UC Riverside

UC Riverside Previously Published Works

Title

The Gift of Death?: The Ethics of Murder Narratives

Permalink

<https://escholarship.org/uc/item/276607dp>

Journal

Parallax, 22(1)

ISSN

1353-4645

Author

Baker, Courtney

Publication Date

2016-01-02

DOI

10.1080/13534645.2015.1135513

Peer reviewed

The Grift of Death?: The Ethics of Murder Narratives

Courtney Baker

To cite this article: Courtney Baker (2016) The Grift of Death?: The Ethics of Murder Narratives, Parallax, 22:1, 51-65, DOI: [10.1080/13534645.2015.1135513](https://doi.org/10.1080/13534645.2015.1135513)

To link to this article: <http://dx.doi.org/10.1080/13534645.2015.1135513>

Published online: 03 Mar 2016.

Submit your article to this journal [↗](#)

View related articles [↗](#)

View Crossmark data [↗](#)

The Grift of Death?: The Ethics of Murder Narratives

Courtney Baker

What is the work of literature that is based on murders that have occurred in the real world? This essay interrogates the work as just that: an enterprise of labour that challenges as it engages the work of literature as an ethical project. In its endeavour to account for the work, the essay draws upon Jacques Derrida's work, namely his writings on literature and death, to suggest how murder narratives might be understood as potentially ethical gestures that are caught up in the potentially unethical economy of capitalism. If death is understood as that which denies the subject access to language and self-narration, then can the narrative work taken up on those subjects' behalf by others reasonably be called exploitative? By what measure ought we evaluate narratives based on real-world deaths? As is often the case, the relative success of a work might be assessed by its ending. This essay poses the following question: To what end do murder narratives proceed?

Narratives based upon the murder – not just the death – of others invite us to interrogate the function of the author in the terms of capital punishment and the death sentence – terms that do not fully apply to narratives based upon accidental or natural deaths. In focusing on murder narratives, this essay seeks to inspire urgency in the project of determining the ethical ends of death narratives. The following discussion privileges murder narratives in particular because the power and agency at play in effecting the end of another's life eerily mirrors the power and agency executed by authors and readers who effect, in their respective gestures, the ends – which is to say the meaning and ethical implications – of the death narrative. Murder narratives provide no room for a displacement of responsibility and duty onto divine or natural causes. Human agency in murder narratives is centred both within the story-world and in the world of the story's creation and consumption. Though certain aspects of this investigation bear upon all narratives concerning the deaths of real people, the essay at hand privileges murder to drive home the power politics at play in literary ethics.

Insofar as murder narratives have multiple endings – the ending of people-cum-characters' lives, the ending of the narrative and the greater, abstract ending of the work's ethical objectives as well as its ending as a commodity facilitated by the publishing industry – this investigation into endings follows multiple tracks to account for the murder narrative's value in the competing economies of ethics and capitalism. To ground this study, this essay explores the novels of Toni Morrison and Truman Capote as literary works that

engage the particularly messy enterprise of producing narratives based upon real-world murders, narratives that are then inserted via the publishing industry into economies of feeling and finance. By extension, this critical examination takes on the question of responsibility (of the author, the reader and of the book) to complicate discussions of aesthetic works that appear to stall when confronted with the language of exploitation.

Narrative's special relationship to justice is borne in the notion of balance and reason. A narrative makes sense because it functions within an order, mobilizing terms and beliefs that are transferable, that is to say, communicable and sharable amongst readers and writers. For his part, Derrida has repeatedly taken up the subject of literature from the position of what Derek Attridge has identified as a 'strong sense of his *responsibility* toward [literary texts], the registering of a demand which they and their signatories make, of a call that seems to come from somewhere outside the orbit in which we comfortably go about our intellectual business – but an outside which cannot simply be classified as exterior'.¹ This 'outside' that is also interior is the order of ethics. The deconstructionist mode of critical inquiry that Derrida deploys can be understood as, if not a political, then an absolutely ethical project. As he explains in his final interview, the deconstructionist project of interrogating the language that constitutes not only culture but also subjects is an act of responsibility, of 'respecting through disrespect its secret law'.² Derridean deconstruction can be understood as an attempt to make visible the ideological structure, the economy of language itself, so that we may not take its values and operations for granted.

Peter Baker, elaborating upon the ethical turn of literary criticism through his figuration of the 'ethical subject of discourse', usefully interprets Derrida's 'pronouncement that "there is nothing outside the text" [to mean] [...] that all intersubjective forms of violence, domination and exploitation need to be analyzed as forms of "writing", where writing stands obviously for much more than words on a page'.³ This endemic inequity between living readers and writers and their dead subjects must be examined as the interpenetrating site of ethical investigation.

In the project at hand, I use the term 'ethical' to refer to an orientation toward an affective economy in equilibrium – a just discursive system. It is an economy motivated not by profit but by fair distribution of its rewards and gains. Ethical inquiry is the project of identifying these inequalities as systemic injustices and of interrogating more just alternatives. This essay takes on the specific ethical implications of narrative's role in modulating a relation between radically unequal subjects – unequal because one party, i.e. the dead, possess less influence upon narrative power because of their inability to access language.

Derrida's early writing on death has for the most part centred upon the simultaneous death and birth of the literary 'I' (a topic that he explores, for example, in *Of Grammatology*). In his later works (namely *Specters of Marx*, *The*

Gift of Death and *The Death Penalty*), Derrida focuses on the linguistic paradoxes of the death of the other – the other to whom death is ‘given’, as a gift in the case of the absolute other – God – or the sacrifice (as in his contemplation of the biblical Isaac) or the condemned under the condition of the death penalty. In all of these considerations, the core vexation that both justifies and dismantles the very concept of the other’s death are the discourses of duty, responsibility and ethics that subtend the text’s relationship to the dead and dying.

The ethics of responsibility that foregrounds the self’s relation to others is displaced under the capitalist system in favour of the self’s orientation toward profit. In the literary economy, the literary work’s ethical responsibility is disturbed by its implication in a system measured in financial profit and loss. Moreover, work under capitalism, as Karl Marx so elegantly explains, is thoroughly mystified to the extent that ‘some economists are misled by the Fetishism inherent in commodities’ and subsequently blind to the ‘social manner’ by which the value of work and of a work are affixed.⁴ As such, work – meaning both labour and commodity – is available to exploitation in the name of profit.

It is for this reason that I entertain the notion of grift. This term is more than a riff on Derrida’s consideration of the gift. This provocative term, a term that refers, derisively, to financial profit, underscores the imbalance in the economy of narratives based upon real-world murders. ‘Grift’ is American slang (perhaps a bastardization of the word ‘graft’) that refers, per the Oxford English Dictionary, to ‘[t]he obtaining of profit or advantage by dishonest or shady means; the means by which such gains are made, esp. bribery, blackmail, or the abuse of a position of power or influence; the profits so obtained’.⁵ The word first appears in Louise E. Jackson and C. R. Hellyer’s 1915 volume entitled *A Vocabulary of Criminal Slang*. A decade and a half later, hard-boiled detective story writer Dashiell Hammett places the word in a dialogue between characters in order to ornament his evocative noir prose in the 1929 novel *The Dain Curse*. In the novel, the unnamed detective narrates his investigation of theft and murder associated with the prominent and perhaps cursed California family known as the Dains. One of the detective’s associates, an Owen Fitzstephen, is a consultant and crime writer and it is to him that the detective poses the question, ‘How’s the literary grift go?’⁶ In the short exchange that follows, Fitzstephen conveys astonishment (and perhaps pique) that his colleague has not – and rather proudly so, it seems – been actively reading his work. In his defence, the detective offers the odd explanation, ‘I was afraid I’d read them and understand them [...] and then you’d have felt insulted’.⁷

Two features of this brief dialogue stand out. First, we have Hammett’s invocation of the word ‘grift’ in a noir genre, a move that quite unromantically figures writing as a sort of racket and literature as a base commodity. There is no time for artistry and aesthetic appreciation here when cold hard cash and murder are on the line. We might characterize this as an *anaesthetic*

appreciation of the literature of death – one that is insensate and insensitive to the emotions accompanying pain and loss.

Second, we must note the detective's reply that to understand the novel – that is, to function as a reader characterized by his willingness and ability to understand the deep structure of the story rather than as an ideal(ized) reader who would merely swoon unquestioningly at the author's masterful but overbearing hand – constitutes a failed reading. Fitzstephen as proto-reader, in his refusal to read, rejects his interpellation into an economy of literary murder for profit – a refusal potentially premised upon a readerly ethics. And yet, his refusal is not premised upon a rejection of the 'literary gift' as immoral, but instead upon cynicism. In justifying his failure to take on his end of the literary bargain as a reader, he expresses a primary fidelity to the author, not to the story. In so doing the character suggests a belief that the reader's primary responsibility should be to the author rather than the story itself (to say nothing of the dead bodies). In this parsing of the dialogue, we see how Hammett's characters cast literature as a base commodity meant to serve the writer's ego. This is gift, and it is the outline of a linguistic and, indeed, an aesthetic project without a stable ethics.

We might see in the dialogue a subtle and no doubt ironic declaration that the use of real-life murder and mayhem to entertain the masses indicates a truly sorry state of affairs. This characterization signals a state of literary decadence. One arrives with Fitzstephen's cynicism in *The Dain Curse* at something we might call the end of literature or literature's end. In (or with) literature premised on the real-life murder of real (now dead) bodies, literature, at least per Hammett, approaches its own end – the end of its utility as art or, as Derrida might have it, its function as exhortation.

Diverging from Hammett's capitalist view of literature, Derrida makes a key distinction between what we might call the monetary value of the book and the ethical value of the literary work, favouring the latter. The secreted or mystified subjective determination of value in capitalism can be, for Derrida, avoided in the work of literature. 'Potentiality' – or the literary work's contingent value – 'is not hidden in the text like an intrinsic property'. To the contrary, 'each text [plays and negotiates the suspension of referential naivety] differently, singularly'.⁸ Furthermore, the literary work is where we find elements that utterly resist incorporation into any economy, be it ethical or capitalist. It is these elements that Derrida identifies as singular, explaining 'the irreplaceable and untranslatable singularity of the unique [...] is iterable as such' and, ethically, not to be translated into a symbolic economy.⁹

It is this logic that explains Derrida's declaration in *Specters of Marx*, a work preoccupied with the affective labour of literature and the critique of capitalism, that 'one should never speak of the assassination of a man as a figure, not even an exemplary figure in the logic of an emblem, a rhetoric of the flag or of martyrdom. A man's life, as unique as his death, will always be more than a paradigm and something other than a symbol. And this is

precisely what a proper name should always name’.¹⁰ Nonetheless, literature is always at risk of willingly and perhaps too easily rejecting the sanctity and rights of the person – he who is signalled by the ‘proper name’ – in favour of a ‘purer’ reasoning that is more abstract, metaphysical and effectively inhuman if not inhumane. This temptation that is both presented to and endemic to literature to serve competing gods, as it were – the god of fairness and the god of reason, for lack of better terms – is where the end of literature’s ethics appears.

There is another temptation at play in literature – one that leads not to the end of the other but towards literature’s own end. It is the temptation of literature to become nothing more (or less) than a gift, a capitalizing (in every sense of that word) upon others’ experiences and sentiments to the profit of a singular writing or reading self. This is a literature that would value its readers and its writers over and above the murdered subjects whose deaths found the narrative. What happens to literature’s other subjects when we write or read about their lives and deaths? Are their proper names called upon to work overtime, after their deaths? If so, to what end?

In Morrison and Capote’s novels, *Jazz* and *In Cold Blood* respectively, murder prefigures the work’s creation and also supplies the silent void that the narrative seeks to fill with language. These novels (and they are by no means the only ones) are made possible by death. Their narratives need death – an end of life – so that their own sentences – their narratives – might begin. *Jazz* needs the funeral portrait and a cursory recollection to spark its story and the conclusions that it draws about love, music, the city and murder. *In Cold Blood* – Truman Capote himself – needs not only the death of the Clutter family but also the death of their murderers to open up the narrative and then to bring it to a close, so that it can say something within the novel about the death of innocence and the end of American 1950s idealism.

In *In Cold Blood*, death and the dead are put into service to produce and, like Scheherazade, extend the narrative (the serial publication). Capote’s ‘nonfiction novel’ began as a serialized story that first appeared in the *New Yorker* magazine in 1965. It follows the investigation into the brutal murder of a prominent family, the Clutters, in the small town of Holcomb, Kansas in November of 1959. As is now well known, Capote, along with friend Harper Lee, conducted their own investigation of sorts into the people and places key to the murders and to the life that the Clutter family had lived. The novel transitions upon the discovery of the two murderers – Dick Hickock and Perry Smith – and narrates their crime, their capture, their troubled lives and, finally, their death by capital punishment.

The novel and the circumstances of its creation provide us with a powerful reminder that we would do well to separate authorial intentions – and I would add here authorial ethics – from the ethics of the narrative itself. Capote has been widely criticized for his investigative methods, the creative liberties he took with his interview subjects, and his involvement with the

criminal investigators and with the criminals themselves. Journalism scholar Peter Klein uses the occasion of the film *Capote*'s release in 2005 to excoriate Capote's disregarding of journalistic ethics, charging that the author 'lied to his interview subjects, defiled the corpses of the murder victims, arranged for legal representation for two cold-blooded killers and may have even fallen in love with one of them. For Capote, the end justified his unscrupulous means'.¹¹ If the author's ethics are wanting, is the narrative he produced also to be condemned? Or does the enterprise known as narrative contain its own ethical system – one not contingent upon the reader's satisfaction and pleasure – a balance produced through the articulation of cause-and-effect relations and the power of the utterance to make sense of that which appears in life to be senseless and chaotic?

In Cold Blood is a fascinating novel to consider in light of Derrida's writing on death and the death penalty because the work begins and ends with murder – or, to literally translate Derrida's term, the giving of death to another. The first deaths are given to the Clutter family by Dick Hickock and Perry Smith; the last are given to Hickock and Smith by the state. It would seem that these latter deaths, deaths that were necessary to bring the narrative to a close and bring the book into the world, would bear a political and ethical sentiment. Some critics see in Capote's narration of legal capital punishment an ethics-based 'indictment of the prosecutors, the defence attorneys, the judge, the jury and an out-dated doctrine of insanity [that] strongly suggest a miscarriage of justice'.¹²

In Derrida's theory of capital punishment, however, these latter deaths are not to be properly understood through the ethics of murder that would frame the Clutter family massacre.

[T]he death penalty, that is, the legal and legitimate sentencing, is distinct from murder or from putting to death outside the law, from assassination in some sense, in that it treats the condemned one as a subject of rights, a subject of the law, as human being, with the dignity that this still supposes.¹³

Putting the power over life and death in the hands of the murderer as opposed to the court of the sovereign is significant because only in the latter can we see the operations of human rights. And while Hickock and Smith do debate why the family should be the target of crime (they have money that they don't deserve), why they should die (they can identify Hickock and Smith) and how they should die (Smith won't allow Hickock to rape the daughter), the pair lack the authority, in Derrida's schema, to make a decision about the family's right to life. In fact, to echo a crucial point made by Michelle Alexander in *The New Jim Crow* that is reiterated by Diane Rubenstein in her essay in this issue, Hickock and Smith, as felons, are already outside of the law and are so rejected by society that they might reasonably be identified as dead men walking even before the death penalty is bestowed upon them.

This contemplation of condemnation to death in *In Cold Blood* is a curious one, all the more because, while the book is precipitated by the death of its characters, the novel's narrative includes mention of the Clutter family's own acknowledgment of their impending deaths. Before the family is murdered in the narrative time of the novel, an arrangement for the Clutter's death is made, a contractual arrangement established through exchange and motivated by profit. After an ambiguous conversation between a 'Garden City representative of New York Life Insurance' named Johnson and the soon-to-be-murdered Herb Clutter, the novel reads:

... the agent [Johnson] was anxious to go [...] 'It's been a pleasure, Herb'.

'Same here, fellow', [Herb Clutter replied].

They shook hands. Then, with a merited sense of victory, Johnson picked up Mr. Clutter's check and deposited it in his billfold. It was the first payment on a forty-thousand-dollar policy that in the event of death by accidental means, paid double indemnity.¹⁴

This word, 'indemnity', figures significantly in Derrida's consideration of the death penalty. Indeed, he considers whether 'the question of the death penalty is that of indemnity', meaning 'either *being-unscathed* [...] (that is, safe, sound, intact, virgin, unhurt, *heilig*, holy [...])' 'or else *being-indemnified* [...], that is, rendered once again unscathed, made unscathed, that is paid, reimbursed by the payment of a compensation, redemption, by the payment of a debt'.¹⁵ The meaning of indemnity is important for Derrida because it suggests a crucial distinction between being a subject who is aware that his or her death is inevitable and being a subject whose death is decreed by 'a system of justice, a code of law, a simulacrum at least, a scene of judgment', a subject who is condemned to death.¹⁶

The moment in the novel wherein the family is doubly indemnified against accidental death of course does not save them from death; it merely financially compensates their kin for their death. As Capote writes it, the passage reveals more than Herb Clutter's canny recognition of his own destiny as a mortal. It also invokes the characters' pleasure at the successful arranging *for* – not *against* – death. Their polite if formal final exchange – of pleasantries and of money – might in fact tell us more about our own position as readers of these murder narratives, readers who find pleasure in the narration of the (most unjustly) condemned.

According to Derrida, 'the possibility of the death penalty begins where I am delivered into the power of the other'.¹⁷ The phrasing could also be recruited to describe the position of the reader who, through reading, is delivered to the power of the narrative. The reader, unlike the condemned, possesses the recourse to mobilize her own ethical disposition to deny the

system of justice that the narrative proposes to offer. The narrative might be said to indemnify its readers against the dirty work of participating in an economy of grift, imagining that it is exclusively the work of the narrative and not one shared by the reader to make sense of the deaths. In this situation, the reader's pleasure is only a surplus or supplement – a happy by-product of the narrative's in/ethical system of organizing events and creating meaning. The question this formulation raises with respect to true crime and other stories based upon real dead bodies is whether or not the narrative as such exerts any power over the dead. Do the dead, in dying or by some other effect, elude the power of the narrative?

Toni Morrison's inspiration for the novel *Jazz* – the second novel in the trilogy that begins with *Beloved* and concludes with *Paradise* – surfaced during her research for *The Black Book*, a project of her editorial work at Random House. The volume, containing copies of photographs, caricatures, engravings and newspaper excerpts, was an unusual one for an era soaked with Black-Is-Beautiful sloganeering and its own Black Power politics of respectability. Its inclusion of dark times and hard memories of the historical Africana and African-American experiences were intended, as she explains in her *New York Times Magazine* article, to restore 'the past and a lot of the truth and sustenance that went with it'.¹⁸ 'The point' for black people, she remarks, 'is not to soak in some warm bath of nostalgia about the good old days – *there were none!* – but to recognize and rescue those qualities of resistance, excellence and integrity that were so much a part of our past and so useful to us and to the generations of blacks now growing up'.¹⁹ Her historical research in service to this project of producing a fuller narrative vision of black history brought before her detailed instructions for flogging slaves, reports of a heartless black mother who killed her children and the countless images and reports of lynchings. One image that surfaced during these research sessions was African-American photographer James Van Der Zee's photograph of a young woman lying in a funeral parlour.²⁰ The photograph, the dead woman and Van Der Zee's anecdote about the woman, Morrison concluded, warranted a story that 'asserted itself immediately and aggressively as the seed of a plot, a story line'.²¹ The image of the woman's mourned body and Van Der Zee's recollection pointed to a familiar aesthetic ethos: the tragedy (and foolishness) of romantic love and 'the proud hopelessness of love mourned and championed in blues music'.²² Echoing Edgar Allen Poe's macabre but instructive declaration that there is nothing so beautiful as a dead woman, Morrison herself took up the body as an object of beauty and contemplation in literary form.

Jazz is, of the trilogy, the only one in which ghosts do not appear; memories, yes, but not ghosts. *Jazz* narrates a tragic love triangle composed of Violet, Joe Trace and Joe's dead teenage lover, Dorcas. Violet, too, seems to fall in love with Dorcas – perhaps as a lover, perhaps as a mother, perhaps as a version of herself – and, though she resents the way Dorcas interrupted her marriage, she regularly engages her photograph and seeks out Dorcas' friends and kin so that she might better appreciate the girl.

The novel could be considered a quest for understanding by multiple characters – of their lovers, of their partners, of their ancestors and of themselves. All of these quests for understanding ultimately appear unresolvable. The chaos of that incomprehension – a chaos that characterizes life – is powerfully quieted by narrative itself. As the book admonishes, aligning the city of Harlem with jazz music and with the novel itself,

Do what you please in the City, it is there to back and frame you no matter what you do. [...] All you have to do is heed the design – the way it's laid out for you, considerate, mindful of where you want to go and what you might need tomorrow.²³

Unlike the novel, Dorcas and the anonymous girl on whom her character is based are not and were not able to give the reader what she 'might need tomorrow', which is to say to give her a certain knowledge that satisfies absolutely. Morrison builds her novel upon Van Der Zee's anecdote, that 'she was the one I think was shot by her sweetheart at a party. [...] After [her friends] undressed her and loosened her clothes, they saw the blood on her dress. They asked her about it and she said, "I'll tell you tomorrow, yes, I'll tell you tomorrow"'.²⁴ This same story is related in the novel by the girl's friend to the girl's lover. In the novel and presumably in real life, the dead girl does not return to either condemn or absolve her lover. Her death matters, but it is hard to account for *how* it matters in terms other than literary or (if we include also Van Der Zee's photograph) visual pleasure.

The novel famously ends with the book itself revealing to the reader its self-conscious powers of seduction. After minutes or hours of 'lifting and turning' the book's pages, the reader confronts the book's last words: 'Look where your hands are. Now'.²⁵ But what is it we are seeing now, this object that the book tells us we can 'make' and 'remake' at our will? Perhaps it is the body of the girl herself whose death we, through our reading, have made into a story. Perhaps we see the girl-cum-text and our hands are about her throat, throttling life out of her so that we might fix her in a moment, in a narrative, and be satisfied with the sense we have made of her death.

In putting the book and, by extension, the narrative based on the death of another, in the hands of the reader, *Jazz* seems to express a disinterest in indemnifying its readers – and its writer – from the responsibility of handling the dead. The novel's and the author's labour of recognizing and preserving the dignity of African-American life might indeed explain this motivation. The historically degraded and devalued bodies of African Americans by America at large has persisted from slavery through lynching and Jim Crow to the current murders of unarmed black men, women and trans-folk that is being called out by the Black Lives Matter movements. Karla Holloway argues that black life in America bears the burden of an ever-present proximity to death – a proximity that renders black life a bare life in Giorgio Agamben's terminology.²⁶ As Holloway explains:

The anticipation of death and dying figured into the experiences of black folk so persistently, given how much more omnipresent death was for them than for other Americans, that lamentation and mortification both found their way into public and private representations of African America to an astonishing degree. The twentieth century's literature and film, its visual arts and music [...], and its contemporary street-corner memorials consistently called up a passed-on narrative.²⁷

Holloway adds, through a historiography of the black funerary industry, that the black dead have been routinely subject to post-mortem injustices – by the hands of lynching mobs keen to grab a bit of flesh or bone as souvenir and even at the hands of perhaps well-intentioned but untrained white morticians whose techniques could not meet the specific care needed for black skin tones and hair textures.

The hands of black morticians were and continue to be crucial to black people who felt a deep connection to them as 'our kin, our neighbours, our fellow congregants in Sunday worship service'.²⁸ The care expected from and executed by those hands is reflected in the care taken by Morrison – a black author whose novels consistently strive to represent African-American humanity in all its dignity – to fill out the hazy recollections of Van Der Zee. That care is also issued into and assumed from the readers' hands, the hands that have facilitated an intimacy with the story and with the deceased character.

Morrison argues elsewhere for the importance of delivering the body – in this case, the body of literature – into caring hands. In the address she delivers on the occasion of her being awarded the Nobel prize in literature, Morrison reflects upon the project of storytelling by invoking the figure of an old, wise, blind, black woman who is challenged by younger, sighted, interrogators. The interrogators present the wise woman with a riddle – can she tell them whether the bird in their hands is living or dead? The bird, Morrison explains, is language itself. The woman, in her reply, seems at first to yield her wisdom to the questioners, but in fact poses a cunning response.

[H]er voice is soft but stern. 'I don't know', she says. 'I don't know whether the bird you are holding is dead or alive, but what I do know is that it is in your hands. It is in your hands'.

Her answer can be taken to mean: if it is dead, you have either found it that way or you have killed it. If it is alive, you can still kill it. Whether it is to stay alive, it is your decision. Whatever the case, it is *your responsibility*.

[...] Finally, she says, 'I trust you now. [...] Look. How lovely it is, this thing we have done – together'.²⁹

The ends of literature – in Morrison’s address, embodied by the figure of the living or not-living bird – rests in our hands. If the bird is indeed dead, if it has come to its end, its placement in the hands of the living signals a mortuary responsibility echoed in African-American funeral vernacular. The question ‘Who’s got the body?’ Holloway explains, is to be answered with the name of the funeral home where the dead body is temporarily resting and where the mortal remains will be cared for.³⁰ For Derrida ‘localizing the dead’ is similarly essential to the project of mourning as ‘[n]othing could be worse [...] than confusion or doubt: one *has to know* who is buried where’.³¹ But Derrida’s schema privileges the grave as the site for mourning whereas Holloway’s and black America’s privileges the funeral *home*. Insofar as Morrison’s novel and address attempt to put the body not in the ground but in the hands of the living, the African-American idiom of getting the body, of knowing that it has been delivered into responsible hands, embodies even more powerfully the affective and ethical labour of mourning.

Both Morrison’s novel and Capote’s, as well as the many others based on actual deaths, warrant, to invoke another African-American funerary practice, a ceremony of homegoing that literature has the ability to grant. The very term ‘homegoing’ suggests both a return (a revenant in Derrida’s discourse) and a departure. In both directions, the destination is home, a return to or arrival at a community. But this gift of hospitable, ethical ends is not guaranteed. We must therefore return to the problem of grift – the commodifying of the dead and the abuse of power – to pose two questions: Do the actually-dead escape commodification? Do authors and readers and narratives have power over the dead? In imagining the answer to these questions we are approaching a moment where our thinking about the carceral state merges with thoughts about bare life and the state of exception. As Michelle Alexander explains:

The new [carceral] system does not seek primarily to benefit unfairly from black labour, as earlier caste systems have, but instead views African Americans as largely irrelevant and unnecessary to the newly structured economy – an economy that is no longer driven by unskilled labour.³²

Today, the imprisoned and the condemned – who are disproportionately non-white – are no longer even valued for their labour. They are configured under the current carceral regime as surplus bodies. It is a vision of the subject as truly expendable and unnecessary – non-vital.

This truth of the unethical death sentence, the injustice of justice, is also acknowledged by Derrida who mobilizes, as Alexander does, the racist cast of the judicial system in the United States. In *The Death Penalty* he reminds his audience that ‘black Americans are today the primary victims of what remains of the death penalty in the so-called Western world’.³³ He goes on to refer to a ‘map coloured in black’, arguing that ‘one can understand nothing about the situation of the United States faced with the death penalty

without taking into account a great number of historical factors, the history of the federal state, the history of racism, the history of slavery, and the long, interminable struggle for civil rights and the equality of blacks', to name but a few.³⁴ The subject of the death penalty is the black subject. In making this gesture, Derrida positions the black subject as the central figure rather than the analogue to understanding justice and the death penalty in the American context. With Alexander's additional gloss, we are granted an intrinsically racialized vision of the condemned subject, a subject who illustrates rather than deviates from the normalized subject of justice.

In this view of the criminal as non-vital and the death penalty as an anti-black programme, we see the spectre of slavery and the willingness of capitalism to conceal its desire for profit through uncompensated labour in the language of the exception. Capitalism's aversion to ethics is laid bare. The question then becomes: Can and should profit be extracted from the non-vital body – the actually dead and those living under a state of exception over which the shadow of the death sentence always looms? Literature, which I have demonstrated to be caught up in these two conflicting economies, is placed at a crossroads where one is compelled to choose just how the literature and its subjects are put to work. This is an important quandary that Wayne Booth answers with the enjoinder, '[w]e have to make the same ethical choices in reading that we do in real life'.³⁵ In literature (and in other representational discourses – politics, for instance, or religion) the dead are put to work and, while there is no measurable cruelty accorded to their now insensate bodies, we might well think of the cruelty engendered by such a demand to work, a demand that ignores and invalidates the end and the ends of death.

Again we ask: to what end do murder narratives proceed? If we follow the logic of capital punishment as it has proceeded in the West and traced most explicitly by Michel Foucault (*Discipline and Punish*), we see that it has moved toward insentience. It is worth noting here that in French, the words for punishment and pain are identical: *peine*. This observation underscores that the peculiar and particular punishment of the death penalty has striven to disentangle this etymological heritage by incorporating anaesthesia into its commission. For his part, Derrida finds the argument against cruelty in the commission of the death penalty to assert an 'anaesthetical logic [that] can often play into the logic that maintains the principle of the death penalty'.³⁶ It is a weak argument, he maintains, 'because it concerns only the modality of application, not the principle of the death penalty'.³⁷

The rally for anaesthesia is, in fact, not only for the condemned, but for the spectator, the reader, the consumer of the death penalty as well. The proliferation of anaesthetic logic is epitomized in an exchange represented as occurring between two detectives, delivered at the end of *In Cold Blood*, after the executions by hanging of Hickock and Smith. 'They don't feel nothing. Drop, snap, and that's it. They don't feel nothing. [...] Wouldn't be humane if he did'.³⁸

This refusal to see the work of pain or of pain at work on the condemned by those who bear witness to the execution, either in person or in narrative, is what we can call, returning again to the workings of Hammett's grift, an-aesthetic – a violation of the proper aesthetic, which is to say, ethical order. This avoidance of pain, indemnifying the self against the pain of the other and the concealing of the singular body's death throes, are, by another name, a shirking of the work that is or should be proper to living bodies engaged through literature. In other words, the burden of labor in murder narratives should befall its writers and readers.

An ethical solution to this conscription of the dead to labor and the anaesthetizing of the living is to return the task of work to its proper subjects: the living. Derrida suggests as much when he remarks that 'we know better than ever today that the dead must be able to work. And to cause to work, perhaps more than ever'.³⁹ To be sure, the history of capital punishment has functioned to put the dead to work as examples and deterrents so that the living can exist freely. On this point, Derrida chastises the logic of the exemplarity, as expressed by Jean-Jacques Rousseau and other upholders of the death penalty, which sees the death penalty as useful for the way it makes an example and a deterrent of the condemned.⁴⁰ In response, he turns to the scaffold – both the scaffold of the gallows and of the logic that would uphold the death penalty. He moves to disturb the security of this logic by rendering the scaffold a theatre – a move that puts front and centre the voyeurism that supports capital punishment. By way of Robert Badinter's work *L'exécution*, Derrida claims that fascination rather than justice orients the viewer's gaze upon the condemned, offering that this 'logic of fascination would finally be the best argument against the supposed exemplarity of the punishment' as there is always the possibility that '[t]he one condemned to death thus becomes a fascinating saint, a fascinating, hero, a fascinating martyr'.⁴¹ There is no security in this effort to secure the community by removing, by putting to death, the condemned subject.

The hope of a future justice, a 'future democracy' as Derrida calls it in *Spec-ters of Marx*, falls to the living who, in taking up the dead, put the dead to work on themselves in order to facilitate a noble mourning.⁴² This 'work of mourning is not one kind of work among others. It is work itself, work in general', a labor project that 'responds to the injunction of a justice which, beyond right or law, rises up in the very respect owed to whoever *is not*, no longer or not yet, living, presently living'.⁴³

It is important that this work of mourning be conducted, in the first instance, on behalf of the other. In this scenario, it is not the dead who are put to work, but the dead who put us to work. Though the other who is dead cannot receive the gift of mourning by the living, he should nevertheless always be mourning's intended. Only incidentally, but also fundamentally, will the work of mourning lead to justice in the future and teach us, the living, to live, not only finally, but in the future to come. This is the

afterlife of murder narratives, the end of murder narratives: a project of labouring toward an un-ending justice.

Acknowledgement

The author wishes to thank Julie Rivkin and Hannah Feeney for their valuable critical insights on this essay.

Notes

- ¹ Attridge, "Introduction", 5.
- ² Derrida, *Learning to Live Finally*, 36.
- ³ Baker, *Deconstruction*, 3, 5.
- ⁴ Marx, *Capital*, 54.
- ⁵ "graft, n.5" (my emphasis).
- ⁶ Hammett, *The Dain Curse*, 18.
- ⁷ Ibid., 19.
- ⁸ Derrida, "This Strange Institution", 47.
- ⁹ Ibid., 43.
- ¹⁰ Derrida, *Specters of Marx*, xv.
- ¹¹ Klein, "Film 'Capote'."
- ¹² Caudill, "The Year of Truman Capote", 296.
- ¹³ Derrida, *The Death Penalty*, 8. Derrida adds, later, 'if capital punishment is distinct from murder, from crime, from assassination, or from vengeance because universal reason, the third party, the anonymity or the neutrality of state law intervenes, the question remains as to where the state begins. Perhaps, like the claims of law and justice, the state is already present in the seemingly most savage and singular, or even the most secret crime, when such a murder claims – and perhaps always so claims – to do its own justice [se faire justice]'. Ibid., 68.
- ¹⁴ Capote, *In Cold Blood*, 47-48.
- ¹⁵ Derrida, *The Death Penalty*, 254.

- ¹⁶ Ibid., 254.
- ¹⁷ Ibid., 250.
- ¹⁸ Morrison, *What Moves*, 41.
- ¹⁹ Ibid., 42.
- ²⁰ Denard, "Introduction", xvii–xviii.
- ²¹ Morrison, *Jazz*, xvi.
- ²² Ibid., xvi.
- ²³ Ibid., 8–9.
- ²⁴ Van Der Zee and Billops, *The Harlem Book*, 84.
- ²⁵ Morrison, *Jazz*, 229.
- ²⁶ See Agamben, *Homo Sacer*.
- ²⁷ Holloway, *Passed On*, 6.
- ²⁸ Ibid., 16.
- ²⁹ Morrison, *What Moves*, 207 (my emphasis).
- ³⁰ Holloway, *Passed On*, 15.
- ³¹ Derrida, *Specters of Marx*, 9.
- ³² Alexander, *The New Jim Crow*, 219.
- ³³ Derrida, *The Death Penalty*, 33.
- ³⁴ Ibid., 74.
- ³⁵ Booth, *The Company We Keep*, 485.
- ³⁶ Derrida, *The Death Penalty*, 49.
- ³⁷ Ibid., 50.
- ³⁸ Capote, *In Cold Blood*, 340.
- ³⁹ Derrida, *Specters of Marx*, 97.
- ⁴⁰ Derrida, *The Death Penalty*, 16–17.
- ⁴¹ Ibid., 60.
- ⁴² Derrida, *Specters*, 64.
- ⁴³ Ibid., 97.

Bibliography

- Attridge, Derek. "Introduction: Derrida and the Questioning of Literature" to *Acts of Literature*, by Jacques Derrida, 1–29. New York: Routledge, 1992.
- Agamben, Giorgio. *Homo Sacer: Sovereign Power and Bare Life*. Translated by Daniel Heller-Roazen. Stanford, CA: Stanford University Press, 1998.
- Alexander, Michelle. *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*. New York: New Press, 2010.
- Badinter, Robert. *L'exécution*. Paris: Bernard Grasset, 1973.
- Baker, Peter. *Deconstruction And The Ethical Turn*. Gainesville: University Press of Florida, 1995.
- Booth, Wayne C., and The Company We Keep. *An Ethics of Fiction*. Berkeley: University of California Press, 1988.

- Capote, Truman. *In Cold Blood: A True Account of a Multiple Murder and Its Consequences*. New York: Random House, 1966.
- Caudill, D. S. "The Year of Truman Capote: Legal Ethics and in Cold Blood." *Oregon Law Review* 86, no. 2 (2007): 295–328.
- Derrida, "'This Strange Institution Called Literature': An Interview with Jacques Derrida." Translated by Geoffrey Bennington and Rachel Bowlby. In *Acts of Literature*, edited by Derek Attridge, 33–75. New York, NY: Routledge, 1992.
- Derrida, Jacques. *The Death Penalty*. vol. 1. Translated by Peggy Kamuf. Chicago: University of Chicago Press, 2014.
- Derrida, Jacques. *The Gift of Death*. Chicago, IL: University of Chicago Press, 1995.
- Derrida, Jacques. *Learning to Live Finally: An Interview with Jean Birnbaum*. Hoboken, NJ: Melville House, 2007.
- Derrida, Jacques. *Specters of Marx: The State of the Debt, the Work of Mourning, and the New International*. New York: Routledge, 1994.
- Denard, Carolyn C. *Introduction to What Moves at the Margin: Selected Nonfiction*, by Toni Morrison, xi–xxvi. Jackson, MS: University Press of Mississippi, 2008.
- Foucault, Michel. *Discipline and Punish: The Birth of the Prison*. New York, NY: Vintage Books, 1995.
- "graft, n.5." *OED Online*. Oxford University Press, September 2015. Accessed November 28, 2015.
- Hammett, Dashiell. *The Dain Curse*. New York: Vintage Books, 1989.
- Holloway, Karla F. C. *Passed On: African American Mourning Stories: A Memorial Collection*. Durham, NC: Duke University Press, 2002.
- Jackson, Louis E., and C. R. Hellyer. *A Vocabulary of Criminal Slang, with Some Examples of Common Usages*. Portland, OR: Modern Printing, 1915.
- Klein, Peter. "Film 'Capote' Raises Disturbing Ethical Questions." *Center for Journalism Ethics*. School of Journalism and Mass Communication: University of Wisconsin-Madison, January 2006. Accessed June 8, 2015.
- Marx, Karl. *Capital: A Critical Analysis of Capitalist Production*,. vol. 1. London: Forgotten Books, 2013.
- Morrison, Toni. *Jazz*. New York: Knopf, 1992.
- Morrison, Toni. *What Moves at the Margin: Selected Nonfiction*. Edited by Carolyn C. Denard. Jackson, MS: University Press of Mississippi, 2008.
- Van Der Zee, James, and Camille Billops. *The Harlem Book of the Dead*. Dobbs Ferry, N.Y: Morgan & Morgan, 1978.

Dr Courtney R. Baker is Director of Africana Studies and Associate Professor of English at Connecticut College. She obtained her Ph.D. in Literature from Duke University and her B.A. in Women's Studies from Harvard University. Her book, *Humane Insight: Looking at Images of African-American Suffering and Death*, was published in 2015 by the University of Illinois Press. Her current book project involves black cinema and the tyranny of realist criticism. Another essay on black film, entitled "Elements of Post-Katrina African-American Documentary Film," is forthcoming. Her writing has also been published in the online outlets *New Black MAN*, *Avidly (A Los Angeles Review of Books Channel)*, and *Huffington Post Black Voices*. Email: cbaker@conncoll.edu.