate, and a Photographic Subject*, from the series *From Here I Saw What Happened and I Cried*, 1995-96. Four monochrome C-prints with sandblasted text on glass. Harvard Art Museums/Fogg Museum, P2001.28.1-4. Richard and Ronay Menschel Fund for the Acquisition of Photographs. © Carrie Mae Weems. Photo: President and Fellows of Harvard College.

images in constructing the contours of race, making her, as Kathryn Delmez has put it, “history’s ghost.”²⁸ There are also few if any other artists whose work has been able to prompt legal analysis of the legacy of slavery in the history of ownership, property, and museum collections. One need only consider the most salient example: Weems’s engagement with the Joseph T. Zealy daguerreotypes, originally made at the behest of Harvard University zoology and geology

professor Louis Agassiz to prove the theory of polygenesis.²⁹ As part of her research for a Getty exhibition, Weems viewed the images owned and housed at the Peabody Museum of Ethnology and Anthropology and defied Harvard's request that she not make use of them. For her series *From Here I Saw What Happened and I Cried* (1995–96), she included four images of frontally facing and profiled, bare-chested and bare-breasted women and men—the African- and American-born, enslaved, South Carolina-based father-and-daughter pairs Renty and Delia, Jack and Drana—in a quadrant (Figure 3). Over the blood-red-tinted chromogenic prints, Weems sandblasted words on the glass to create a narrative through a succinct summary: YOU BECAME A SCIENTIFIC PROFILE/A NEGROID TYPE/AN ANTHROPOLOGICAL DEBATE/& A PHOTOGRAPHIC SUBJECT. Harvard University threatened to sue her for utilizing the images without its permission. Ultimately, she welcomed the suit, arguing that she might not have a “legal case, but perhaps a moral case.”³⁰ Harvard did not sue. The Harvard Art Museums, which is built on the foundation of Agassiz's home, then purchased a part of the installation for the collection, often displaying it in one of its first-floor galleries. This nestled Weems's landmark work as a challenge, a counter-archive rebuke of the weaponization of photographs as data to justify the dehumanization of racial oppression through slavery and its narrative evolution.

This is to say, Weems would have been known to the audience as an artist who understood the stranglehold of the marriage between aesthetics and the history of racial science. The scope of Weems's body of work shows a Heideggerian interest in the ground of history, considering what experiences count, what experiences can be entered into the record. She has become explicit about this down to her titles—*Constructing History: A Requiem to Mark the Moment*, for example. The aesthetics of reckoning in Weems's practice emerged in three stages: first, as a work done through response (such as *Family Pictures and Stories*, a project born in response to the Moynihan Report), then through refraction (bending time back on itself through historical projects), and, lately, through an ensemble approach (through embodiment and staging, such as in *Grace Notes*). Weems is aware, too, that discussions of vision and visuality were primarily focused on materiality and technologies of vision and social conditions without much attention to race. That would only start to shift from the 1990s into the early 2000s as scholars and writers including Martin Berger, Maurice Berger, Nicole Fleetwood, Édouard Glissant, W.J.T. Mitchell, Nicholas Mirzoeff, Toni Morrison, Shawn Michelle Smith, and Deborah Willis focused on the polemics, process, and construction of vision, absence, and opacity in the history of racial formation and social power.³¹ This new scholarship has offered a context for Weems's aesthetic strategies. Yet in the absence of this scholarship, Weems had been in the archives, too. It is with this background that Weems framed *Grace Notes* not as a play and “not even a performance,” she stated with emphasis, but as “a



Figure 4. Carrie Mae Weems, *Grace Notes: Reflections for Now, Vision and Justice Convening*, April 25, 2019. Photograph by Evgenia Elisseva.

meditation on a set of considerations to offer.” With that, she cleared and altered the parameters of the work and its discursive potential.

As a researcher-artist, Weems confessed to the audience that the origins of *Grace Notes* in Sophocles’ play, *Antigone* surprised her. “I realized that all I really wanted to do was bury my young brothers whether they committed an offense, rightly or wrongly,” she said, and learned that she “was scratching at the story of *Antigone*.” This set of considerations asks us to imagine not being able to bury the dead, recounting Sophocles’ play. Antigone’s brothers were meant to share power—to rule for an alternate year—but one would not relinquish the throne. Polynices challenges his brother, and both die. Eteoles is buried with rites; Polynices is left exposed on the ground, his body left open to the elements. Antigone refuses to leave this brother. The laws of the state decreed by Creon, the ruler of Thebes, determines that one brother, Polynices, must not be buried like her other brother, Eteolces. She must honor his life, which means breaking the law. For this, Antigone is sent to her tomb to be buried alive. Weems’s emphasis on her surprise by the invocation of *Antigone* becomes a signal of the insufficiency of other frameworks to shift the audience out of law-bound conditions to create an arena in which to suspend daily operations and put the law on trial.

While Weems’s *Grace Notes* is not the staging of a drama, she does employ two central aspects of Greek theater—a chorus repeating facts that constitute an aggregate picture of racial terror and its disproportionate effects, as well as the

tactic of the compression of time, allowing us to experience the collective tragedies over the course of a day, set at the start against a projected image of sky. “He was 25. He was 18. She was 41,” we hear Weems state. “A mother. A sister. A wife. A daughter.” She repeats the words and numbers as if a neutral calculus. The names and ages stated through the chorus turn from words to overlapping staccato utterances. The result is a sonic intensification of the violence produced by the presumption of neutrality, the fiction of all being sovereign bodies before the law.³² It is at this point in *Grace Notes* that Weems introduces the themes of constancy and punishment—the chorus speaks over a scene of a young, Black man spot-lit on a treadmill, clad in a black pants and a black t-shirt embossed with the words “Black Lives Matter” in white, red, and green letters. The lights delimit the visible stage to his running on this machine of constant motion without movement (Figure 4). Above him is a stopped clock, also spot-lit. The sound of Monet reading the following words punctures a period of silence in which we witness a man on stage run at a jaunt, alternatively looking at the audience and straight ahead:

I saw him running
 I saw him stop
 I saw him turn with raised hands
 I heard a shot
 I saw him fall
 For reasons unknown
 Rejecting my own knowledge
 I deceived myself
 Refusing to believe that this was possible
*How do you measure a life?*³³

“For reasons unknown,” Weems states again and again, elongating this interval as a spatial, compositional, and phenomenological tactic through which to decelerate the viewer. She reminds the audience that “he is always stopped, always charged, always convicted,” a rhyme with the punctuation from the looping belt of the treadmill heard in the deliberate silence at the end of this refrain.

Sophocles opens the play with Antigone asking her sister, Ismene, for help with the burial of their dishonored brother, left slain on the ground without cover. Weems opens her meditation by turning to the audience, as if kin, asking if they will help her offer a burial for the many lost due to SYG laws, actions protected by the state, however unjust. It is an act of textual mimesis: “And so, today, on the hallowed grounds of Harvard, standing before you, I am asking you to consider the need to bury these young people with some sense of honor and dignity and recognize the right to do so.” Here, Weems implores the audience to

assist her, in effect, and in the play Antigone's sister refuses. "Thou wouldn't bury him—when 'tis forbidden to Thebes?" Ismene says, appealing not just to law but to fear, thinking of her own self-preservation.³⁴ She continues, "We in turn—we two left all alone—think how we shall perish, more miserably than all the rest, if, in defiance of the law we brave a King's decree or his powers."³⁵ Yet by continuing with the piece, Weems makes the audience complicit in her act to move past the law, as had Antigone. Weems's question hones in on the literal act of burial—in which the ground is the final end—as both an expression of the impact of the literal fact and constant threat of Black death on Black culture.³⁶ When she calls out for the audience to imagine "living under the threat of this constant pressure, this constant fear," it is in keeping with what Christina Sharpe has called "wake work," a confrontation with a "past that is not past."³⁷ By invoking the public nature of the private mourning of Black lives as a cultural form, Weems frames her arts-based meditation as a dialogue about common norms, rights, and codified laws.

The key question of the play becomes this: Can one honor the dead (and repeat Antigone's actions) without dying, without being seen as in conflict with the laws of the land? "Antigone died, but I want to live," Weems said. Thus, the play's endurance hinges on a fraught question—to whom does one appeal to put an entrenched societal law on trial? The structure of the play with its ancient and yet contemporary questions allows Weems to frame her question in timeless terms: What are the grounds for such lack of regard for lives lost at the hands of the law? This mimetic move, focusing on public burial in the context of *Antigone*, also allows Weems out of the circularity of needing to make a case for the humanity of Black subjects so that she can instead question the humaneness of society itself.

Here, Weems's piece asks a crucial question framed not only by *Antigone* but by the late art historian and curator Okwui Enwezor in his exhibition *Grief and Grievance: Art and Mourning in America*, mounted posthumously at the New Museum in New York City. In an opening exhibition catalogue essay, Judith Butler distinguishes "grievance" from "grief" by arguing that the former is not a melancholy complaint or resentment but instead allows for an interval of an appeal to authority. During this period, Butler writes, "[t]he grievance imagines into being that voice of justice, the reparative judgement, even as it operates in a world where justice is not embodied by law, has gone missing, or has never arrived."³⁸

As Weems stood facing the crowd at Harvard University delivering this meditation, it was an inversion of the typical bodily template of her oeuvre, exemplified in her photographic series *The Louisiana Project* (2003), in which she appears deliberately back-turned, situated in various areas on the grounds of an empty, grand-scale plantation home. In each print, she is a Rückenfigur not only



Figure 5. Carrie Mae Weems, *A Single Waltz in Time*, from *The Louisiana Project*, 2003. Gelatin silver prints. © Carrie Mae Weems. Courtesy of the artist and Jack Shainman Gallery, New York.

guiding us into the history of such houses—the architectural index of these institutions—but also calling our attention to what has been lodged into the foundations of the terrain itself.³⁹ At the left in a triptych of black and white photographs, *A Single Waltz in Time* from *The Louisiana Project* series, we see a white-walled, light-filled grand parlor complete with a chandelier over Weems’s back-turned body, barefoot in a white, spotted cotton dress. Directly above her is a portrait with a thick frame, the figure’s head completely obscured by the chandelier above, catching the light from the two windows to the floor (Figure 5). The only full figure we see in this photograph is Weems’s own, the blurred trace of her body captured by the long exposure time that shows she has been spinning and swaying her arms, a corporeal whirling that suggests, as Kimberly Juanita Brown notes, the “controlled release of a ballerina.”⁴⁰ The sequence of the prints turns an ambulatory surveillance of the plantation house and grounds—a site of ownership—into a counternarrative of self-possession.

In a body of work seemingly focused on compositional stillness—Weems is in alternate states of sitting and standing—this is one of the works in which we see her engage in a deliberate soft focus. Art historian Robin Kelsey has theorized the shifts in the meanings of photographic blur—at times an index of imprecision, a tactic of pictorialism, an intentional technological approach to display “dynamism” in the case of Futurists, or an acknowledgment of the technological and conceptual limits of the medium.⁴¹ In *A Single Waltz in Time*, Weems employs the blur as an index of her labor as both artist and subject, but also of her own “aliveness,” following Quashie, extending a practice of photographer Julia Margaret Cameron in which, as Kelsey puts it, the use of a long exposure time had the effect of a “slight blurring” of the subject of each portrait, which “attests to their living presence while the plate was exposed.”⁴²

Weems’s out-of-focus technique literalizes the act of bodily suspension. Through a deliberate blur, she renders her body as hovering over the foundation of this historic home as if a compositional cognate to what sociologist Avery

Gordon has called a “haunting,” a spectral, socio-spatial presence.⁴³ By “suspension,” I mean the spatial, compositional, and phenomenological as a tactic through which to decelerate the viewing experience, turning the act of viewing into inspection, a more careful consideration of what is presented to the eye. The photographs are cropped to include where the figure is situated—the full extent of the land, floors of the plantation. The effect of Weems’s blur can, too, be read through the framework offered by theorist Fred Moten in *Black and Blur* as a deliberate state in which there is no push to resolution but instead a meditation on the state of capture in which Stand Your Ground laws have locked Black subjects.⁴⁴

As if a double to the suspended motion of her photographs, Weems’s intention in *Grace Notes* is to focus on a temporal and spatial state of freedom from social rule by inviting us to consider the incommensurability of law and social circumstances that requires a place for “grace,” standing on the stage as a philosopher, asking us to consider what this term might mean, disclosing answers she received from other artists.⁴⁵ In this turn, Weems’s appeal to the framework of suspension via *Antigone* becomes distinct from that of Hegel, who turned to the play for its focus on tragedy as he considered the “ethical life” of *Sittlichkeit*, nor is it a focus on the often-mentioned distinction between divine law and rational law as it has been framed by other scholars.⁴⁶ Her strategic appeal to literary traditions, and the play of *Antigone* specifically, as did Hegel and other scholars such as Martha Nussbaum, offers a new means for contending with the implications of legal systems and social norms.⁴⁷ Weems’s framework of *Antigone* sustains us in a place through which to hold the governance of law in abeyance.⁴⁸ This attention to the compositional and conceptual nature of ground allows for what sociologist Lawrence D. Bobo mentioned in his concluding remarks at the 2019 Vision and Justice Convening upon seeing Weems’s *Grace Notes*—that it creates “an arena of self-assertion.”⁴⁹ This suspended arena defines what one could call her aesthetics of reckoning—works designed to force a confrontation with the unspeakable, to allow for a pause, but to permit no place for escape.

I considered Weems’s work anew in Charleston when I first saw *Grace Notes*, staring at what I thought could be a handprint on a white plastered wall of the Aiken-Rhett House—a home once owned by one of the largest slave owners in the United States (Figure 6). This is a marking on the wall low to the ground that, it was speculated, could have been made by a man or woman enslaved on the property. I went on a tour after learning that it is one of the few fully preserved urban plantation complexes in the history of the United States—that is, one of the few that is preserved and not conserved, giving us a sense of what the formal realization of slave-holding ambition meant even in an urban setting in the early nineteenth century. I had made the mistake of going alone to this house to pass time before the annual conference of the Association for the Study of African American Life and History in 2019, honored to be receiving the



Figure 6. Aiken-Rhett House Interior. Photograph by Petra Richterova.

inaugural Freedom Scholar Award that year. I had been the only person on the tour of the house (which many websites, I later learned, reported to be haunted)—a mistake, I realized instantly, but I was at that point too drawn in to abruptly leave.

The suspended mark was nearly imperceptible, and I might have missed it altogether and instead focused on what lay to the right—a grand parlor and art gallery, filled with replicas of artworks gleaned from sights on the European

Grand Tour, which looked out onto the street on one side and on the other, one story below, dirt work grounds within the house's courtyard—the carriage house and slave quarters.⁵⁰ The gallery's view was doubled—of paintings and of the enslaved. With these two features—its mark potentially made by an enslaved person low on the walls of the hallway, and an art gallery that overlooked grounds of oppression—the house seemed to anticipate the role of visibility, images, and the contested figure-ground relationship made prominent in the context of Stand Your Ground law, which is inextricable from its eighteenth-century context of the castle doctrine and the legacy of slavery.

For that mark to have remained for 150 years, it might have been deemed to belong there, suspended as part of what stabilized the very walls of this slave-owning complex, guarded by a police officer whom I had seen as I walked inside. I stared at that potential handprint for some time, thinking of the life of the individual who might have made it, but also of something else—my horror at how very low it was to the wooden floor, how prostrate or even fallen the body must have been to make that mark next to a staircase. The casualness of the mark being mentioned struck me, not as a critique of the presentation of the site. In fact, I had visited because this was one of the few sites whose tour paid significant attention to the lives of the enslaved. Rather, it was the thought that, for that mark to have been made, the man, woman, or child might have lost touch with the ground.

Weems literally and figuratively employed a tactic equivalent to what was so haunting at the Aiken-Rhett house—that of suspension, of a distortion of the figure-ground relationship, transforming what was once a site of precarity into one of whimsy, embodied joy that flirts with flight. Her groundwork tactic of suspension maintains an investment in a critique of the humanist tradition via a focus on what Katherine McKittrick calls an “oppositional geography,” focusing on “the location of black subjectivity and human terror, black resistance, and in some cases, black possession.”⁵¹ McKittrick is interested not just in how social practices shape landscapes but in how the intertwined nature of geography and the ontology of the Black experience is imbricated in these practices on the ground.

At the conclusion of *Grace Notes*, Weems pitches the audience into conceptual irresolution through a closing argument presented entirely as a minutes-long series of questions that begin and end with the repeated phrase, “How do you measure a life?” Here, Weems invokes what Daina Ramey Berry has called the “ghost value” of Black life.⁵² Weems self-consciously juxtaposes the arts with judgment by her choice of the term “measure,” which operates both inside and outside the bounds of the legal arena. The irresolution here serves as a prompt, inviting deliberation and discernment, urging an examination of the complex, often unreflective decisions through which we determine threat and safety, through which we ground the stability of our own lives within and outside of the law. It expands her focus from one “vulnerable body,” per Fineman, to the vulnerability

of the body politic, brought about by conditions of racial capitalism and slavery, which undergirds the unequal outcomes under SYG laws today.

SUSPENSION IN THE PUBLIC SPHERE: THE EQUAL JUSTICE INITIATIVE SOIL COLLECTION PROJECT AND MEMORIAL

Weems opened the two-day Vision and Justice Convening at Harvard; it concluded the next day with a keynote by Bryan Stevenson, who deliberately expanded the work of his legal practice at the Equal Justice Initiative (EJI) to focus on the question of how culture can best attend to the unburied, those killed by the violence of state-sanctioned racial terror tactics of lynching in the United States. Perhaps the most enduring monuments to the Civil War and abolition are not monuments at all but the constitutional amendments, yet when the fighting stopped on fields, it moved to other arenas, including the battleground of culture, to create narratives that would legitimate who counts and who belongs in society. Of all the cultural forms, monuments would come to publicly suspend the proscribed rights-based relationships of figure and ground in order to affirm racial hierarchies and the subordination of Black subjects through the evolution of slavery into Jim Crow-era terror tactics. “Go to Berlin. There are no Adolf Hitler statues in Germany. But in this country, we don’t talk about lynching. We don’t talk about segregation. In my state, we have Confederate Memorial Day. It’s a state holiday. In my state of Alabama, Jefferson Davis’s birthday is a state holiday,” Stevenson said to the convening crowd to close the event. “That’s why our historians, our artists, our storytellers are so critical to the struggle. We can’t have justice without artists, without sculpture, without leaders who are finding ways to shift this narrative.”⁵³ In collaboration with MASS Design and commissioned artists, Stevenson’s EJI organization created a memorial to honor the unmarked lives taken by lynching in the United States by hovering us over contested terrain. The memorial engages with the meaning of the term “ground”—as both reason and fact but also as soil itself—to address the injustices wrought at our feet.

While there is not room here to offer an extensive reading of the entire memorial, let me focus on two key aspects of the design: suspension both above and below ground. One of the distinguishing features of the EJI memorial is that it has, effectively, no stable ground. The memorial’s ambulatory path sets visitors on a circuit that deliberately pushes one below the datum line of the memorial floor—after walking into the Capitoline structure, the floor plane shifts downward. Suspended markers hang overhead, each indicating the home counties and names, if possible, of those killed by lynching, the antecedent of our contemporary era’s “do-it-yourself” vigilante justice (Figure 7). The move literalizes the notion of contested ground through aesthetics—descending and ascending,

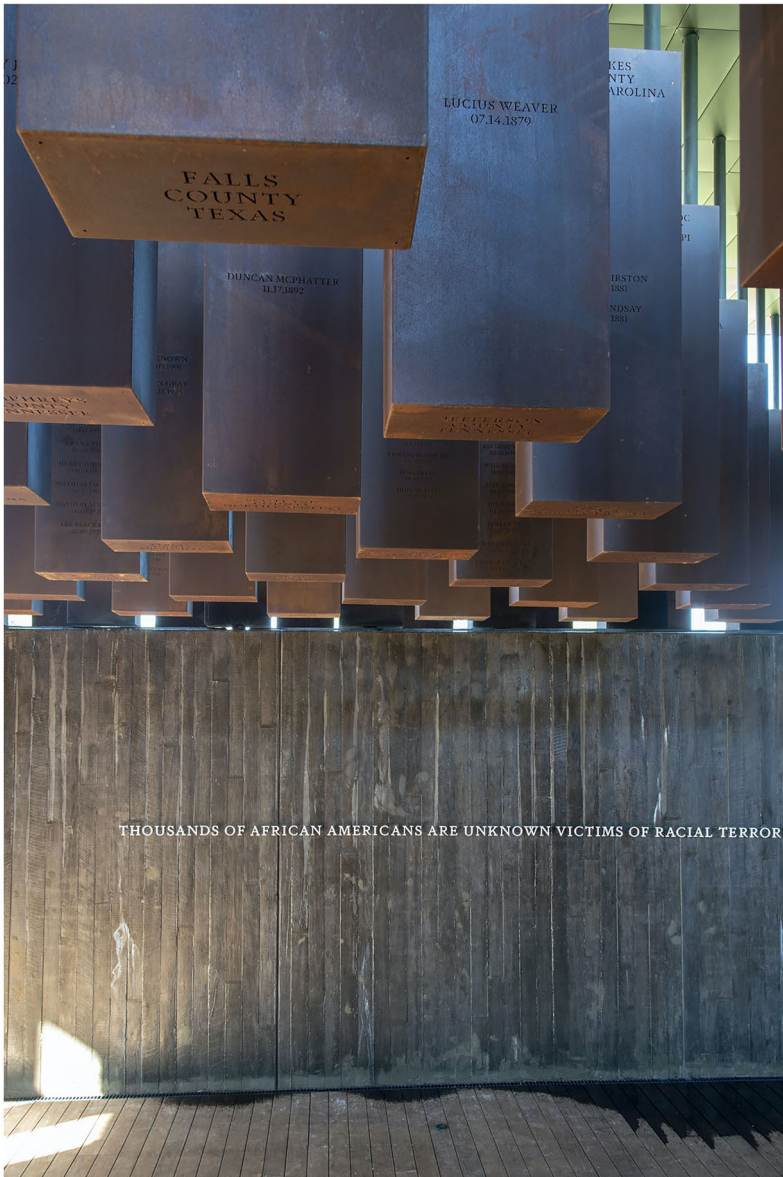


Figure 7. National Memorial for Peace and Justice, Montgomery, Alabama, 2018. Photograph by Alan Ricks, provided by MASS Design Group.

situating the ground as a site of examination. The pathway then ascends on a mound set atop a hill that rivals the height of the Capitol building in Montgomery, Alabama where the viewer is at the height of the marker, each indicating one of the well over 4,000 lives taken by lynching in the United States.⁵⁴ The sensation of this circuit is to be in this suspended arena.

This transit through the memorial eventually pits the viewer into a recessed ground—a wooden hull lined with the narratives, the “reasons” for lynchings



Figure 8. National Memorial for Peace and Justice, Montgomery, Alabama, 2018. Photograph by Alan Ricks, provided by MASS Design Group.

etched into the metal: “Oliver Moore was lynched in 1930 for frightening a white girl.” Ernest Green and Charlie Long were just 14-year-old boys, lynched in 1942 after a “white girl said they were threatening.” A farmer, Robert Lyons, was lynched in 1948 “for voting.” (Figure 8). Overhead, holding the monument in atmospheric dynamism, are plinths made of COR-TEN steel, which oxidizes into a layer of protective rust, consistently turning the markers a deeper brown over time. Through this juxtaposition of narrative—reasons—and ground as representational illusion, we also see the compositional template of the lynched body as a political form signaling a deliberate removal of the figure from ground, from sovereignty.⁵⁵

The EJI memorial is participatory, in a constant state of motion. Outside the memorial are twinned markers to those hanging, each designed to allow a county where a lynching took place to erect their own monument. Each still awaits potential removal and reclamation. The monument’s design displays Stevenson’s understanding that any discussion about monuments requires “becoming proximate” with the American racial ground—ground as reason, data, fact, and premise, but also as *ground*, as in soil itself.⁵⁶ This anticipatory state enacts the gap Butler describes between grief and grievance and inaugurates a new model of civic space, challenging some of the most central tensions between race, rights, and visual representation in the United States. The memorial’s template of suspension is a new civic aesthetic for our age.



Figure 9. A Community Remembrance Project, Equal Justice Initiative Exhibit Room, Montgomery, Alabama, 2018. Photograph by the author.

In a room just feet from Stevenson’s office is a community remembrance project done in collaboration with MASS Design, for which soil was collected from every known lynching in the state of Alabama. Rows of clear glass jars contain this soil, each with a unique color—rust red, deep green, brown—stand-ins for individual lives lost. Each jar is the result of community members’ marking the site of a known or recently discovered incident of lynching. One jar stays with the community; the other comes to EJI. Each jar, as Christina Sharpe has said, is a “still life.”⁵⁷ I stopped at a marker for Elizabeth Lawrence, her name in small white letters on the glass above, and “Birmingham, AL, July 5, 1933,” the place and day of her death. She had chastised white children who had thrown

rocks at her as she walked home (Figure 9). The children told their parents that they had been scolded. That evening, while she was at home, she was set on by a mob outraged by her actions. She was lynched. The mob then burned her house to the ground. Her son, Alexander, had his life threatened after her death and fled to Boston, one of many in the Great Migration from the South to the North that was not just about economic opportunity but, as Stevenson has argued, fleeing racial terror. Every jar contained a similarly suspended story, a life taken by lynching, a form of extrajudicial violence meant to keep America's racial hierarchy intact. The soil collection monument makes it plain: the very ground we walk on could be an unintentional marker of the use of racial terror as a tactic in the United States. Racial terror is not a simple aberration of the system. Racial terror has been an intentional tool of the system, often sanctioned by the state.⁵⁸

Protests centered on the removal of monuments that indicate America's history of oppression have roiled our current cultural landscape and offer salient reminders that, according to research collected by the Southern Poverty Law Center in 2019 in an open source data set, there are nearly 500 symbols that honor Robert E. Lee, Jefferson Davis, and Stonewall Jackson in the United States. What often goes undiscussed is the timing of the erection of these monuments—most of them were not installed immediately after the Civil War, but during segregation. The Southern Law Poverty Center charts the timing of the arrival of Confederate monuments on American ground, as research by Sherrilyn Ifill has shown, with the largest spike occurring between 1910 and 1920, when Confederate monuments began appearing more commonly on the lawns of courthouses. The erection of these monuments is part of the cultural backlash to the end of slavery, the period of "Redemption," as Henry Louis Gates, Jr. researched in *Stony the Road: Reconstruction, White Supremacy, and the Rise of Jim Crow*.

Stevenson had turned his attention to monuments well before these debates evolved, and his study took new form and energy from the momentum of the 2020 Black Lives Matter protests. What was once a conversation primarily about Confederate monuments has now grown to include other monuments to oppression—militarized police forces, redlining housing policies, systemic racism in workplaces. Meanwhile, the toppling of racist statues has spread far outside America, from a monument to slave trader Edward Colston being thrown into Bristol Harbor in the UK to the defacement of a monument to King Leopold II in Antwerp, Belgium.⁵⁹

Weems and Stevenson use what Light might term a tactic of suspension to counter the suspended logic that enables the unjust outcomes under SYG law: a belief in the presumption that all are treated as sovereign, autonomous subjects under Stand Your Ground law.⁶⁰ Both Weems and Stevenson have also turned to the conceptual frameworks that defy temporal and social laws and norms—namely grace for Weems and mercy for Stevenson. In so doing, they offer a



Figure 10. Photograph of Amy Sherald with her portrait of Breonna Taylor, 2020. Courtesy of the artist and Hauser & Wirth. Photograph by Joseph Hyde.

rejoinder to the spatial conditions that their projects exemplify and point to the shape-shifting function of time, distorted through the recursive logic of SYG law, which results in what Shatema Threadcraft aptly frames as the retroactive blame ascribed to SYG law’s victims.⁶¹

It is through this context of suspension that we can best understand the conceptual urgency behind the civic significance of initiatives—from the paving of the renamed section of 16th Street in front of the White House with the yellow capitalized words “Black Lives Matte,” a sight viewed from above by the late Congressman John Lewis at the end of his life, to painter Amy Sherald’s posthumous portrait of the young medical worker Breonna Taylor, who was killed by police while in her own bed in Louisville, Kentucky, on March 13, 2020 (Figure 10). Against a sparse background of blue, Sherald centers Taylor in a three-quarters-length portrait in a gossamer gown suggestive of fluid, ethereal motion. Her

sepia-hued skin and expression is based on an image of Taylor that was circulated to add visibility to her case, while her body's movement in a monochrome sea of blue is conjured from Sherald's imagination. A photograph of this painting served as the cover of a *Vanity Fair* special issue released in the summer of 2020 when nation-wide protests saturated the ground and atmosphere of political contestation in the United States. Sherald's strategy of suspension was twofold, not only to hold Taylor's "aliveness" in the public consciousness, underscored by the published portrait of Sherald perched on a ladder next to the painting to approximate Taylor's height, but also to challenge the suspension of the parameters of the law that was required to make sense of the injustice through which Taylor met her end. The painting was crafted not only to enter the public sphere of extrajudicial discourse but to attempt to arrest it.⁶² "Imagine," Sherald's painting asks of us, invoking Weems's incantation. "Imagine this and hold it in your mind's eye. Imagine this and see it in your mind's eye. Imagine the worst of the worst. And know that it is happening, time and time and time again."

When I first discussed the idea of groundwork aesthetics, it was to ask whether there was room in the discipline of art history to expand the methodologies through which we assess the figure-ground relationship. The analysis was rooted in the assumption of access to the upright posture, via art historian T.J. Clark's analysis of a preoccupation with ground-level projects in the long history of art.⁶³ It prompted a consideration of projects based on the lack of access to this sovereignty—signaled by uprightness—by artists such as Kehinde Wiley, Hank Willis Thomas, Sherald, Xaviera Simmons, and Weems. I was gesturing toward what can be stated here in the context of legal studies: that these artists engage with the history of law even as they do so with a history of art, as these conditions of the figure-ground relationship are central to all spheres of culture. The arena of suspension required for adjudication is not only the trial room but the space created by the deliberative, extrajudicial framework of artistic practice that in turn shapes the norms of an era. The foundational right of representation in a representational democracy, the right to be recognized justly, has been historically and is still urgently tied to the work of visual representation in the public realm.

Groundwork of the kind that these artists and cultural works offer is an example of practical labor for the moral imagination of civic society and as a prompt for new critical inquiry into the arts and humanities at large. Cultural groundwork goes by many names. It is debate. Discussion. Protest. Plans for new monuments. And for old ones. These vital projects serve to interrogate what is considered to be the environment of the artist, critical and often overlooked interlocuters of engagements between law and the humanities and what "ground" means for the work of both in the extrajudicial pursuit of justice. Beyond providing a new framework of analysis for engaging with the meaning of the term

“ground”—as both reason and fact but also terrain itself—to address the injustices wrought at our feet, these projects lay out future steps for the arts and humanities to engage more decisively with the sociopolitical life that informs artistic production in the context of racial contestation.

DISCLOSURE STATEMENT

No potential conflict of interest was reported by the author.

* This idea of the “arena” alludes to a comment made by sociologist Lawrence D. Bobo at the Vision and Justice Convening in 2019 directly after hearing the meditation by Carrie Mae Weems I discuss in this article. I’d like to thank him for the inspiration his comments offered for this piece. I would also like to thank Joan Kee for her generous, insightful comments, which prompted my decision to focus squarely on the concept of “ground” for this project and for her scholarship in Kee, *Models of Integrity: Art and Law in Post-Sixties America* (Oakland: University of California Press, 2019), as well as Caroline Light for her expertise on Stand Your Ground law and for her engagement with my fall 2020 Harvard graduate seminar, American Racial Ground, her deft analysis of the conflation between self-defense and defense of property, and for her generous feedback as I prepared this article. I would also like to thank Courtney Baker, Timothy Barringer, Adrienne Brown, Huey Copeland, Robin Kelsey, Henry Louis Gates, Jr., Jeffrey Hamburger, Sharon Harper, Joseph Koerner, Carrie Lambert-Beatty, Jennifer Raab, Jennifer Roberts, Jordana Moore Saggese, and Kevin Quashie for their feedback on the broader manuscript project as I formulated this article, as well as my colleagues in history of art and architecture and African and African American studies for their feedback on a draft of this piece for a work-in-progress talk. Finally, I would like to salute Jessica Williams and Janice Moynihan for their invaluable work as research assistants for this project.

1. Oliver Wendell Holmes Jr., *The Common Law* (Boston: Little, Brown, 1881; Project Gutenberg, 2000), 83, 142, 159, <https://www.gutenberg.org/files/2449/2449-h/2449-h.htm>. The terms “grounds” and “ground” appear far too frequently

in this text to cite each instance. The idea for this article was prompted, too, by an excerpt from the work of Ruth Bader Ginsburg. In her description of how jurisprudence changed over time in the *Hofstra Law Review* in 1997, Ginsburg asked: “What caused the court’s understanding to dawn and grow?” arguing that “judges do read the newspaper and are affected, not by the weather of the day, as distinguished constitutional law professor Paul Freund once said, but by the climate of the era.” Her distinction calls us to focus not on whimsical daily changes—the weather—but on climate, an enduring quality that defines an environment. Of all such environment-based metaphors, one of the most often used in legal discourse is that of “ground.” “Constitutional Adjudication in the United States as a Means of Advancing the Equal Stature of Men and Women under the Law,” *Hofstra Law Review* 26, no. 2 (Winter 1997): 268.

2. A visit to the Aiken-Rhett House in Charleston, which I discuss later in this piece, generated the idea for the conceptualization of groundwork as an engagement with ground, or “Boden” in the Heideggerian tradition, which I mention in another article is connected to a rootedness and territorialism in ways that are distinct from its contemporary valence. See Meyer Schapiro, “The Still Life as a Personal Object—A Note on Heidegger and van Gogh,” in *The Reach of Mind: Essays in Memory of Kurt Goldstein*, ed. Marianne Simmel (New York: Springer Publishing, 1968), 203–9; Martin Heidegger, *Der Satz vom Grund* (Pfullingen: Neske, 1957), 191–211; Martin Heidegger, “The Principle of Ground,” trans. Keith Hoeller, *Man and World* 7, no. 3 (1974): 207–22; and Fred Moten, “The End of the World Picture,” in Julie Mehretu, et al. eds., *Julie*

- Mehretu (New York: DelMonico Books-Prestel, 2019), 246–251.
3. On surveillance, see Jasmine Nichole Cobb, *Picture Freedom: Remaking Black Visuality in the Early Nineteenth Century* (New York: New York University Press, 2015); Simone Browne, *Dark Matters: On the Surveillance of Blackness* (Durham: Duke University Press, 2015); and Mia Fischer and K. Mohrman, “Black Deaths Matter? Sousveillance and the Invisibility of Black Life,” *Ada: A Journal of Gender, New Media, and Technology* 10 (2016), <https://adanewmedia.org/2016/10/issue10-fischer-mohrman/>. The literature on the outcomes of SYG laws is vast. A few crucial texts are Justin Murphy, “Are ‘Stand Your Ground’ Laws Racist and Sexist? A Statistical Analysis of Cases in Florida, 2005–2013,” *Social Science Quarterly* 99, no. 1 (March 2018): 439–52; Marcus Lee, “Originating Stand Your Ground: Racial Violence and Neoliberal Reason,” *Du Bois Review: Social Science Research on Race* 16, no. 1 (2019): 107–29. See also John Roman’s study on Florida-specific SYG laws and his findings about racial disparities in rulings and homicides in Roman, “Race, Justifiable Homicide, and Stand Your Ground Laws: Analysis of FBI Supplementary Homicide Report Data,” *Urban Institute* (July 2013); and Nicole Ackermann, et al., “Race, Law, and Health: Examination of ‘Stand Your Ground’ and Defendant Convictions in Florida,” *Social Science & Medicine* 142 (2015): 194–201.
 4. Sarah Elizabeth Lewis, “Groundwork: Race and Aesthetics in the Era of Stand Your Ground Law,” *Art Journal* 79, no. 4 (2020): 92–113. This work is also in conversation with the work of colleagues in the discipline of art history who have interrogated the role of the arts for processing and also pointing towards new ways forward in moments of injustice. Darby English has examined the ways in which art sustains the questions that need to be asked in his work, *To Describe a Life: Notes from the Intersection of Art and Race Terror* (New Haven: Yale University Press in Association with the Hutchins Center for African & African American Research, Harvard University, 2019). See also Nicole R. Fleetwood, *Marking Time: Art in the Age of Mass Incarceration* (Cambridge, MA: Harvard University Press, 2020) and Christina Sharpe, *In the Wake: On Blackness and Being* (Durham: Duke University Press, 2016).
 5. Martha Albertson Fineman, “The Vulnerable Subject: Anchoring Equality in the Human Condition,” *Yale Journal of Law and Feminism* 20, no. 1 (2008): 1.
 6. Here I’m thinking of Mark Rifkin’s discussion of the inaccurate framework of time ascribed to “Native peoples ... within dominant settler reckonings of time. Either they are consigned to the past, or they are inserted into a present defined on non-native terms. From this perspective, Native people[s] do not so much exist within the flow of time as erupt from it as an anomaly, one usually understood as emanating from a bygone era.” Rifkin, *Beyond Settler Time: Temporal Sovereignty and Indigenous Self-Determination* (Durham: Duke University Press, 2017), vii. See, too, Bryan Wagner’s framework of blackness as “existence without standing in the modern world.” Wagner, *Disturbing the Peace: Black Culture and the Police Power after Slavery* (Cambridge: Harvard University Press, 2009), 1. My thanks to Fred Moten for his thoughts on Wagner’s work on the 2021 Modern Language Association Presidential Plenary: Poetics of Persistence in Black Life on January 8, 2021, chaired by Evie Shockley.
 7. Caroline Light, *Stand Your Ground: A History of America’s Love Affair with Lethal Self-Defense* (Boston: Beacon Press, 2017); Jennifer Carlson, *Citizen-Protectors: The Everyday Politics of Guns in an Age of Decline* (New York: Oxford University Press, 2015). For more on the context of antebellum slavery on gun ownership, see Saul Cornell and Eric M. Ruben, “The Slave-State Origins of Modern Gun Rights,” *The Atlantic*, September 30, 2015, <https://www.theatlantic.com/politics/archive/2015/09/the-origins-of-public-carry-jurisprudence-in-the-slave-south/407809/>; Leanna Keith, *The Colfax Massacre: The Untold Story of Black Power, White Terror, and the Death of Reconstruction* (Oxford: Oxford University Press, 2008); Randall Kennedy, *Race, Crime, and the Law* (New York: Vintage, 1997); and Kathryn Russell-Brown, “Go Ahead and Shoot—The Law Might Have Your Back: History, Race, and Implicit Bias, and Justice in Florida’s Stand Your Ground Law,” in *Deadly Injustice: Trayvon Martin, Race, and the Criminal Justice System*, ed. D. Johnson, et al. (New York: New York University Press, 2015), 115–45.

8. The development in American jurisprudence from honoring the “duty to retreat,” to the legal right to “stand one’s ground,” was transformed by cases including the US Supreme Court cases *Beard v. United States* (1885) and *Brown v. United States* (1921). Also see Ross P. Luevonda, “The Transmogrification of Self-Defense by the National Rifle Association: From the Doctrine of Retreat to the Right to Stand Your Ground,” *Southern University Law Review* 35, no. 1 (2007): 1-46. Light interrogates how this work cannot be fully analyzed at a remove from considering how gendered violence has shifted the notion of public and private ground vis-à-vis the home. For more, see Light and Jeannie Suk, *At Home in the Law: How the Domestic Violence Revolution Is Transforming Privacy* (New Haven: Yale University Press, 2009).
9. See Light, *Stand Your Ground* and Carlson, *Citizen-Protectors*, 6. Carlson also discusses how the SYG era coincided with the release in strictures on legal gun ownership (since the 1970s).
10. Cheryl Harris, “Whiteness as Property,” *Harvard Law Review* 106, no. 8 (June 1993): 1707-91. Embedded in this discourse, too, is what Saidiya Hartman has called the “afterlife of property”—lives caught in the conditional terms of slavery, in “Venus in Two Acts,” *Small Axe: A Journal of Criticism* 12, no. 2 (2008): 13.
11. Patricia J. Williams, “The ‘Ground’ in ‘Stand Your Ground’ Means Any Place a White Person Is Nervous,” *The Nation*, August 15, 2016, <https://www.thenation.com/article/archive/the-ground-in-stand-your-ground-means-any-place-a-white-person-is-nervous/>.
12. Sam Levin, “Police Fired 55 Times at Willie McCoy. An Investigation Called It ‘Reasonable,’” *The Guardian*, June 12, 2019, <https://www.theguardian.com/us-news/2019/jun/12/willie-mccoy-shooting-vallejo-police-55-shots>.
13. The literature on the history of and contemporary culture that, as Lawrence D. Bobo puts it, gets “routinely mobilized” is vast but speaks to the “wedding of socio-economic, legal-political, and cultural racism.” See Bobo, “Foreword: The Racial Double Homicide of Trayvon Martin,” in *Deadly Injustice: Trayvon Martin, Race, and the Criminal Justice System*, ed. D. Johnson et al. (New York: New York University Press, 2015), xi. A few of the salient works are the following: Henry Louis Gates, Jr., *Stony the Road: Reconstruction, White Supremacy, and the Rise of Jim Crow* (New York: Penguin Press, 2019); *Vision & Justice: A Civic Curriculum*, <https://visionandjustice.org/civic-curriculum/>; Nicole R. Fleetwood, *On Racial Icons: Blackness and the Public Imagination* (New Brunswick: Rutgers University Press, 2015); Donald Bogle, *Toms, Coons, Mulattoes, Mammies, and Bucks: An Interpretive History of Blacks in American Films* (New York: Bloomsbury Academic, 2016); Lee D. Baker, *From Savage to Negro: Anthropology and the Construction of Race, 1896-1954* (Berkeley: University of California Press, 1998).
14. Desmond Manderson, “Introduction: Imaginal Law,” *Law and the Visual: Representations, Technologies, and Critique* (Toronto: University of Toronto Press, 2018), 6; Christian Metz, *The Imaginary Signifier* (Bloomington and Indianapolis: Indiana University Press, 1982), 61-5.
15. Robin Kelsey once argued that there was a “narrowness” in the cultural scope on art and law, reflecting on the scholarship that was brought together in this volume. I cite these scholars writing on the relationship of law, race, and sight, such as Jasmine Nichole Cobb and others, in order to highlight those who were not necessarily brought into this discussion but whose work is absolutely vital for the intertwined discourse of visuality, legal study, and racial analysis. See Kelsey’s review of *Law and the Image: The Authority of Art and the Aesthetics of Law*, a landmark volume of scholarship edited by Lynda Nead and Costas Douzinas. Robin Kelsey, “Doing Art Justice,” *Art Journal* 59, no. 4 (Winter 2000): 103-4; Peter Goodrich, *Legal Emblems and the Art of the Law: Obiter Depicta as the Vision of Governance* (New York: Cambridge University Press, 2014). See Maurice Berger, “Are Art Museums Racist?,” *Art in America* 78, no. 9 (1990): 68; Maurice Berger, *White Lies: Race and the Myths of Whiteness* (New York: Farrar, Straus, Giroux, 1999); Maurice Berger, *For All the World to See: Visual Culture and the Struggle for Civil Rights* (New Haven: Yale University Press, 2010); Cobb, *Picture Freedom*; Fleetwood, *Marking Time*; W. J. T. Mitchell, *Picture Theory: Essays on Verbal and Visual Representation* (Chicago: University of Chicago Press, 1994); Deborah Willis, *Picturing Us: African American Identity in Photography* (New York: New Press, 1994); Deborah Willis, *Reflections in Black: A History of Black Photographers, 1840 to the Present* (New York: W.

- W. Norton, 2000); Deborah Willis and Carla Williams, *The Black Female Body: A Photographic History* (Philadelphia: Temple University Press, 2002); Deborah Willis, *Constructing History: A Requiem to Mark the Moment* (Savannah, GA: Savannah College of Art and Design, 2008); and Sharpe, *In the Wake*.
16. Elizabeth Alexander, "The Trayvon Martin Generation," *The New Yorker*, June 15, 2020, <https://www-newyorker-com.ezp-prod1.hul.harvard.edu/magazine/2020/06/22/the-trayvon-generation>. This essay also appears in *Grief and Grievance*, the posthumously curated show by Okwui Enwezor. See also Susan Sontag, *On Photography* (New York: Anchor, 1990); Susan Sontag, *Regarding the Pain of Others* (New York: Farrar, Strauss, and Giroux, 2003); Susie Linfield, *The Cruel Radiance: Photography and Political Violence* (Chicago: Chicago University Press, 2010); Sarah Sentilles, *Draw Your Weapons* (New York: Random House, 2017); Saidiya V. Hartman, *Scenes of Subjection: Terror, Slavery, and Self-Making in Nineteenth-Century America* (New York: Oxford University Press, 1997); and Barbie Zelizer, *About to Die: How News Images Move the Public* (Oxford: Oxford University Press, 2010). While we are in a moment in which this question is being debated in all quarters, I want to highlight that it is a question that has been asked consistently, and pointedly, by Saidiya Hartman in "Venus in Two Acts." In this piece, she asks questions such as, "Do the possibilities outweigh the dangers of looking (again)?" and "How does one revisit the scene of subjection without replicating the grammar of violence?"; Hartman, "Venus in Two Acts," 4.
 17. Also see Elizabeth Alexander, "Can You Be BLACK and Look at This? Reading the Rodney King Video(s)," *Public Culture* 7 (1994): 77-94. In this text, Alexander asks if there is room for "a bottom line" in her analysis of publicized anti-Black violence: "The bottom line here is that different groups possess sometimes-subconscious collective memories which are frequently forged and maintained through a storytelling tradition, however difficult that may be to pin down, as well as through individual experience. When a black man can be set on fire amidst racial epithets in the street because he inhabits a black body, as recently occurred in Florida, there must be a place for theorizing black bodily experience within the larger discourse of identity politics," 80. What Alexander calls the bottom line, these artists address as the conditions of the figure/ground relationship. See also Ariella Azoulay, *The Civil Contract of Photography* (Cambridge, MA: MIT Press, 2008). Courtney Baker, Elizabeth Alexander, and Karla F. C. Holloway are among the many scholars who have incisively analyzed the ethical dimensions of looking in the context of violence against Black bodies in the United States. See Baker, *Humane Insight: Looking at Images of African American Suffering and Death* (Champaign: University of Illinois Press, 2015); Leigh Raiford, "Burning All Illusion: Abstraction, Black Life, and the Unmaking of White Supremacy," *Art Journal* 79, no. 4 (2020): 76-91, DOI: 10.1080/00043249.2020.1779550; and Rose Salceda's book project, *Unrest: An Art History of the 1992 Los Angeles Riots*.
 18. Light, *Stand Your Ground*, 3, 6. See also Carlson, *Citizen-Protectors*. I would also like to thank Huey Copeland for a productive conversation about the periodization implied in my focus on Stand Your Ground law.
 19. Light, *Stand Your Ground*, 3, 6.
 20. Martha Albertson Fineman, "The Vulnerable Subject: Anchoring Equality in the Human Condition," *Yale Journal of Law and Feminism* 20, no. 1 (2008): 1-2. On sovereignty, see Juliet Hooker, "Black Lives Matter and the Paradoxes of U.S. Black Politics: From Democratic Sacrifice to Democratic Repair," *Political Theory* 44, no. 4 (August 2016): 448-69; Danielle Allen, *Talking to Strangers: Anxieties of Citizenship Since Brown v. Board of Education* (Chicago: University of Chicago Press, 2004), 41; and Imani Perry, *Vexy Thing: On Gender and Liberation* (Durham: Duke University Press, 2018).
 21. Judith Butler, "Between Grief and Grievance, a New Sense of Justice," in *Grief and Grievance: Art and Mourning in America* (New York: Phaidon, 2021), 11.
 22. All quotations are from Weems's statements in the version of *Grace Notes* at the Vision and Justice Convening of Harvard University, April 25, 2019, unless stated otherwise. For the extraordinary work that it took to put on this convening, I would like to thank the staff who hosted and helped organize the event at the Radcliffe Institute for Advanced Study, the Hutchins Center for African & African American Research, the Harvard Art Museums, and the American Repertory Theater; the Ford

- Foundation, and the Lambent Foundation, my colleagues at the Peabody Museum at Harvard; the registrars of the Departments of the History of Art and Architecture and African American Studies, Giovanna Micconi and Ann Janik; the advisory committee for the event, Henry Louis Gates, Jr., Lori Gross, Evelyn Brooks Higginbotham, Elizabeth Hinton, Robin Kelsey, Carrie Lambert-Beatty, Yukio Lippit, Jennifer L. Roberts, Tommie Shelby, and Damian Woetzel; as well as Dean Tomiko Brown-Nagin.
23. I received a call from Spoleto director Nigel Redden in 2015 asking if I would identify an artist who might create a work of art that could allow the local community to process this hate crime. At the time, I was standing beneath the Jefferson Davis mansion, on a break from research at what was then the Museum of the Confederacy (now the American Civil War Museum). Just two weeks before my visit, Bree Newsome had taken down the Confederate Flag, the emblem Dylann Roof chose to pose with in a self-portrait before his murder of the nine members of Emanuel AME Church in Charleston, South Carolina. On that call, Redden asked if I needed time to deliberate. I told him that I did not. He needed to commission Carrie Mae Weems.
24. Weems's series also resonates with the #SayHerName campaign, originated by the Center for African American Policy Forum and the Center for Intersectionality and Social Policy Studies, focusing on the Black women and girls killed by police. See, <https://www.aapf.org/sayhername>.
25. Kevin Quashie, *Black Aliveness, Or a Poetics of Being* (Durham: Duke University Press, 2021), 13.
26. Manderson, "Introduction," 4. Also see Chiara Bottici, *Imaginal Politics* (New York: Columbia University Press, 2014), 13-31.
27. See John Stauffer, Zoe Trodd, and Celeste-Marie Bernier, *Picturing Frederick Douglass: An Illustrated Biography of the Nineteenth Century's Most Photographed Man* (New York: Liveright, 2015). All of Douglass's speeches about pictures are reproduced in this volume, making it an invaluable publication, while of course, they also remain in the holdings of the Library of Congress. Also see Frederick Douglass, "Pictures and Progress," in John W. Blassingame, ed., *The Frederick Douglass Papers*, series 1: *Speeches, Debates, and Interviews*, vol. 3: 1855-1863 (New Haven: Yale University Press, 1985); Henry Louis Gates, Jr., "Frederick Douglass's Camera Obscura: Representing the Antislave 'Clothed and in Their Own Form,'" *Critical Inquiry* 42, no. 1 (Autumn 2015): 31-60; Laura Wexler, "'A More Perfect Likeness': Frederick Douglass and the Image of the Nation," in Maurice O. Wallace and Shawn Michelle Smith, eds., *Pictures and Progress: Early Photography and the Making of African American Identity* (Durham: Duke University Press, 2012), 18-40; and Ginger Hill, "'Rightly Viewed': Theorizations of Self in Frederick Douglass's Lectures on Pictures," in Maurice O. Wallace and Shawn Michelle Smith, eds., *Pictures and Progress: Early Photography and the Making of African American Identity* (Durham: Duke University Press, 2012), 41-82. I also have discussed these speeches by Douglass in Sarah Lewis, *The Rise: Creativity, the Gift of Failure, and the Search for Mastery* (New York: Simon and Schuster, 2014) and "Vision & Justice," *Aperture* 223 (2016).
28. Kathryn E. Delmez, "Introduction," in *Carrie Mae Weems: Three Decades of Photography and Video*, ed. Kathryn E. Delmez (Nashville: Frist Center for the Visual Arts; New Haven: Yale University, 2012), 9.
29. Ilisa Barbash, Molly Rogers, and Deborah Willis, eds., *To Make Their Own Way in the World: The Enduring Legacy of the Zealy Daguerreotypes* (Cambridge, MA, and New York: Peabody Museum Press and Aperture, 2020).
30. The history of this series is vast. For more on the history of the potential legal case that resulted from Weems's use of the Zealy daguerreotypes, see Yxta Maya Murray, "From Here I saw What Happened and I Cried: Carrie Mae Weems's Challenge to the Harvard Archive," *Unbound: Harvard Journal of the Legal Left* 8, no. 1 (2012-2013): 1-78. Carrie Mae Weems discusses her response to Harvard University in the *Art 21* episode 2, season 5, "Compassion," *Art in the Twenty-First Century* (2009); Sarah Elizabeth Lewis with Christine Garnier, eds., *Carrie Mae Weems* (Cambridge: MIT Press, 2021); Cherise Smith, "Carrie Mae Weems: Rethinking Historic Appropriations," *Nka* 44 (May 2019): 38-50; Deborah Willis, "In Conversation with Carrie Mae Weems," in Barbash, et al., *To Make Their Own Way in the World*, 395-405.

31. Martin A. Berger, *Sight Unseen: Whiteness and American Visual Culture* (Berkeley: University of California Press, 2005); Maurice Berger, "Are Art Museums Racist?," 68; Maurice Berger, *White Lies*; Maurice Berger, *For All the World to See*; Édouard Glissant, "For Opacity," in *Over Here: International Perspectives on Art and Culture*, ed. Gerardo Mosquera and Jean Fisher (New York: New Museum of Contemporary Art, 2004); Toni Morrison, *Playing in the Dark: Whiteness in the Literary Imagination* (Cambridge: Harvard University Press, 1992); Shawn Michelle Smith, *American Archives: Gender, Race, and Class in Visual Culture* (Princeton: Princeton University Press, 1999); Nicholas Mirzoeff, *Diaspora and Visual Culture* (Florence: Taylor & Francis, 1999); Mitchell, *Picture Theory*; Michele Wallace, "Modernism, Postmodernism and the Problem of the Visual in Afro-American Culture," in *Out There: Marginalization and Contemporary Cultures* (New York: MIT Press, 1990), 39-50. Among the many volumes by Deborah Willis, see *Reflections in Black* and *Constructing History*.
32. Karla F. C. Holloway, *Legal Fictions: Constituting Race, Composing Literature* (Durham: Duke University Press, 2014). This discourse about sovereignty is extensive. See Imani Perry, "Excerpt from Vexy Thing: On Gender and Liberation," *Southern Journal of Philosophy* 56, no. S1 (2018): 76-92.
33. "Carrie Mae Weems: Grace Notes: Reflections for Now," *Art21*, August 2016. LaCharles Ward also reflects on this moment in his sensitive reading of Weems's work in a discussion of the layering of image of text in "'Keep Runnin' Bro': Carrie Mae Weems and the Visual Act of Refusal," *Black Camera* 9, no. 2 (Spring 2018): 82-109.
34. R. C. Jebb, *Sophocles: Plays, Antigone* (London: Bristol Classics Press, 2004), 149.
35. *Ibid.*, 2.
36. As Holloway argues, "African Americans' particular vulnerability to an untimely death in the United States intimately affects how black culture both represents itself and is represented." Holloway, *Legal Fictions*, 2. Also see James Van Der Zee, *Harlem Book of the Dead* (Dobbs Ferry: Morgan & Morgan, 1978); W. E. B. DuBois, *Souls of Black Folk* (New York: G&D Media, 2019) (specifically "Of the Passing of the First Born"); Siddhartha Mitter, "What Does It Mean to Be Black and Look at This?: A Scholar Reflects on the Dana Schutz Controversy," *Hyperallergic*, March 24, 2017, <https://hyperallergic.com/368012/what-does-it-mean-to-be-black-and-look-at-this-a-scholar-reflects-on-the-dana-schutz-controversy/>; Orlando Patterson, *Slavery and Social Death: A Comparative Study* (Cambridge: Harvard University Press, 2018); Claudia Rankine, "On Racial Violence: The Condition of Black Life Is One of Mourning," *New York Times*, June 22, 2015, <https://www.nytimes.com/2015/06/22/magazine/the-condition-of-black-life-is-one-of-mourning.html>.
37. Sharpe, *In the Wake*, 13, 18.
38. Butler, "Between Grief and Grievance, a New Sense of Justice," 13.
39. Gwendolyn Du Bois Shaw, "The Wandering Gaze of Carrie Mae Weems's *The Louisiana Project*," *Panorama* 4, no. 1 (Spring 2018).
40. Kimberly Juanita Brown, *The Repeating Body: Slavery's Visual Resonance in the Contemporary* (Durham: Duke University Press, 2015). I'd like to thank Kevin Quashie for an exchange that took place while finishing this piece that allowed me to reconsider my reading of this painting by placing it in conversation with Hortense Spillers's conceptualization of "ground" in "Mama's Baby, Papa's Maybe," which I do in greater length in the manuscript version of this article.
41. For more on the history of aesthetic imperfection, such as blur used deliberately, see Robin Kelsey on Julia Margaret Cameron and Eastlake in Kelsey, *Photography and the Art of Chance* (Cambridge: Harvard University Press, 2015), 64-65. One could argue that what Kelsey aptly defines as a distinction between "blur" and "glitch" is eliminated in Weems's practice, in that the blur for Weems becomes an index of her labor as both artist and subject. See Kelsey, *Photography and the Art of Chance*, 69, 195-6.
42. Kelsey, *Photography and the Art of Chance*, 86. In *Black Aliveness*, Quashie theorizes the idea of "aliveness" as a quality, a tactic used by Black artists to circumvent being proscribed out of the category of being human.
43. Avery Gordon, *Ghostly Matters: Haunting and the Sociological Imagination* (Minneapolis: University of Minnesota Press, 2008).
44. Here I am also thinking of the idea of a related aspect of suspension, that of the ever-caught nature of escape. As "the whole point about escape is that it's an activity. It's not an

- achievement,” Moten has stated. “You don’t ever get escaped ... And what that means is that what you’re escaping is always after you. It’s always on you.” See Moten and Hartman, “The Black Outdoors,” in *Conversations with J. Kameron Carter and SJC*, 9/23/16. For more on suspension as idea of “unsettlement ... A reimagining of Black life unmoored from the axiomatics of (self) possession,” see Sarah Jane Cervenak and J. Kameron Carter, “Untitled and Outdoors: Thinking with Saidiya Hartman,” *Women & Performance: A Journal of Feminist Theory* 27, no. 1 (2017): 48.
45. Here, I consider the frameworks that Martha Minow deftly explores as the main avenue through which cultures respond to mass atrocities in *Between Vengeance and Forgiveness: Facing History after Genocide and Mass Violence* (Boston: Beacon Press, 1998).
46. Lukas van der Berge, “Sophocles’ *Antigone* and the Promise of Ethical Life: Tragic Ambiguity and the Pathologies of Reason,” *Law and Humanities* 11, no. 2 (2017): 208–9, 215.
47. See van den Berge, “Sophocles’ *Antigone* and the Promise of Ethical Life,” 2, 205–27. Martha Nussbaum, *Poetic Justice: The Literary Imagination and Public Life* (Boston: Beacon Press, 1995); Martha Nussbaum, *Love’s Knowledge: Essays on Philosophy and Literature* (Oxford: Oxford University Press, 1990); and Martha Nussbaum, *Therapy and Desire: Theory and Practice in Hellenistic Ethics* (Princeton: Princeton University Press, 1994). See G. W. F. Hegel, *Phenomenology of Spirit*, trans. A. V. Miller (Oxford: Oxford University Press, 1997); and Martha Minow, *When Should Law Forgive?* (New York: W.W. Norton, 2019).
48. Ward, “‘Keep Runnin’ Bro,’” 82–109.
49. For the full set of remarks see Lawrence D. Bobo. “Vision & Justice, Thursday, Part II,” 2:04:00, <https://www.radcliffe.harvard.edu/video/vision-justice-thursday-part-ii>, and at <https://visionandjustice.org/convening-videos/>.
50. For the Urban Plantation tradition model exemplified by the Aiken-Rhett House, see John Michael Vlach, “The Plantation Tradition in an Urban Setting: The Case of the Aiken-Rhett House,” *Southern Cultures* 5, no. 4 (Winter 1999): 52–69; Susan L. Buck, “Paint Discoveries in the Aiken-Rhett House Kitchen and Slave Quarters,” in *Building Environments: Perspectives in Vernacular Architecture*, ed. Kenneth A. Breisch and Alison K. Hoagland (Knoxville: University of Tennessee Press, 2005).
51. Katherine McKittrick, *Demonic Grounds: Black Women and the Cartographies of Struggle* (Minneapolis: University of Minnesota Press, 2006).
52. Daina Ramey Berry, *The Price for Their Pound of Flesh: The Value of the Enslaved from Womb to Grave in the Building of a Nation* (Boston: Beacon Press, 2017), 7.
53. Bryan Stevenson, Keynote, Vision and Justice Convening, April 26, 2019, Harvard University, Sanders Theater.
54. A new report released by EJI documents that “during the 12-year period of Reconstruction at least 2,000 Black women, men, and children were victims of racial terror lynchings.” Equal Justice Initiative, *Reconstruction in America: Racial Violence after the Civil War, 1865–1876*, 2020, <https://eji.org/wp-content/uploads/2020/07/reconstruction-in-america-report.pdf>.
55. I am thinking of the sensitive analysis Jacqueline Goldsby gives to the aesthetic template and rhetorical strategy of lynching photography. See Jacqueline Goldsby, *A Spectacular Secret: Lynching in American Life and Literature* (Chicago: University of Chicago Press, 2006).
56. Bryan Stevenson, *Just Mercy: A Story of Justice and Redemption* (New York: Spiegel & Grau, 2015).
57. Christina Sharpe, quoted in “Podcast Transcripts, Antiracist Weather vs. Black Microclimates: A Conversation with Christina Sharpe,” *The Funambulist: Toxic Atmospheres* (December 2017): 49–53.
58. Ida B. Wells knew it—and it is why it was of such significance that her work garnered a posthumous Pulitzer Prize in 2020. It is why we salute the writing of Jacqueline Goldsby, Ken Gonzales-Day, Sherrilyn Ifill, Koritha Mitchell, Bryan Stevenson, and many others who consider the contemporary outgrowth of this history, including Michelle Alexander and Isabel Wilkerson.
59. Recently, there has been an intensification of scholarly debate about the location of or justification for Confederate monuments. Much of this gestures towards a public reckoning with what geographer Kenneth Foote has called symbolic accretion and part of what political scientists have termed “norm cascades” and moral revolutions, as discussed by scholars including Kwame Anthony Appiah and Cass

- Sunstein. See Kwame Anthony Appiah, "I've Protested for Racial Justice. Do I Have to Post on Social Media?" *New York Times Magazine*, June 30, 2020; and Cass R. Sunstein, "Social Norms and Social Roles," *Columbia Law Review* 96, no. 4 (May 1996): 903-68.
60. I'm grateful to Light for our generative conversations about my concept of suspension while drafting this piece. In the context of abstraction and white supremacy, Leigh Raiford, paraphrasing artist Torkwase Dyson, has offered a careful, probing analysis of a complimentary idea about the counterweight of abstraction. See Raiford, "Burning All Illusion," 83. See also Torkwase Dyson, "Black Interiority: Notes on Architecture, Infrastructure, Environmental Justice, and Abstract Drawing," *Pelican Bomb*, January 9, 2017, <http://pelicanbomb.com/art-review/2017/black-interiority-notes-on-architecture-infrastructure-environmental-justice-and-abstract-drawing>.
61. Shatema Threadcraft, "North American Necropolitics and Gender: On #BlackLivesMatter and Black Femicide," *South Atlantic Quarterly* 116, no. 3 (2017): 553-79.
62. At the time of publication, Amy Sherald had worked to ensure that her painting would remain in public in Kentucky, and it is in the process of being acquired jointly by the Smithsonian's National Museum of African American History and Culture in Washington, D.C., and by the Speed Museum in Louisville. The funding for this joint acquisition, a \$1 million gift, was donated by the Ford Foundation and the Hearthland Foundation.
63. T.J. Clark, "Painting at Ground Level," Tanner Lectures on Human Values, Princeton University, April 17-19, 2002 (Salt Lake City: University of Utah Press, 2004), 135.

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