

CLEARING THE AIR- EIGHTEEN VIEWS OF CAPITOL HILL

Yvette Christiansë

Toni Morrison. *Race-ing Justice, En-Gendering Power: Essays on Anita Hill, Clarence Thomas, and the Construction of Social Reality*. New York: Chatto and Windus, 1993. \$19.95

It was the McCarthy hearings which really boosted politics into the arena of electronic media entertainment - 'arena' in the sense that, in keeping with the majority of tele-movies and series, this entertainment is grounded in a combative system in which one adversary must triumph over another in a display of strength and wit (in that order, for most) which provides the entertainment. With the addition of discourses of myth and institutional power, the entertaining spectacle of good vs bad took on urgency in the 1950s hearings. They did again in 1991 in what was variously called the Hill vs Thomas spectacle, travesty, and cultural event, with its narratives of success over impoverished beginnings, female hysteria, male vulnerability, and, foremost and most obscuring, race, race, race.

In her introduction to *Race-ing Justice, En-gendering Power*, Toni Morrison states that, in the face of the spectacle, the claims and counter-claims, the sub-texts and motives, what took place during the Anita Hill phase of the Clarence Thomas Supreme Court confirmation hearings in October 1991 was not clear, except for the emergence of a new Associate

Judge of the Supreme Court. Morrison's now familiar concerns with how and why things have come to pass set the agenda for this book. Its eighteen essays go in search of answers not only by attempting to take up her challenge to clear the view of what took place, but by presenting themselves as a panel of expert witnesses in a symbolic Court of Appeal against the outcome of Anita Hill's allegations. Their task is to interrogate that which escaped thorough cross-examination when a charge of sexual harassment was distorted and hijacked to direct attention away from questions about Thomas' eligibility for the Supreme Court bench. They do so after Morrison's warning that the consequences "of not gathering the thoughts, the insights, the analyses of academics in a variety of disciplines would be too dire." Is there an implication that these experts possess the only testimonies acceptable to this court? Reading this book with another which came out at around the same time as its first print run - *Court of Appeal* (The Black Scholar) with its forty-one essays - reveals just what type of opinion has been excluded.

Morrison begins the task she sets. In what must be one of the most devastating summations of a man's character, she draws an analogy between the islander rescued and named Friday by Robinson Crusoe, and Clarence Thomas whom she positions as 'rescued' by the self-serving politicking of Conservatives with an eye on the black vote. Through internalisation of the 'master's' language, through gratitude and an eagerness to repay the debt, Friday participates in the eradication of his allegiances, as well as in the murder of his own people at the command of his "master." Morrison is summing up in another courtroom, that of the written word, and where the presiding arbiter (who also selects and allows testimonies) speaks first, the expert witnesses later. Interestingly, apart from brief quotes from Hill (by Andrew Ross) and Thomas, these central figures do not speak in this court. Is it because this book is making a determined effort to stop the misuse of what is after all, the dirty language spoken by Hill and the abuse of language enacted by Thomas? Or is this forum of particular academics much too high-minded to pay attention to the grubby details? Perhaps this silence is because the evidence has already been presented elsewhere, and it is the task of these witnesses to clear the air of the obfuscation in those earlier presentations, to reveal what was hidden and troubling to Morrison and themselves.

The bodies of a black woman and a black man, specifically Anita Hill and Clarence Thomas, were paradoxically at the center and moving around the perimeters of the four-day sexual harassment portion of the Senate hearings. Andrew Ross examines the way they were placed there through a heavy-handed but effective process of fetishisation by barely-disguised prurience on the part of some Senators, who ignored Hill's appeal that they concentrate on the broader issues and not on the details of her accusations. In another set of paradoxes, the bodily specificity of Hill and Thomas was lost behind generalisations which, while disembodiment on one hand, drew unrelenting atten-

tion to body parts. From body parts the shift to “any” black woman and “any” black man, was easy and as Patricia J Williams points out, superstition allows one to become hundreds, so that old myths could be worked and reworked into the entire proceedings.

In an enactment of Hill’s appeal for concentration on the broader issues in what was, after all, not a trial setting for all its being presented as one, the eighteen witnesses take as given the veracity of her statements and withdraw from any salacious ‘titbits’ - although there are a few references to the now infamous pun on Long John Silver. The eighteen contributors concentrate on bringing to light the issues which were blurred and distorted for the sake of political expediency, newspaper sales and ratings. This may account for the opening position (after Morrison’s introduction) given to the measured and elevated tone of the open letter to Thomas by A Leon Higgenbotham, Jr, Chief Justice Emeritus of the United States Court of Appeals for the Third Circuit. If Morrison’s introduction is a summation, Higgenbotham’s letter is both a prosecution’s summary of Thomas’ misdemeanors and an alternative ironic swearing in of the then new Associate Justice of the Supreme Court. The letter is grave with the charge it carries - a performative missal which charges Thomas by accusing, by transferring current, by announcing Thomas’ debt and by sentencing him to both the responsibility he must carry and the recognition of the inescapable history he would deny. In search of the how and why to give a clear view of the what, these eighteen testimonies reference and re-affirm various, impinging histories. This positions the book as a reaction not only to the outcome of the Anita Hill charges against Clarence Thomas, but also against the successful though questionable mobilisation of History by Thomas and his supporters (I would also argue that the book is a response to *Court of Appeal* and essays by people like Maya Angelou whom Andrew Ross criticises for her hope that Thomas would ‘come good’, and Niaru Sudarkasa whom Manning Marable criticises for seeing Thomas’ rise as good for the nation, regardless of his peccadilloes). If Anita Hill’s charge of sexual harassment was seized upon by Thomas to obscure the question of his suitability for the Supreme Court, these eighteen testimonies draw attention to the way history/ies remain the inseparable context/s in which Anita Hill found herself confronting him and how she was defeated by them.

Five of the eighteen testimonies open with authorising epigraphs that range from the Bible, to Shakespeare, to Hortense Spillers and Billie Holliday (Kendal Thomas’ epigraph is in his title ‘Strange Fruit’). Where epigraphs have not been used, the authority of history has been cited within the testimony. This constructs a formidable bench of impeccable civil rights reputation and feminist opinion. The histories and their emphases vary. A Leon Higgenbotham, Andrew Ross and Manning Marable take their authority from the history of the civil rights movement which, by inference, is also the history of the overt and covert machinations of the order against which it

was reacting, i.e. institutionalised and informal racism. For Waneema Lubiano (whom Australian television viewers may have seen speaking on ABC's Lateline during the Los Angeles riots) it is the history of derogatory stereotypes of black women which helped shape responses to Hill, and which Thomas was astute enough to use in his favour to insist on his being cast as "victim." This history is also the focus of Nell Irvin Painter; while Gayle Pemberton looks to the history of black/white relations and the complex onus this has placed on black men and women to present a united front. The silencing mechanism of this solidarity was highlighted by responses to Hill's accusation. For many African-American men and women she became a traitor to African-American unity in the eyes of those who conveniently forgot her conservative politics, which coincided with Thomas' own anti-civil rights beliefs.

Both Painter and Lubiano spell out how Hill came to lose even the support of many of Thomas' opponents - black and white. When Thomas referred to himself as subjected to a "high-tech lynching" at the hands of the Senate Committee and the media, he not only skewed the hearings away from its duty to interrogate the charges of sexual harassment, but also cast the Senators and media as white, or as black collaborators. To do this, he had to rely on history and stereotypes grounded in a past which the (now indelibly cast as) white Senators and media had no option but to distance themselves from, because by co-opting that unspeakable history of lynching he reminded liberal and politically-expedient white America of its deep and abiding guilt. He also brought to the surface for African-Americans the nightmare figure of the hanging/burning man (and sometimes woman). Thomas could therefore find refuge in this problematic stereotype of the black male victim - the positive edge to the lynch victim is innocence, though this is small comfort to the victim him/herself. Painter and Lubiano point out that the historical stereotypes available to Anita Hill did not offer a positive refuge from which to counter the wronged lynch victim. She could only be a mammy, welfare mother or Jezebel. Drawing on literary and legal figures, Painter shows how these established precedents for the erasure of Hill's character, body and motives. She was clearly not a victim (she had not lost her job and she did not weep), and she was not a welfare mother (she was a professor and salary earner). She was/is, however, attractive and she was talking sex in plain, dispassionate (i.e. fearless), shocking language. This, in the minds of those who allowed her one of only three identities, made her a Jezebel.

In what may be the most dense and specific contribution to the book, Claudia Brodsky Lacour looks at the way language was turned against Hill through the mechanism of the speech act, used by Thomas with the requisite skill and strength to overcome an adversary. The speech act, following the J. L'Austin model, is the kind of speech which does something, or performs the thing it says, so that to say "I declare this book launched" launches the book.

Lacour's argument - that Thomas' use of the word "racism" against Hill is a speech act - is worth reading. She takes this argument into the realm of the witness's speaking position, the silence of the victim, and the threat to government and justice posed by language which distorts the identification of its referents.

A contributor who may seem equally as ethereal to some, Homi K Bhabha (is it my imagination that this man is publishing more than anyone in living memory?) also speaks of the way Thomas' recourse to vivid antiracist language silenced discourse on sexual harassment and its attention to the power play within subordinate gender relations. Bhabha, like every other contributor, condemns Thomas' expedient use of such language, as much as they condemn his earlier, a-historic, homogenising insistence on 'transcending' racial difference to "belong" to the larger nation. For Bhabha, Hill's announcement from her position as an attractive, strong, independent, successful, articulate and sober woman revealed "the systematic and structural abuse of women under patriarchal labor and gender relations".

The most 'entertaining' and chilling testimony in this book comes from Patricia J Williams. She picks up the notion of the Jezebel and places it where stereotypes are made - in the heart of superstition and fear. Her contribution is a neat and clever play with tropes of hysteria and women, witchery and women, unruliness, and innocent, reliable, ordered, holy men. Her testimony is impolite, unruly and skilful. If she is, as she claims, a witch of the hag-of-the-night type, her beak is as sharp as her eye and toying pen. Her historical authority comes from the tradition of women as witnesses and creators of monsters - Zora Neal Hurston, Charlotte Perkins Gilmore, and Mary Shelley. In her testimony, Gilmore's *Herland* becomes *Hisland*, while Hurston's recording of a witch trial provides a different context and frame for the role in which Hill was cast, that "other" side of the Jezebel, namely the "Unruly Black Witch."

Williams underscores the unease women, and men, have recorded about the law's distrust of women's testimonies in many matters, particularly witch hunts of one kind or another. Arthur Miller's *The Crucible* highlights the law's distrust of women's "stability", but Williams goes to non-historical fiction for her evidence. She calls as witnesses in her witch trial men whose posturing about women suggests that, within the trial setting (real, or de facto as in the Hill and Thomas hearings) some 'truth' about women can be unearthed. She begins with that noted authoritative forum on the behaviour and psychology of women, *Penthouse* - specifically David Danzinger in *Penthouse Hot Talk: The Voice of America*. She then cites John Henry Wigmore's memorable *A Treatise on the Anglo-American System of Evidence* and its reading of "young girls and women coming before the courts in all sorts of cases" with their "multifarious" psychic complexes and distorting "inherent defects", "diseased derangement" and abnormal instincts "which

lead them to manifest false charges of sexual offenses by men.” The interchangeability between these sources is both frightening and ... oh dear, yes, hysterically funny. But what is altogether enticing about their being summoned by Williams is that they appear in the exact type of court that would be the logical extension of their words - one shaped and ruled by fear and hysteria, superstition and distortion - and that it is they who are placed in the position of unreliable witness by a witch with a long memory and the mark of history on her back.

Some may find this an unwieldy collection. There may even be a certain unease about the way these nineteen voices - because, surely, Morrison's introduction is the first strong note which is sounded - testify without cross-examination. One example of this last is the way Bhabha cites the cultural feminist Catharine MacKinnon's television comments about Hill but does not mention MacKinnon's troubling insistence that Hill is the victim of Thomas' addiction to pornography. In fact, there is little outright grappling with, or critique of the issue of pornography and its prominence in the Hill vs Thomas hearings. There is also repetition: *Race-ing Justice, En-gendering Power*. Thomas' reference to his grandfather, Hill's conservative politics, the "lynching" reference appear a number of times. However, there *is* a unity to these voices. It lies in their acceptance of Morrison's request to clear the air and to present non-sensationalised, non-prurient, contextualised expert testimonies which openly declare their allegiances and wrest history back from being the dupe of self-serving political expediency.

For someone coming from the literary side of an interest in the nexus between literature and law, *Race-ing Justice, En-gendering Power* is informative, particularly of the dialectic between the requirements of evidentiary process and the social implications of applying the law in supposed non-trial settings, as well as about questions surrounding private experience made public - issues raised by Andrew Ross' testimony. In spite of his claim that the law can change itself, and that the hearings exposed the political chicanery behind the nomination and confirmation, one of the sad things about the book is that it confirms a sense of a prevailing monolith, one which - in the case of Hill and Thomas - is hardly the impartial system it claims to be. As Ross also argues, it is evidently not above serving political interests. The overall feeling of this book is that the combination of a persuaded law and media sensationalism produced a Conservative win by sleight of hand. Hence Morrison's reason for compiling and introducing the book - to stop the "disappearing act that frequently follows the summing-up process typical of visual and print media," the entertaining spectacle in which there is more at stake than winning or losing.