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**Engaged Disengagement: Reframing as Feminist Critique in
Vanessa Place's Tragedía**

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Engaged Disengagement: Reframing as Feminist Critique in Vanessa Place's *Tragodia*

Vanessa Place's three-volume series of conceptual writing, *Tragodia* (2011) is part of the body of conceptual poetry that has emerged in the U.S in the twenty-first century. In the preface to her recent study *unoriginal genius: poetry by other means in the new century* (2010), Marjorie Perloff examines the innovation in contemporary poetry precipitated by the unconstrained conditions engendered by the Internet. Perloff observes that during this phase of experimentation at the turn of the century, poets became interested not in their own linguistic creations but 'how already existing words and sentences are framed, recycled, appropriated, cited, submitted to rules, visualized or sounded.'¹ Alongside the works of Kenneth Goldsmith, Craig Dworkin, and Rob Fitterman, Place's *Tragodia* is paradigmatic of that which Perloff articulates as the 'new citational and often constraint bound poetry'², and the body of work Goldsmith, following Perloff, terms 'uncreative writing.'³ A considered enquiry into certain concepts and conceptual apparatuses such as allegory, hermeneutics, and the performative use of indifference in conceptual writing generates productive insights into new narrative conditions produced by Place's conceptual writing. This essay positions Place's *Tragodia* as an instance of reframing as contemporary feminist cultural critique. Through appropriation, *Tragodia* creates a field of contextual resistance to the oppression of the personhood of the victims of sexual crimes enacted in legal discourse.

Place's *Tragodia* is a contemporary work of *détournement*. In an attempt to define a contemporary form of *détournement*, Place makes reference to Patrick Geaney's quoting of Debord in his essay 'Insinuation: *Détournement* as Gendered Repetition.' Place remarks that Debord is misquoting Baudelaire in his articulation of *détournement*, as that which occurs when poets 'enter into enemy territory and repeat the locutions that they undermine. In this repetition, poets burrow into language, but they, too, are dug into, penetrated by the very language that they want to overcome and keep at a distance.'⁴ The conceptual poet, scholar and performance artist, Caroline Bergvall, understands this penetration of the conceptual writer by the language the writer's work seeks to critique to be one of the overarching challenges that contemporary women writers meet in their conceptual practices. For Bergvall, the difficulty resides in the poet's struggle to refrain from producing a mode of poetics that is a mode of production fetishism. Put simply, Bergvall asks 'How does one put a text together that depersonalizes, that disengages from personalized modes, yet manages to engage with

¹ Marjorie Perloff, *unoriginal genius: poetry by other means in a new age*, xi.

² Perloff, *unoriginal genius*, xi.

³ Kenneth Goldsmith, *Uncreative Writing* (New York: Columbia University Press, 2011).

⁴ Vanessa Place, 'Afterword' to *I'll Drown My Book: Conceptual Writing by Women*, 446.

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3 processes of personification and identification?⁵ In Bergvall's view it is a question of the
4 conceptual text's ability to simultaneously accommodate distance and intimacy:
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8 If literature is perceived as a mediating apparatus, a symbolic representation that
9 highlights features of social engineering as much as of individual motivation, how
10 does one create textual works where the authorial hold over the text is somehow
11 distanced, perhaps neutralized, yet where the structural impact of experience, of
12 living, of loving, of knowing, of reading are in fact recognized.⁶
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18 Responding to the work of 62 women writers in the anthology *I'll Drown My Book: Conceptual Writing By Women* (2012), Bergvall delineates two pathways that the writers take
19 as means to circumvent production fetishism: the 'road' and the 'route' of 'engaged
20 disengagement.' The 'road' of engaged disengagement involves 'A willingness to constantly,
21 relentlessly examine the means of one's own intentionality, positioning, assumptions,
22 expectations.' The 'route' of engaged disengagement entails 'A willingness to accept the
23 laughable obsessiveness of one's intent in the face of the all-corrupting consumption machine
24 [...] It is dead serious playfulness, interdependence, networked provocation, and conscious
25 games.'⁷ Place's *Tragodia* harbours both the road and the route of engaged disengagement. In
26 the following analysis Place's conceptual practice will be shown to expose and interrogate the
27 questions of 'intentionality, positioning, assumptions, expectations' that her texts raise.
28 Place's work also generates debates over the work's complicity with the institutional
29 structures of the Law that it seeks to critique, and it is precisely the 'networked provocation'
30 for which the work is a catalyst, that is a site of resistance in the text.
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40 By day, Place is an appellate criminal defense attorney in the State of California. Her
41 poetic practice involves acts of pure appropriation.⁸ The first volume of *Tragodia*, entitled
42 *Statement of Facts*, takes the transcriptions of appellate briefs and the legal documents of
43 violent sexual criminal acts and resituates them onto the literary page through an act of
44 reframing. As Goldsmith has observed, Place's only alteration of the documents is her
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50 ⁵ Caroline Bergvall, 'The Conceptual Twist', Foreword to *I'll Drown My Book: Conceptual*
51 *Writing By Women*, edited by Caroline Bergvall, Laynie Browne, Teresa Carmody, and
52 Vanessa Place (Los Angeles: Les Ficus Press, 2012), p. 21.

53 ⁶ Ibid.

54 ⁷ Ibid.

55 ⁸ Place has carried out other acts of pure appropriation. Her recent work *Radio Breaks, Full*
56 *Audio Transcripts* is comprised of the communications between the Federal Aviation
57 Administration, North American Aerospace Defense Command, and American Airlines that
58 took place on September 11, 2001.
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3 removal of the serif font demanded by the legal profession.⁹ *Tragodia* is a discursive
4 construction, a collage of victims' and rapists' depositions, testimonies, and police reports.
5 Goldsmith also points to the fact that all of the legal documents that Place appropriates are
6 freely available from public records archives.¹⁰ Yet as both Goldsmith and Moschovakis have
7 noted, Place, as attorney, has also written the original documents.¹¹ Place's key concern in
8 this work is the status of personhood as it is intimated or enacted by legal discourse.
9 Crucially, the rape victims' testimonies are narrated to representatives of the law, and as a
10 consequence, their discourse is perpetually overlaid in the ideological interpretation of the
11 legal narratives. This essay pays close attention to the theatrical dimension of Place's
12 conceptual writing, as a means to explore the condition of personhood in the narratives but
13 also to interrogate the way in which a tension between framing and telling in legal discourse
14 is registered in Place's work. Building on Goldsmith's desire to 'map [...] territories, define
15 terminologies, and create contexts'¹² in which conceptual writing can be positioned and
16 discussed, this essay explores both the potential of conceptual writing to embody a mode of
17 resistance to trauma, and to offer a particular contextual encounter between contemporary
18 feminist poetics and the law.
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27 It is my contention that *Tragodia* does not represent trauma but rather generates
28 trauma through a poetic practice that has a bipartite structure: conceptual writing (allegory)
29 and Place's performance of the narratives. Place's performance is an ancillary act of
30 reframing that raises the question of what might be at stake in the performative use of
31 indifference. The linguistic apparatus of the legal case studies echoes the psychoanalytic case
32 studies of Freud and Breuer at the turn of the twentieth century, in which the patient's
33 discourse is narrated, written, and thereby overlaid by the discourse of the psychoanalyst.
34 This enquiry seeks to ascertain if traces of subjectivity can be found in the legal narratives, or,
35 if the deformation of the speech acts of the subjects in legal discourse has erased all
36 subjectivity. In such an analysis both the question of the extent of the depersonalization of the
37 victims of rape in legal discourse through the deformation of the their language and speech
38 acts arises, as well as the issue of whether Place's conceptual writing, through the act of
39 reframing, is able to create new narrative conditions in which the resistance and constitution
40 of the subject is manifested in the text.
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53 ⁹ Goldsmith, *Uncreative Writing*, 104. In his analysis, Goldsmith cites Place's terms for such
54 textual requirements: "those little epaulets of authority."

55 ¹⁰ Ibid, 102.

56 ¹¹ Ibid. Goldsmith is citing Anna Moschovakis, 'Poetics of Guilt', *American Book Review*,
57 Vol. 32. Number 4, May/June 2011, 9.

58 ¹² Goldsmith, *Uncreative Writing*, 11.
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Allegory

Place makes a number of theoretical interventions on conceptual writing practices in her libretto-manifesto *Notes on Conceptualisms* (2010), co-authored with Robert Fitterman. In the Foreword to this short work, Fitterman gestures towards an understanding of conceptual writing in the contemporary period. He states that he, Place, and Anna Moschovakis, use the term conceptual writing in the broadest sense ‘so that it intersects with other terms such as: allegory, appropriation, piracy, flarf, identity, theft, sampling, constraint and others.’¹³ The opening of the manifesto reinforces the homologous relationship between the authors’ works and the first of these terms: ‘Conceptual writing is allegorical writing.’¹⁴ This analogy is continually reiterated and explored throughout the manifesto. For Goldsmith, Fitterman, and Place, Walter Benjamin is the notable precursor of conceptual writing in terms of both practice and theory. Goldsmith considers *The Arcades Project* (1927-1940) to be ‘the greatest book of uncreative writing’¹⁵ and a clear antecedent to works of pure appropriation in the twenty-first century. For Place and Fitterman, it is Benjamin’s chapter on allegory and *trauerspiel* in *The Origins of German Tragic Drama* (1928) that provides a foundation for theorizing allegory today.

According to Fitterman and Place, contemporary allegorical writing is comprised of a pre-text and a post-text. The first of these components is explained in an early definition:

The standard features of allegory include extended metaphor, personification, parallel meanings, and narrative. Simple allegories use simple parallelisms, complex ones more profound. Other meanings exist in the allegorical “pre-text,” the cultural conditions within which allegory is created. Allegorical writing is a writing of its time, saying slant what cannot be said directly, usually because of overtly repressive political regimes or the sacred nature of the message. In this sense the allegory is dependent on its reader for completion (though it usually has a transparent or literal surface).¹⁶

This explanation asserts the reader’s role in the construction of allegory, a key aspect of Place’s work when considering her performance. The structure of allegory referenced here has a concrete example in *Tragodia I: Statement of Facts*, which is comprised of pre-textual

¹³ Rob Fitterman and Vanessa Place, *Notes on Conceptualisms* (Brooklyn: Ugly Duckling Press, 2010), 10.

¹⁴ Ibid, 13.

¹⁵ Goldsmith, *Uncreative Writing*, 109.

¹⁶ Fitterman and Place, *Notes on Conceptualisms*, 13.

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3 materials, being a collage of transcripts of prosecution cases, transcripts of defense cases,
4 details of medical examinations/sexual assault examinations, expert testimonies, rebuttals and
5 police reports. Read in terms of the features of allegory set out in *Note on Conceptualisms*,
6 the law exists in the allegorical pre-textual construct of Place's work as manifesting certain
7 'cultural conditions.' *Statement of Facts* is the "post-text", 'the document necessarily created
8 by the pre-text, though post-text may refer to a primary text used in hybrid as a secondary
9 text.'¹⁷ It is the conceptual procedure of appropriation that enacts the transformation from pre-
10 text to post-text. Place and Fitterman state: 'To the degree conceptual writing depends upon
11 its extra-textual feature for its narration, it exists, like the readymade – as a radical reframing
12 of the world.'¹⁸

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18 The legal documents that form *Statement of Facts* have been detached from their
19 bureaucratic habitation and resituated onto the literary page. Context is a primary form of
20 signification in the conceptual work. In her Afterword to the anthology, *I'll Drown My Book*,
21 Place remarks: 'in the way of positive or negative space, conceptualism is [...] writing in
22 which the context is the primary locus of meaning-making.'¹⁹ In content, the materials of
23 *Tragodia* remain identical to their original state, when they were housed within the
24 parameters of the legal institution. As literary texts however, the documents no longer
25 perform the functions for which they were written. For instance, the depositions, formal
26 statements used as evidence outside court, do not operate as evidence in a trial when situated
27 in a literary context. Rebuttals, often placed after the prosecution and defense cases function
28 in the literary text as an addendum, or an Afterword that serves to keep the narrative open and
29 in question, rather than fulfilling the legal purpose of refutation and contradiction. Conceptual
30 writing mediates, Fitterman and Place observe, 'between the written object [...] and the
31 meaning of the object by framing the writing as a figural object to be narrated.'²⁰ Read as
32 literary texts, the legal statements become narratives. Place's act of reframing foregrounds
33 language and brings to light the theatricality of the discursive constructions and the
34 oppressive nature of the ideological discourse within which the victims' voices are subsumed.
35 Victims narrate their traumas to figures of the law and these figures then relate the
36 testimonies and frame these organic narratives in the institutional language of the law.
37 Within the new literary framework of *Statement of Facts* the tension between framing and
38 telling becomes apparent. It is this cohabitation of framing and telling that is the site of
39 Place's institutional critique.
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55 ¹⁷ Ibid., 21.

56 ¹⁸ Ibid., 39.

57 ¹⁹ Place, 'Afterword' to *I'll Drown My Book: Conceptual Writing by Women*, 446.

58 ²⁰ Fitterman and Place, *Notes on Conceptualisms*, 16.
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3 The act of reframing then transforms the pre-text into the post-text. The features of
4 allegory are significant here and illuminate the operations at work in the transfiguration of the
5 text. For Fitterman and Place, in allegorical writing, ‘prosody shuttles between a micro
6 attention to language and macro strategies of language i.e the use of source materials in
7 reframing or mixing.’²¹ Macro strategies of language are found in *Statement of Facts* at the
8 structural level of appropriation. The title *Tragodia*, playing on the Ancient Greek word for
9 tragedy (*tragōidia*), invokes the work as a contemporary tragic drama. The thirty-three
10 sections in the first volume, each titled ‘Statement of Facts’, are constituted by the legal
11 documents lifted by Place and resituated onto the literary page. Each section is a collage, the
12 heterogeneous nature of which is significant to the work’s allegorical structure. In contrast to
13 traditional allegorical writing, Fitterman and Place assert, conceptual writing must have the
14 capacity to embody ‘unintended pre- or post- textual associations.’ This manifestation
15 ‘abrogates allegory’s (false) simulation of mastery, while remaining faithful to allegory’s
16 (profound) interruption of correspondences.’ ‘Allegory’, Fitterman and Place claim, ‘breaks
17 mimesis via its constellatory features.’²² The large-scale conceptual apparatus of
18 appropriation and collage in *Tragodia* annul the legal text’s claim to mastery and frame the
19 smaller scale conceptual gestures that make language the most prominent feature of the
20 writing. An instance of this occurs at the outset of each volume in the table of contents. The
21 lists of the thirty-three identical titles of the cases, ‘Statements of Facts’, ‘Statement of the
22 Case’, and ‘Argument’, acquire a density in their repetition and indicate the constraint and
23 indifference of the ideological discourse of the legal system. This oppression, conveyed in the
24 reiteration of the functional titles, prefaces the eclipsing of the victims by the language of the
25 law, a pervading aspect of the texts that becomes apparent through reframing. A similar
26 pattern occurs in the second volume, *Statement of the Case*, in the lists of the counts upon
27 which the appellant in the case has been convicted. One extensive list details sixty-four
28 counts upon which the appellant was found guilty as charged. Each count is detailed along
29 with the details of the sentence:

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32 count 1 – one-third the midterm of four years, doubled as a second strike, run
33 consecutively;

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35 count 2 – fifty years to life, pursuant to section 667.61, subdivision (d)(4);

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37 count 3 – the upper term of 8 years, doubled as a second strike, run consecutively;

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39 count 4 – the upper term of 8 years, doubled as a second strike, run consecutively;

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²¹ Ibid.

²² Ibid., 21.

count 5 – one-third the midterm of four years, doubled as a second strike, run consecutively;²³

The sentence preceding the list states that the appellant in this case was sentenced to 1,040 years and an additional ten life times. In a literary context, the repetition of sentences (in both the legal and literary meanings of the word) has the effect of linguistic accumulation that reflects both the excessive violence of the crime and the illogicality of the sentence passed. The appellant will likely only ever be able to serve one eighth, at the very most, of the total number of years to which he has been sentenced. In a literary context then the numbers become ideogrammatic of the violence inflicted by the appellant, crimes documented in the previous volume, *Statement of Facts*. Elsewhere, Place has pointed to the difference between mimesis and metamorphosis with regards to conceptual writing.²⁴ In this instance of contextual metamorphosis cited above, the transformation from the legal object to the figural object is evident. Parallel meanings characteristic of allegory abound (the inflected ‘sentence’). Words lose their legal meanings, ‘count’ becomes an ironic imperative, and the final sentence: ‘This appeal from a final judgment of conviction is timely’²⁵ acquires a sardonic tone.

Each section of the third volume, *Argument*, the most manifold part of *Tragodia* in terms of textual collage, opens with an indented statement in block capitals, set apart from the proceeding text:

ARGUMENT

APPELLANT’S CONVICTIONS ON THOSE COUNTS INVOLVING RIKKI E. MUST
BE REVERSED AS THE WITNESS’S FACIAL COVERING
DURING THE TRIAL VIOLATED APPELLANT’S SIXTH AMENDMENT RIGHT
TO CONFRONTATION AND TO A FAIR TRIAL

As noted, Rikki E. testified wearing large sunglasses and a headscarf. Defense counsel repeatedly objected to the disguise, noting that even after the scarf

²³ Place, *Tragodia 2: Statement of the Case* (Los Angeles: Blanc Press, 2011), 44.

²⁴ Place, ‘Afterword’ to *I’ll Drown My Book*, 445.

²⁵ Place, *Tragodia 2: Statement of the Case*, 47.

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3 was removed during testimony, Rikki's eyes and the top portion of her face were not
4 visible through the dark glasses. (RT 4:665, 4:768-770, 5:903-904, 7:115)²⁶
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8 The block capitals draw attention to the law's imperative that Rikki. E be exposed to her
9 alleged attacker. Through the typographical design of the text, as with the 'counts' in
10 *Statement of the Case*, the absurdity of the proposition is foregrounded, the appellant could be
11 released from the charge of a violent sexual assault based on the victim's wish not to be
12 subjected to his gaze. Such conceptual gestures function at once to devalue the texts as
13 instruments of the law and to recast their features in light of the linguistic edifice of which
14 they are a part. As a result of the work of the allegorist, 'the work is invented via its
15 adoption.'²⁷
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20 In terms of the contextual transformation from pre-text to post-text, *Tragodia*
21 operates at both the macro and micro levels, at the macro level of the allegorical structure of
22 the work, and Place's conceptual act of reframing, to the micro level of drawing attention to
23 the inflections and subversions generated by restaging language. Allegory renders the text in
24 the manner that Fitterman and Place suggest: 'Pure conceptualism negates the need for
25 reading in the traditional textual sense – one does not need to "read" the work as much as
26 think about the idea of the work.'²⁸ The reinvention of the work is an example of that which
27 Place and Fitterman understand to be 're-iteration' or 're-cognition.'²⁹ At the micro level of
28 the language and the content of the narratives, the new literary context reveals the oppression
29 of the victim's speech acts, as well as the potential resistance of the conceptual text. The
30 following textual analysis, that explores corollary issues of the question of hermeneutics and
31 the performative use of indifference in Place's conceptual writing, seeks to determine if
32 agency and subjectivity can be found or felt in the discursive construction of *Tragodia*, or if
33 the deformation of the victims speech acts by the law has erased these elements completely.
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43 *The Question of Interpretation*

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46 Reading *Tragodia* as a feminist act of reframing brings to light the nature of interpretation as
47 it is found in Place's conceptual text. In *Tragodia*, interpretation is the opposite of
48 hermeneutics. The law's nomothetic rendering of the victims' discourse reifies, systematizes,
49 and consequently deforms the narratives – it is this deformation that is the work of
50 interpretation. By contrast, as Place remarks, the conceptual text is precisely 'writing that
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55 ²⁶ Place, *Tragodia 3: Argument* (Los Angeles: Blanc Press, 2011), 143.

56 ²⁷ Fitterman and Place, *Notes on Conceptualisms*, 26.

57 ²⁸ *Ibid.*, 25.

58 ²⁹ *Ibid.*, 26.
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3 does not self-interpret, is not self-reflexive, at least not on the page.³⁰ Place's contextual
4 transference from the law to the literary brings legal discourse under linguistic scrutiny and
5 exposes the violence of the interpretative logic at work in the legal text. Foregrounding
6 linguistic structures, the post-text brings to light the discursive formations of the legal
7 documents. In *Statement of Facts*, the victims in the rape cases are interpellated by their
8 names and yet their voices and testimonies are eclipsed through the structures of narration.
9 The accused remain anonymous, shielded as linguistic placeholders by ideological discourse,
10 interpellated simply as 'appellant' or 'suspect'. The following excerpt is just one example:
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17 Appellant came to the bed and raped Arianna; either Suspect 1 or 4 was
18 standing by the bed. Miranda was screaming in the bathroom. Suspect 3,
19 standing by the wall, said Miranda had to shut up; appellant gave the gun to
20 Suspect 3, who pointed it at Miranda, who dropped to her knees, Suspect 3
21 put the gun to Miranda's head and pulled the trigger. There was no shot, and
22 the men laughed and called Suspect 3 "Psycho." Suspect 3 told Miranda that
23 it was her lucky day: there were two bullets in the gun. (RT 4:1835-1839,
24 4:2143-2145)³¹
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31 The coexistence of framing and telling throws the text into ambivalence. On the one hand,
32 Arianna and Miranda are named, identified, and thus given a degree of subjectivity that the
33 appellant and the suspects are not. Such interpellation is held in uneasy conflict with the
34 reduction of their traumatic experience to a factual account, an act that linguistically shields
35 the perpetrators through the omission of the victim's subjective renditions of the events.
36 Through reframing, *Tragodia* stages the narratives and, in doing so, embodies a dialectical
37 tension between the victims' narrativization of the traumatic experiences of rape, bodily
38 harm, and sexual abuse and the dissemination of these narratives in the ideological discourse
39 of the legal system. The following is an excerpt from a Prosecution Case that details the rape
40 case of Tye, a girl who was ten years old at the time of the trial; the appellant is her great
41 uncle:
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49 Tye was crying during the assault examination. She told the attending deputy
50 that the day before she had been watching TV on the floor of Uncle Jackie's
51 apartment when Uncle Jackie told his girlfriend Vondra to take a shower.
52 After Vondra left, he told Tye she could lie on the bed. He lay down next to
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57 ³⁰ Place, 'Afterword' to *I'll Drown My Book*, 446.

58 ³¹ Vanessa Place, *Tragodia I: Statement of Facts* (Los Angeles: Blanc Press, 2010), 203.
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3 her, pulled down his pants, and put his “pee-pee” in her mouth. He put his
4 hands over Tye’s mouth when she started to scream. After taking his penis
5 out of her mouth, appellant put two fingers in her “coo-coo,” then put his penis
6 in her vagina. Tye tried to push appellant away, kneed him in the groin and bit
7 his neck. Tye described appellant’s penis as getting bigger and described him
8 ejaculating. Appellant left the bed, and Tye called her mother. (RT 4: 1264-
9 1270, 4:1294-1295)³²
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15 The statements fuse the victim’s discourse with that of the law. Tye’s voice and distress are
16 overruled by the objective narration that deforms Tye’s traumatic experience of sexual abuse.
17 In the legal narration a third party narrates the sufferer’s testimony. The legal and medical
18 terminology (the latter more pronounced at other points in *Statement of Facts* that document
19 the medical reports of the victims’ injuries) lacks affect and inflicts violence; there are no
20 modifiers for anatomical words such as ‘penis’, ‘ejaculating’ and ‘vagina’ in the legal
21 account. By comparison, the child’s linguistic register that signals her prepubescence
22 modifies the experience linguistically, she uses the euphemism “coo-coo” in place of vagina
23 and “pee-pee” to substitute “penis”. The unmediated medical and legal language relating an
24 instrumental understanding of the victim’s trauma conflicts with the language of the sufferer.
25 The child’s unadulterated linguistic register is adulterated by the law through the act of
26 interpretation. The abuse of Tye appears in this passage to be emphasized by the deformation
27 of her language by the figures of the law. In short, the act of interpretation in *Statement of*
28 *Facts* is an act of deformation of the subjects’ speech acts.
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38 *The Violence of Indifference*

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41 In Place’s work, the impersonal constructions of the victims’ narratives within legal discourse
42 manifest a violence of indifference at the level of institutional language, this is apparent in the
43 analysis of Tye’s narrative discussed above. The phenomenology of affect is essential to
44 *Tragodia*. It could be assumed that the original statements related to the figures of the law
45 embody affect. However, the textual deformation of the speech acts by the figures of the law
46 to whom they are related precludes such an assumption, as the falsification of the narratives
47 through institutional transmission into statements of facts renders any such assertion mere
48 conjecture. In this way, the interpretation of the victim’s narratives by the law delegitimizes
49 any attempt at a hermeneutical enquiry into the text. It is worth noting here that for scholars in
50 the field of trauma studies, theirs is precisely a desire to study the effects of trauma, to
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58 ³² Place, *Statement of Facts*, 155.
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3 understand, interpret, and redeem sense, precisely at the site where sense has been eradicated.
4 In this way institutional oppression in *Tragodia* extends out from the text and it is the
5 exposure of such oppression that forms part of the institutional critique in Place's act of
6 reframing.
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9 Affect then has been disabled by the law. The legal discourse denies a relationship
10 between affectivity and rationality in the narratives, offering only a site for the latter.
11 Interestingly, there are references to the victims' posttraumatic conditions in a number of the
12 statements:
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16 The nurse practitioner who examined Sara described her as placid and
17 cooperative. The woods lamp scan was negative for bodily fluids; the nurse
18 collected vaginal, cervical, anal, external genital, and breast swabs. Sara
19 described the assault and her assailant, and said she was numb. There were
20 ligature marks on Sara's wrists, and an abrasion on her knee; her hymen and
21 vagina were bruised, consistent with blunt force pressure. There were fresh
22 abrasions on her anal area, consistent with friction. These injuries were not
23 consistent with consensual sex. There was no injury to the scalp, though this
24 is not inconsistent with having one's hair pulled. (RT 3:1828-1851, 3:1855,
25 3:1874-1882, 3:1885-1896) Sara's demeanour was consistent with post-
26 traumatic stress disorder. (RT 3:1910, 3:1917-1918)³³
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35 Told in the third person, Sara's narrative is obscured by the legal and medical reports of her
36 trauma. The reference to post-traumatic stress disorder and Sara's 'demeanor' are slight in
37 comparison to the lengthy, detailed, and explicit objective narrative of the physical trauma
38 she has experienced, as forensic evidence in legal discourse is privileged over the narrative of
39 the victims. It is the perception of the nurse who is given authority to assess Sara that takes
40 precedence, and it is the nurse who states that Sara's exterior behavior was 'placid' and
41 'cooperative'. The nurse practitioner is given agency over the victim. Sara's own narrative is
42 adumbrated into the fact of recollection: 'Sara described the assault and her assailant, and said
43 that she was numb.' Whilst Sara's desensitized condition is reported, this condition of
44 numbness is not expressed. Such objective renderings of Sara's own testimony repudiate
45 affect, either in its presence or absence. Indeed such instances of linguistic obfuscation
46 highlight the importance of the role of language, diction, and syntax in representing affect,
47 when affect is, in Denise Riley's terms, attached to 'the expressive intentions of an individual
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58 ³³ Place, *Statement of Facts*, 123.
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3 speaker.³⁴ There is, as Riley formulates in her recent body of work, another form of affect,
4 ‘the animated word’s power’³⁵ that is, to a certain extent, independent of an individual
5 speaker. In this sense, a negative affect of indifference is at work in Place’s practice. At times
6 Sara is detached from her own body by the legal discourse, dispossessed by the lack of a
7 possessive pronoun: ‘the nurse collected vaginal, cervical, anal, external genital, and breast
8 swabs’. Her body is objectified, mutilated through medical description, and Sara, divested of
9 personhood, becomes a universal placeholder: ‘There was no injury to *the* scalp, though this
10 is not inconsistent with having *one’s* hair pulled’ (my italics). Within such a legal framing
11 affectivity has been erased.

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At other times, references to the victim’s condition appear in footnotes. In the case that relates the gang rape of two women, Arianna and Miranda, the footnotes reveal that Arianna’s narrative is almost entirely absent from the statement. As a gloss to a particularly traumatic part of the statement that tells of multiple sexual assaults on Arianna, a footnote reads: ‘Arianna could not relate a specific sequence of events after this: she could not say what happened or how many times. (RT 4:1834, 4:1841, 4:2126, 4:2126-2127)’³⁶. Here Place’s pure appropriation, which leaves the clerk’s notes and footnotes in the post-text, reveals the way in which Arianna is subordinated structurally within the institutional narrative and by the legal paratextual elements.³⁷ In the annotation Arianna has linguistic agency, yet she remains narrated by the law, the auxiliary statement that concerns her is outside of the main text and enclosed by the numbered footnote and the clerk’s notes in parentheses. In the linguistic constructions of the section of the text to which the note refers, apart from one statement where she has dual agency with Miranda (‘Miranda and Arianna asked not to let them in’), Arianna is passive, relegated to an ancillary position within the statements in which the appellant or the suspects are active: ‘Appellant withdrew from Arianna’; ‘Suspect 1 got on to the bed with Arianna, had her masturbate him’; ‘Suspect 3 and 4 went to the bed and fondled Arianna’; ‘Suspect 1 returned to Arianna’s bed’; ‘Suspect 4 fondled Arianna for a moment [...] had Arianna orally copulate him’; ‘Arianna was always being orally penetrated by one while the other was vaginally penetrating her’; ‘Appellant came to the bed and raped Arianna.’ Arianna’s posttraumatic state is referred to within the text:

Miranda did most of the talking to the police because Arianna was “in a really bad place” at the time. They walked back to the building, because the officers needed the women to go into the apartment. Arianna couldn’t at first, so

³⁴ Denise Riley, *Impersonal Passion: Language as Affect* (Durham and London: Duke University Press, 2005), 5.

³⁵ Place, *Statement of Facts*, 123.

³⁶ *Ibid.*, 203.

³⁷ *Ibid.*

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3 Miranda did. After being reassured of her safety, Arianna also went upstairs
4 and showed the officers where the attack took place. None of the suspects
5 were present, but Arianna saw appellant's picture on a dining table. Arianna
6 was confused, and vomited. They were transported to the hospital and
7 interviewed and examined. Arianna was not very cooperative at the hospital
8 because she just wanted to go home. (RT 4:1882, 4:1891, 4:2103-2105,
9 4:2161-2165)³⁸

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15 It is not entirely clear if the citation from the original statement that appears in the first
16 sentence ("in a really bad place") is spoken by Miranda or Arianna. Either way, the idiomatic
17 quotation here highlights the tension between framing and telling. It is not unreasonable to
18 speculate that the language of Arianna's original testimony would have embodied affect, as
19 the legal statement here refers to her confusion and her state of shock. The final sentence of
20 the extract: 'Arianna was not very cooperative at the hospital because she just wanted to go
21 home' is an instance of a certain linguistic traction found in many of the statements. In this
22 statement the language of the law strains to contain the victim's narrative. The first clause
23 'Arianna was not very cooperative' subsumes Arianna into the statement of the figure of the
24 law telling the facts. The second clause however struggles to contain Arianna's verbal
25 testimony within Standard English. As an example of many instances of free indirect
26 discourse in the statements, Arianna's voice breaks through in the word 'just'. It registers
27 Arianna's anxiety and points to the absent affective speech acts that have been deformed and
28 linguistically standardized. This moment of slippage can also be read as a poetic act. Place
29 has not altered the legal statement, but as Moschovakis observes: '*Statement of Facts* is not
30 only conceptual poetry written by a writer-slash-appellate attorney. These are appellate briefs
31 written – the old fashioned way – by a poet.'³⁹ Moschovakis's remark calls into question the
32 origin of Place's poetic practice. Place's conceptual writing occurs in the act of appropriation
33 yet her poetic practice may have indeed begun when she wrote the briefs.⁴⁰

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44 The effect of the investigation on Arianna also suggests a form of violence inflicted
45 on the victim by the systematic examination imposed in criminal law. Leone Sandra Hankey,
46 a feminist scholar and a member of the California bar, states that '[f]eminist legal scholars
47 and criminologists document and analyze the phenomenon that raped women who report the
48 crime often experience a "second assault" from the legal system that has supposedly been
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56 ³⁸ Place, *Statement of Facts*, 206.

57 ³⁹ Moschovakis, 'Poetics of Guilt', 10.

58 ⁴⁰ The documentation of Tye's juvenile language would be another instance of this practice.
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3 designed to help them.⁴¹ The note to the section cited above points to Arianna's memory
4 loss, possibly due to trauma: 'Arianna testified that she did not recall exactly what she told
5 police or hospital staff in terms of who did what to her how often.'⁴² A later note reads:
6 'According to Wall, Arianna was extremely distraught and difficult to talk to; Miranda
7 provided all the information about the assault.'⁴³ Richard Wall, the watch field supervisor
8 narrates Arianna's condition; again her distress is relegated to the footnotes. Significantly,
9 the statement also points to Arianna's transformation after the assault: 'Arianna "became a
10 different person" after the attack. She went to counseling, sought medical treatment, and
11 became isolated from friends and family. She could not be alone, but the only person she
12 could be with was Miranda. She hated "her own people" and could not be around people
13 speaking Spanish. (RT 4:1891-1894, 4:2161)'⁴⁴. The legal accounts cite the parts of the
14 victims' narratives that do not contain affect. Affect would be present if the parts of Arianna's
15 verbal statement that expressed anxiety were cited. Instead, the legal interpretation of her
16 speech act omits affective words. As a consequence, the reader of the text is left only with
17 supposition with regards to Arianna's affective discourse.
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26 Through reframing, Place's allegorical work draws attention to the distortion of the
27 victims' speech acts by the figures of the law who interpret those narratives. New narratives
28 are created through interpretation in which the victims are reified into the objective language
29 of the law. The result is that within *Statement of Facts*, the victims are unable to constitute
30 themselves through their speech acts. Immobilized within the rigid constructions of Standard
31 English, any affect apparent in the original narratives has been erased and thus subjectivity
32 has been occluded. As such, in the literary document as a read narrative, the agency intrinsic
33 to personhood is not possible because the subjects' speech acts have been deformed.
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40 *Performing Indifference*

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42 Performance is a major extra-textual feature of Place's allegorical work. In her seminal work,
43 *The Poetics of Indeterminacy: Rimbaud to Cage* (1999), Perloff posits the Aristotelian
44 constituent part of tragedy, *opsis*, or spectacle, to be a significant element of performance, in
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52 ⁴¹ Leone Sandra Hankey, 'Women Write Patriarchal Wrongs: Narrative Resistance to Rape
53 Culture' in *Beyond Portia: Women, Law, and Literature in the United States*, edited by
54 Jacqueline St. Joan and Annette Benington McElhiney (Boston: Northeastern University
55 Press, 1997), 204.

56 ⁴² Place, *Statement of Facts*, 206.

57 ⁴³ *Ibid.*, 207.

58 ⁴⁴ *Ibid.*, 206-7.
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3 that 'it establishes a unique relationship between artist and audience.'⁴⁵ The performative use
4 of indifference is a critical component of Place's conceptual practice. Place stages apathy in
5 her performances of *Tragodia 1: Statement of Facts*. Kenneth Goldsmith has remarked on the
6 importance of the performative dimension of Place's work. 'When you hear Place read these
7 words,' he states, 'you realize that the vile content of the work is just the tip of the iceberg.
8 What happens to you, the listener, during the reading is what makes what she's doing so
9 important.'⁴⁶ Her voice, soft, monotone, detached, unaffected by the violence of the content
10 of the narratives, reifies the narratives of the victims theatrically in a manner that mirrors the
11 codification of the victim's narratives within legal discourse. Within the discursive
12 construction of the text, facts oppress the subjects being narrated, objectivity replaces
13 subjectivity. Place does not alleviate this violence in her performances, she makes no attempt
14 to reinstate the personhood of the narratives that has been erased in the institutional
15 transmission from the victim's statement to legal statement. Her voice operates to
16 homogenize both the victims' and appellants' testimonies. Bringing their narratives into the
17 same voice illuminates the enforced imbrication of individual narrative with legal discourse
18 and the consequent obscuring of personhood in legal discourse.

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20 Through Place's lack of mediation between text and audience, the performance of
21 *Statement of Facts* opens up a space of participation.⁴⁷ Fitterman and Place suggest that
22 conceptual writing 'might be best defined not by the strategies used but by the expectations of
23 the readership or thinkership.'⁴⁸ The traumatic impact of the performance of the text on the
24 audience resides in the lack of mediation and precipitates a question of ethics. 'If there is an
25 ethics specific to appropriation', Fitterman and Place contend, 'it is enacted in the question of
26 editing. Does the writer edit, for example, online language because it is offensive? Does the
27 act of editing become another ethical problem?' Crucially, the writers ask, 'Does the failure
28 to edit become collusion?'⁴⁹ This is a central issue that arises when Place's work is
29 understood as cultural critique. For if the act of reframing does not provide a structure
30 through which elements of personhood can be known, then the conceptual text is partly
31 complicit in the erasure of personhood inflicted by legal discourse.

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33 At the level of performance, Place's poetic practice creates a field of relations that
34 intentionally generates trauma. Goldsmith remarks on his experience of listening to Place
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51 ⁴⁵ Marjorie Perloff, *The Poetics of Indeterminacy: Rimbaud to Cage* (Northwestern
52 University Press, 1999), 289.

53 ⁴⁶ Kenneth Goldsmith, *Uncreative Writing: Managing Language in the Digital Age* (New
54 York: Columbia University Press, 2011), 104.

55 ⁴⁷ A number of Place's readings are available on the web, for instance the reading at Point
56 Éphémère, Paris, 30.9.11. <http://www.youtube.com/watch?v=u5V7gk8Totk>

57 ⁴⁸ Fitterman and Place, *Notes on Conceptualisms*, 10.

58 ⁴⁹ *Ibid.*, 41.
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3 read: ‘Hers is a poetics of realism: one so real that it’s almost too much to bear.’⁵⁰ The
4 unendurable element of Place’s performance experienced by Goldsmith is brought about by
5 pure appropriation. Goldsmith remarks that Place’s lengthy readings, forty-five minutes or
6 more, begin after a while ‘to feel like a Hollywood movie, replete with tragedy and
7 redemption.’⁵¹ Goldsmith’s reading here is problematic, as his rendering of the action of the
8 narratives as redemptive in the Hollywood sense implies catharsis. In the text and in Place’s
9 readings there is no remedial interpretation of the text by the poet. As such there is no
10 catharsis, as the interpretative logic of the law has disabled affect. Rather, the members of the
11 audience, in listening to the statements, experience trauma, as a result of their exposure to the
12 unmediated material. Place’s performance foils the theatrical parts of *Tragodia* in her refusal
13 to interpret and mediate. This element of Place’s conceptual practice embodies an ethics of
14 appropriation that can be positioned as a recalcitrant gesture against the violence of
15 interpretation imposed by the law.

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Place’s performance in this vein can be understood as a strategy of failure. Paralleling
her failure to edit the material in the conceptual act of reframing, the theatrical dimension of
Place’s work is ‘an assassination of mastery’, a rejection of the figure of the poet as mediator.
Place’s performance accords to the text’s status as a transcript (and the subject’s status as
transcribed):

12a. *transcript* is a work of failure: the prosody used refers to a failed system
(politics) of a failed humanity. A failure on all fronts; one that cannot exist save in its
constant manifestation of a constant absence – the citation without content, with
partial content, with mutilated content.⁵²

Statement of Facts can be thought of as the last of these manifestations, whereby the
mutilation occurs in the pre-text. Within the space of the mutilated texts there is the constant
manifestation of the absence of affect. For Fitterman and Place, the text’s status as a transcript
relates directly to ‘the word as wound [...] (the site of failure).’⁵³ Fitterman and Place argue
that in contemporary allegorical writing, failure has the capacity to ‘irrupt the work, violating
it from within.’⁵⁴ Furthermore, they propose that ‘this invites the reader to redress failure,
hallucinate repair.’⁵⁵ Read within the context of these notes, it becomes apparent that
Statement of Facts invites such a response but it is precisely the impossibility of the

⁵⁰ Goldsmith, *Uncreative Writing*, 107.

⁵¹ *Ibid.*, 105.

⁵² Fitterman and Place, *Notes on Conceptualisms*, 54.

⁵³ *Ibid.*, 55.

⁵⁴ *Ibid.*, 25.

⁵⁵ *Ibid.*, 25.

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3 hallucination of repair that situates the audience within the experience of the posttraumatic
4 subject, an experience generated by the text yet, paradoxically, absent in the redacted
5 narratives of the law. Place's strategy of pure appropriation runs counter to the redaction
6 inherent to narratives that she appropriates. The intentional generation of trauma in the
7 performance of *Tragodia 1: Statement of Facts* functions to recover the affect overwritten in
8 the narratives by legal discourse. As a consequence, two modes of performativity emerge in
9 Place's work. At the level of the legal text, performativity occurs, to use Judith Butler's
10 formulation, 'as that reiterative power of discourse to produce the phenomena that it regulates
11 and constrains.'⁵⁶ In their notes, Fitterman and Place cite Wystan Curnow: 'Curnow notes that
12 conceptual writing invites its own performativity, a performativity that ... is an attempt to
13 disembody the meaning "in the contingent and the contextual."⁵⁷ This form of performativity
14 occurs in the act of reframing and, concomitantly, in Place's performance. Arguably, by
15 recontextualising the work from the courtroom to the public reading venue, the performative
16 act of reframing parallels the allegorical structure of the conceptual text.

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24 Performance creates a site of resistance within Place's conceptual writing. In the text
25 of *Statement of Facts*, identity has been erased by the deformation of the victims' speech acts.
26 Transformation for the narrated subjects is impossible, as the victims' personhood has been
27 eclipsed and as a result, within the oppressive discursive construction, there is no site for the
28 self, and, therefore no site for the becoming other of the self. In *Tragodia* contextual
29 deformation has erased subjectivity in the victims' narratives. Place's conceptual writing can
30 be understood as resistance at the level of performance, and at the level of the conceptual act
31 of reframing. Place's performance creates a site of reception between text and audience that is
32 also space of trauma. The members of the audience, as constituted subjects, are liable to
33 deconstitution through trauma and the involuntary generation of affect procured by
34 witnessing trauma. Thus through performance, Place's conceptual practice opens up a site of
35 affectual resistance, denied to the victims of sexual assault within the original legal
36 documents. The allegorical structure, the movement from pre-text to post-text, reframes the
37 legal text in such a way that it enables the formation of alterity, it becomes something other as
38 a work of literature yet the post-text remains identical to the pre-text in content. In this vein,
39 Place's *Tragodia* brings to light a bipartite field of the resistance of the conceptual text.
40 Performance opens up a site of resistance impossible within the text, and, in revealing this
41 impossibility Place's practice critiques the oppression of the victim's discourse and the
42 reification of the subject within the ideological language of the law. The victims' narratives
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55 ⁵⁶ Judith Butler, *Bodies that Matter: On the Discursive Limits of Sex* (London: Routledge,
56 2011), xii.

57 Fitterman and Place, *Notes on Conceptualisms*, 21. Curnow's paper was presented at the
58 Conceptual Writing Conference held at the University of Arizona Poetry Centre in 2008.
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3 have been decontextualized and deformed. The act of pure appropriation can be understood as
4 an act of decontextualisation but one through which the narratives remain intact. Reframing
5 becomes an ethical gesture, a paratextual pathway to metamorphosis, positioned against the
6 linguistic deformation that takes place in the legal narratives. The move from the cultural
7 conditions in the pre-text to new narrative conditions in the post-text is a repositioning that, in
8 its refusal to interpret, creates a site of contextual resistance and a new textual field of
9 meaning-making.
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