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## Raising the ghosts of justice: Staging, time, and the memory of Empire in *The Trial of Governor Eyre*

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I examine the staging of time, justice and performance in *The Trial of Governor Eyre*, investigating what this site-specific performance reveals about the experience of time in the context of colonial violence. So doing, I show that the work's discourse on temporality reflects a vital sense of performativity within an Afro-diasporic context. The work's use of temporality, besides reflecting a cultural adaptation, allows for a remoulding of forms, coupling law and theatre in confronting Eyre's mass executions of 1865. This remoulding of forms (law as theatre, theatre as law) provides a potential for postcolonial witnessing not available when either performance protocol is used on its own. Using Blazevic's and Cale Feldman's (2014) concept of "misperformance", I argue that this play-trial arises out of a Benjaminian sense of historicity, providing an experience of inchoate justice that finds fulfilment in the present. *The Trial of Governor Eyre* points, more broadly, to a new "problem-space" in African diaspora political theory, where resistance against colonial structures of oppression is increasingly mounted on the ground of justice itself and through which the legal apparatuses of colonialism become a site of critical memory. Through the play's deployment of ritual and its plastic moulding of time, 1865 is enlisted as a key historical conjuncture for thinking through the cultural disenchantment of race, but also of the formalist, creative resources of enchantment that can be mobilised for reimagining humanness in the contemporary moment.

**Keywords:** Morant Bay Rebellion, Governor Edward John Eyre, Empire, memory, time, justice

The racial terror of the 1865 Morant Bay state executions, orchestrated by the British Governor Edward John Eyre, have created enduring wounds that, more than 150 years later, remain unaddressed by the British courts and unhealed in the memories of Jamaicans. The legal, ritual actions of *The Trial of Governor Eyre*, a site-specific performance written in 2015 by Bert Samuels, a Jamaican lawyer, and staged the same year by theatre director Michael Holgate, are a response to the inaction that has compounded the psychosocial trauma of Eyre's terror. They are an attempt at catalysing a new process of recovery through performance, an attempt to formalise a space for memory and for justice. Indeed, the play's marriage of lived experience and dramatic space reconfigures the politics of memory in a postcolonial context.

In this paper, I argue that the dislocation implied by this response to trauma underscores the difficulty of directly accessing the events through a conventional understanding of time. Accordingly, I want to show that the play-trial's plastic sense of time not only evidences the durabilities of empire across neat

historical periods, but allows, significantly, for a relitigation of the past. Sketching out what the Trial as staging represents in terms of the relationship between the field of Justice and imagined Black social futures, I will be showing that the work is concerned, at its heart, with three interrelated phenomena: the remoulding of time, the remoulding of form, the remoulding of narrative. The Trial's unprecedented combination of forms, I want to suggest, invites us to reflect on the potential of form itself to produce a new narrative of the self, a sense of human potential obscured by racist ideology and history. In other words, renarrativization, I am arguing, amounts to a reconfiguring of the mind that generates a new sense of human potential and imagines a future commensurate with Black social hopes. Finally, I will end by drawing links between this site-specific performance and other contemporary performative interventions in the African diaspora, to suggest that the creation of a future commensurate with Black social hopes lies in the potential of a remediation of existing forms to create new narratives and imagine new and different ways for Black bodies to occupy space.

### **About the performance**

It is important to underscore, from the outset, that this work manifests two protocols of performance: theatrical representation, on the one hand, and, on the other, the performance of justice and the law (i.e. in the form of *trial*); the work is a trial *and* a play simultaneously. In its first staging in October 2015 (which is the object of my analysis), it was performed inside a courthouse and adhered to the standard protocol and apparatus of a trial in Jamaica. In other words, in its organization and execution, the play conformed entirely to the practice and discourse of Jamaican law. It thus *constituted* a trial from beginning to end (with lawyers for defence and prosecution, judge, jury, witnesses, statements, cross-examinations, a specific order of events, a verdict, ritual practices of opening and closure, codified forms of address, etc.). However, that it purports to stage something that has never occurred, and to rectify that absence, points to its fictional nature; it re-imagines the historical conditions and possibilities of the time (the judge, jurors, registrar and lawyers are Black Jamaicans; jurors are ordinary Jamaicans – cultivators, household servants, butchers, etc. – who “do not own property”, contrary to what the laws allowed in 1865).

In the ritual prologue that precedes the trial, a narrator (dressed in the costume of a judge, since he will also play that role), enters the courtroom, his hand placed on the shoulder of a Rastafarian drummer. As these two figures enter slowly, walking side by side, the judge-narrator addresses the defendant Eyre, his words punctuated by the syncopated rhythm of the *nyabinghi* drum, as judge and drummer process towards the judge's bench:

This is a revolutionary court because you are being tried by the laws of your time. This is a revolutionary court because you are being tried by the laws of these times. This is a revolutionary court because you are being tried by the laws of humanity and morality.

Governor, you have been taken out of time and brought here to stand trial, not on trumped-up charges, but on all the charges brought against you by various persons and civil groups since your calling for martial law in 1865.

By the simple fact of its existence, this trial raises questions about the interpretation of time which its practitioners (writer, director, actors) and its spectators wish to establish, demonstrate, or examine. In other words, the unfolding of this play-trial is complicated because it involves a concurrence and a retroaction of two different time-spaces: distinctions (including in legal frameworks and the nature of the law from one time to the other) are blurred, and a legal fiction is made of what could be possible in 1865, though the play presumably deploys a mimetic apparatus. But whereas mimesis is based on the fiction or myth of past-ness, this representation – and the notion is contested, as we shall see -- is taken out of time. The writer's description of the play's creation as almost a transcription of the "ancestors [speaking] through him" underscores this "out of time" sense, an important perspective on time in the context of the piece and the cultural memory of 1865, which I shall come back to later in the discussion.

### **Governor Eyre and Morant Bay in imperial history**

The stated purpose of the performance is to try Eyre, the British Governor of Jamaica from 1864 to 1866, for the role he played in the deaths of 439 persons from the parish of St. Thomas in the East in 1865. On 11 October of that year, several hundred Black peasants marched into the town of Morant Bay, the capital of the parish, to demand better working conditions and protest the social oppression which they endured at the hands of their former masters (the white planters), as well as the collusion between the planters and the court magistrates. Gad Heuman recounts that:

[f]ighting erupted between the militia and the crowd and, by the end of the day, the crowd had killed eighteen people and wounded thirty-one others. The disturbances spread across the parish [...], from its western border with St David to its northern boundary with Portland [...]. The response of the Jamaican authorities was swift and brutal. Making use of the army, Jamaican forces, and the Maroons [...], the government vigorously put down the rebellion. In the process, nearly 500 people were killed and hundreds of others seriously wounded (Heuman, 1994: xiii).

During the martial law declared by Eyre, the police were given extraordinary powers to arrest suspected insurrectionists. All such persons were then tried under martial law and the guilty were hanged in the days and weeks following the three-day uprising. Historical records and testimonies show that many of these show trials lasted as little as five minutes ("The Jamaica Prosecutions") and that they were little more than cover for brutal repression.

Different conclusions over the nature of the uprising and its degree of organization notwithstanding, it became clear to numerous commentators in Britain that the Black peasantry of St Thomas in the East had risen up in reaction to "continued political, social and economic domination" (Heuman, 1994: xvii) of the white plantocracy and magistracy of the parish, supported by "a lop-sided and partial judicial structure" (Heuman, 1994: xvii). Moreover, the records established by British journalists of the time, thanks both to eyewitness reports emerging from Jamaica and from British military commanders in the field, show that Eyre's response was disproportionate, amounting to bloody extrajudicial slaughter. Many reports by British military officers illustrating their general taste for blood have been painstakingly gathered by the American historian Bernard Semmel (1962). One example is the following letter sent by a Colonel Elkington to his commander in the field:

Dear Colonel,

I send you an order to push on at once to Stony Gut, but I trust you are there already. Hole is doing splendid service all about Manchioneal, and shooting every black man who cannot account for himself (sixty on line of march). Nelson at Port Antonio hanging like fun by court martial. I hope you will not send any black prisoners [...] (Semmel, 1962: 51).

Or again, the following statement given by a Captain Hole:

(17th October 1965): On arriving yesterday at Long Bay I found the huts full of plunder. I had every house within a quarter of a mile of the road in which plunder was found fired, and in doing so upwards of 20 of the rebels were killed... Within a mile of us every black man who did not stand at our approach to give up an account of himself was shot... I am of opinion that upwards of sixty rebels were killed yesterday by the troops under my command, among whom I hear there are some ring leaders... I intend to have destroyed all houses in which proved rebels have resided (Semmel, 1962: 16-17).

“By the end of November”, Semmel remarks, “dissenting groups had placarded London with the legend, ‘Eight Miles of Dead Bodies.’ Further explanation was not necessary. Everyone was discussing the events in Jamaica, and taking one position or the other” (Semmel, 1962: 22-23). Such was the outcry generated that based on the conclusions of a Royal Commission critical of the governor and of his brutality, Eyre was recalled to Britain in 1866. Significantly, the constitution of the colony of Jamaica was transformed on the heels of this Commission and its 200-year-old Assembly abolished. Of course, 1865 also marks the end of the American Civil War and the abolition of slavery in the United States. While certainly a paradigm shift in global geo-relations, state re-formation and imperial relationships, the events of 1865 did not, for all that, provoke a philosophical or ideological shift in the way black human being was considered. Instead, the metaphysical foundations of the imperialist conception of Blackness as sub-human were affirmed.

In the case of Britain and Governor Eyre, despite the attention that Eyre’s massacre attracted from both state and civil groups in England, he was never made to answer for his crimes. Three different attempts to have Eyre indicted were rebuffed, thanks largely to a committee of influential personalities (that included Charles Dickens and Alfred Lord Tennyson) set up by Thomas Carlyle in Eyre’s defence. Indeed, in many quarters in Britain, Eyre was given a hero’s welcome for having preserved the security of the colony of Jamaica. The Jamaica Committee co-founded by John Stuart Mill spearheaded the last, failed, attempt to indict the governor. Of the incident, Mill notes in his autobiography that:

The perpetrators of these deeds were defended and applauded in England by the same kind of people who had so long upheld negro slavery: and it seemed at first as if the British nation was about to incur the disgrace of letting pass without even a protest, excesses of authority as revolting as any of those for which, when perpetrated by the instruments of other governments, Englishmen can hardly find terms sufficient to express their abhorrence [...] It was clear that to bring English functionaries to the bar of a criminal court for abuses of power committed against negroes and mulattoes, was not a popular proceeding with the English middle classes (Mill, 1971).

## Form and narrative

The Trial of Governor Eyre was staged on the 25<sup>th</sup> of October 2015, almost 150 years to the day after the hanging of Paul Bogle and George William Gordon, the most memorialized personalities to be executed.<sup>2</sup> The staging took place within a courthouse only a few hundred metres away from the old Morant Bay Courthouse, the site on which the atrocities of 1865 were committed. Though accused of the deaths of 439 persons, Eyre was being tried in this instance for “conspiracy to murder” four individuals: Paul Bogle, George William Gordon, Letitia Geohagen and Mary Ward. Doubtless, Bogle and Gordon were chosen for symbolic reasons, owing to the place they occupy in the Jamaican collective memory: they are celebrated today as two of Jamaica’s National Heroes for their martyrdom in the fight for human rights, Bogle as a protestor and activist, and the mulatto Assemblyman Gordon as a vocal opponent of the Jamaican planter class, who paid for this with his life. Geohagen and Ward are two women from Bogle’s inner circle.<sup>3</sup>

When the official court proceedings begin, the prosecutor reads the charges, and the accused, Governor Edward John Eyre, is pleaded. Witnesses are selected and the juridical sparring between prosecution and defence is set in motion, with both sides exercising their skill, prowess, and oratorical virtuosity. The charges – “four counts of conspiracy to murder” – are laid out by the prosecuting attorney, who seeks to convince the jurors of “the execution [...] carried out against the defenceless people of Jamaica”. He calls six witnesses. The first, Cecilia Bogle, the mother of Paul Bogle, gives evidence as to how she saw her son hanged at the insistence of Eyre. The second, Lucy Gordon, the wife of George William Gordon, tells the court of Eyre’s “motive to unlawfully cause her husband’s death” because of the resentment he bore towards him for his advocacy in favour of the oppressed workers. Others, court martial witnesses and relatives of the deceased, give harrowingly emotional accounts of how Ward, pregnant at the time of her execution, and Geohagen, were hanged. Finally, an expert witness on martial law gives testimony in which he is questioned and cross-examined as to the legality of the measures Eyre took in 1865. Eyre’s defence lawyer, for his part, calls no witnesses of his own, except Eyre himself, who testifies in his own defence. He attempts to poke holes in the prosecution’s arguments and, in his aggressive cross-examinations, questions the credibility and ability of the witnesses. After this juridical jostling of more than two hours, the jurors retire and, after only a few minutes, unanimously return a verdict of “guilty”.

If theatre is the play of perception, and that art that allows us to interrogate the concept of perception, then the Trial of Governor Eyre is an excellent tool allowing us to question and explore the concept of time in the postcolonial setting. Movement is spare in this performance. It is a trial and, as trials go, bodies are static, frozen more or less in place. But the trial itself is not, and its placement within a performative present is important: the strict concordance of “staging time” and fictional time turns the theatricalized trial into a moment of scrutiny in which time serves that activity of memory and witnessing. The testimony of Cecilia Bogle, Paul Bogle’s mother, with its tears, its searing memories, its pain, its hauntings, is an illustration of this, as she testifies about the wanton denial of a proper trial to her son:

Him hide fi couple days well, but after a while them ketch him... When me hear, me rush go down a Morant Bay. Me only see when them lead him off inna one room, and me hear say them a court martial him. When me try go in there, them never let me in at all, and a so them try me poor son behind me back... [groans and weeps]

So are Cecilia's memories of Paul's execution on the 11<sup>th</sup> of October 1865:

[...] that a the day them carry me son go a Morant Bay. Me see them lead him up [sighs and sobs]. Them go fi one rope and me see when them put it round me son neck... oh God... mi no even look, sir. Fi tell you the truth, me couldn't look, me couldn't look sir... me couldn't look [weeping]. When me finally look up, sir, a Paul me see a swing from one rope... [groans] Them call him and him trial last fi five minutes you know...and a two hour now we de ya a try this man...

The trial, it seems, offers a means of finally bearing witness to a traumatic event. This is one of the points highlighted in a review of the play in *The Gleaner*, a local newspaper, where the author comments on the choice of the courtroom as performance space:

[The director] not only chose to stage the play in a courthouse, he kept the layout of the furniture (set) as well as capitalised on using most of the doors for the characters' entrances and exits. With such staging, there is no defined space called the house, and the audience became more than spectator to the proceeding [sic] (Rowe, 2015).

Consequently, as this commentator remarks, staging *The Trial* inside the Morant Bay Courthouse allowed the director to remain true "to the sincerity and purpose of the play", i.e. the need to close the juridical wounds left by Eyre's mass executions of 1865. What the spectator witnesses, then, is not only the memory of brutal crimes committed under the auspices of state power, but also themselves as participants in a new trial. Reminiscent of the Greek chorus, the spectator is simultaneously actor and witness, both within and outside the performance space, both jury and judge. The viewing of the *trial* of an unpunished crime, at which descendants of the victims – including Paul Bogle's great-great-grandson— are present, creates the cathartic feeling of not (merely) viewing a representation, but of witnessing justice (finally) done. The whole of this device establishes a kind of judicial ceremony, thanks to the elimination of the conceptual distinction between the real and the virtual, between the watcher and the watched. Placing oneself into the time of the event becomes an important component of therapy; bodies may be still, but they move through time to a place of attention and perhaps healing. Witnessing's [modes of existence is?] *listening*, and in testifying to a trauma, the victim is finally *listened to*, a fact which helps them to access the event (see Caruth, 1995: 6-7). The importance of theatricality in this legal inquiry (wherein theatre is seen as adding to the law, as helping to do something that the law by itself could not do) is that it creates a space for justice – one might even say setting the stage for justice – which the provisions of the law made otherwise impossible.

### **Theatre and the law**

Theatre and trial share kinship ties and a structural homology. Greek tragedy, the parent of Western theatre, "takes as its object man carrying out a juridical debate within himself, man forced to make a decisive choice, to direct his action in a world of ambiguous values, where nothing is ever stable or unequivocal" (Vernant and Vidal-Naquet 1972, 15-16; my translation). Greek tragedy constitutes a key moment of democracy that marks the transition from the archaic and religious law of myths to the law of the city – the clash of the heroic and the juridical – whereby "a divide is created within the heart of social experience – wide enough so that, between juridical and political thought and mythical and

heroic traditions, the oppositions are clearly drawn; narrow enough, however, for conflicts of values to still be painfully felt and for this confrontation between the juridical and the mythical to continue to exist” (Vernant and Vidal-Naquet 1972, 16; my translation). Indeed, though the law of the gods had given place to the law of the polis, “there is more religious archaism in the work of the great Tragedians than in Homer” (Vernant and Vidal-Naquet 1972, 16; my translation), as Vernant and Vidal-Naquet point out: the gods continue to make their presence felt, even if tragedy constitutes that against which “the city must fight to establish itself” (Vernant and Vidal-Naquet 1972, 16; my translation). And though Steiner’s work proclaims “the death of tragedy” (Steiner, 1961), in an age where the rationality of human society has supposedly displaced the genre, we see that it is this very conflict between the inexorable law of the gods and that of the polis that finds itself transposed into Samuels’ play-trial, in that the work throws into relief the incongruities between the personalised, capricious violence of colonialism, on the one hand, and the rationality and order of a law that exists in parallel to, and despite, such violence. To use Avery Gordon’s words, it evokes “the lived and living meeting [...] of the organized forces of order and violence” (Gordon, 2008: xvii).

Of course, it would have been possible for this trial to be “purely” juridical, unframed by the protocol of theatrical performance. Eyre could have been tried in absentia and evidence could have been brought for and against him by both prosecution and defence. These lawyers would then play themselves rather than “become” absent persons.<sup>4</sup> To some degree, one would have had to disregard the British government’s disavowal of the case. However, the trial would have constituted a performance of the law that uses a legal framework reminiscent in some ways of a Truth and Reconciliation Commission. Yet, the theatrical dynamics have been called upon and mobilised in a way which, given the stakes attached to this event, is clearly significant: theatricality is indispensable to this affair. Whereas both phenomena (i.e. Truth Commission and theatricalized trial) posit an irresolution of the past and its persistence in the present, theatricality and its enigmatic temporality allow the practitioners to insist on the entanglement of the colonial past with the (post)colonial present and on the way this entanglement informs (both shaping and reflecting back) the idea of memory and performance within an Afro-diasporic time continuum. Crucially, however, the work is also an attempt to undercut the determinism of this “persistent depository” (Bevernage, 2012: 4) of violence and, with it, a notion of tragic inevitability. In Brechtian fashion, it is a reversal of the determinism of Tragedy, which is what I want to show through an analysis of what I believe is a new understanding of the potentialities of performative intervention in colonial law to which the work alerts us.

### **History, time and spectres of the past: summoning ghosts who cry for justice**

Contemporary events occurring in the “space without” (Scolnicov, 1987) highlight colonial tragedy and amplify the sensation of a “too present past” [un passé trop présent] (Jankélévitch, 1974: 211-212). The play-trial was staged less than two weeks after a visit to Jamaica by David Cameron, then Prime Minister of Great Britain and Northern Ireland, in October 2015. Pressed during his address to both houses of parliament to engage with the traumatic memories of Empire, Cameron’s response was that “we must move on from the painful legacy of slavery”. With this summary statement, rejecting dialogue about the memory and legacy of slavery and colonial trauma under the British Empire, the Prime Minister intended also to respond to the issue of reparations, to which he had maintained a dismissive tone throughout his visit. That Cameron’s statement dovetails into the concerns of The Trial of Governor Eyre is not hard to see, particularly given that the play-trial is sponsored by the Jamaica National Commission on Reparations, of which Bert Samuels is a member. The objective of this commission, as stated on its webpage, is “to recommend the form or forms which reparations may take, and to receive testimony from the public and from experts, with the aim of guiding a national approach to reparations”.<sup>5</sup>



As we now know, Cameron's 2015 visit was deeply upsetting to many in the Jamaican community, who realised that his linear, forward-moving conception of history failed to take account of the complexity of lived experience in a society even now affected by slavery and Empire. The nature of unresolved atrocities, of radically different statuses of the individual throughout colonialism's upheavals, and of an imperialism that continues to manifest itself structurally (as Cameron's visit reveals),<sup>6</sup> hardly allows for the conception of time he advances. Instead, it fosters a spiral-like sense of temporality, whose form is one of progression and repetition, the duality and simultaneity of movement and sameness that characterises a historical temporality whose different phases are unclosed, looping on each other, rehearsing the historical accumulation of the unresolved. The post-slavery time sense is an out-of-time temporality, in which past and present slip into each other. It is the retroaction of past times within a present body: if the fiction of history is one that is accessed with relative ease by majoritarian subjects of imperialist societies – for such subjects, history can, if necessary, be perceived as a sort of comfortable couch –, for the colonized, it is invariably a haunting, an unease. The post-slavery subject cannot constitute a self in abstraction, a being-for-itself grounded in the time-space offered by a comfortable myth of history. It inherits a marked body that somatically connects it to trauma and must constitute a self despite this. For post-slavery subjects, historical trauma refuses to remain in the past; “past” experience irrupts into the present.

It is this that Berber Bevernage points to when remarking that, “[t]he idea of the past as absent or distant [within Western modernity] makes it difficult to ground the frequently felt ‘duty to remember’ or alleged obligation to ‘do justice to the past’ in the (‘demanding’) past itself” (Bevernage, 2012: 1-2) and that “History’s ability to contribute to the quest for justice, as a result, often seems very limited or even non-existent” (Bevernage, 2012: 2). Bevernage also highlights the underlying hypocrisy in the ontological status of History as distant – and here, one cannot help but think back to the official discourse of the governments of Britain and France, and to that of Cameron, mentioned above – since the “close relationship between this particular conception of historical time and the restricted ethical mandate of history becomes apparent when the former conception of time is contrasted with the notion of time often implied in the discourse of jurisdiction” (Bevernage, 2012: 2).

Cathy Caruth (1995) argues that to be traumatised is to bear a kind of possession. Recent studies in epigenetics confirm what has always been felt intuitively and somatically by the descendants of slaves: that the “insistent return” (Caruth, 1995: 5) of the reality of slavery involves “an occurrence that remains [...] absolutely true to the event” (Caruth, 1995: 5). In other words – and here I extend Caruth's theorization – to be affected by the trauma of slavery is to be possessed, not only by an image or event, but by multiple presents.<sup>7</sup> Significantly, Caruth's event-based conception of trauma (based on the Holocaust) leads her to a rather limited deployment of this phenomenon of possession, whereby the very potentialities contained in her observation remain underexploited as far as the links between trauma and possession are concerned. She understands possession as the materiality and literality of an event that persistently returns, neglecting the realisation that an event's materiality must in some way be embodied to be literally felt. In a word, in considering possession through the lens of the event, Caruth's theorisation seems to lose sight of the embodied nature of the phenomenon, since possession necessarily requires a body. Where Caruth's theories resist this emphasis on the somatic, bodied quality of a certain kind of possession that arises from traumatic events, the theory of mourning developed by French-Hungarian psychoanalysts Maria Torok and Nicholas Abraham, referred to as “incorporation”, is more enabling, I believe, for shedding light on the embodied quality and transmission of generational trauma in the context of the racial terrors of colonial Empire. These experiences of generational trauma go beyond the anecdotal, discursive transmissions of memory of which Hirsch (1997) speaks, taking on a resolutely somatic transmission<sup>8</sup>.

In cases of “inexpressible mourning”, Abraham and Torok maintain, there is no true internalisation, but an “incorporation”: the dead are taken into the subject but do not become part of it. They haunt the body and “ventriloquise” (Derrida in McMullen, 1983). Taking up this theory in the

film *Ghost Dance*, Derrida points out that a ghost may not only be our unconscious, but more precisely, somebody else's unconscious, where "The other's unconscious speaks in our place" (McMullen, 1983). "Inexpressible mourning", Torok and Abraham point out, "erects a secret tomb inside the subject" (Abraham and Torok, 1994: 130), a crypt that encloses the ghost in the body. "Reconstituted from the memories of words, scenes, and affects, the objectal correlative of the loss is buried alive in the crypt as a full-fledged person, complete with its own topography. The crypt also includes the actual or supposed traumas that made introjection impracticable" (Abraham and Torok, 1994: 130).

Samuels and Holgate, in engaging the courtroom space as a site of embodied memory and performance, play on this trope of possession. Through a performance that is unbound by time, history is enacted in a ritual space of testimony in which the dead speak through the living. Thus, while *The Trial of Governor Eyre* underscores the haunting of the traumatic past, it also highlights the fact that haunting can itself provide the basis for a creative and political reversal. Through haunting, *The Trial* engages the law as a site of critical thought about colonial memory in the present.

Deploying the discourse of reparative justice in the form of a theatrical play is part and parcel of a critique of Western imperialist temporality and historiography and the ability of the performance to call up cryptic presences. "If we are determined to see a form of language in the processes governing this type of fantasy" write Abraham and Torok, we will need a new figure of speech in our traditional inventory, namely the figure of the active destruction of representation" (Abraham and Torok, 1994: 132; emphasis mine). Accordingly, the possession that inheres within trauma is perhaps best staged in theatre such as Michael Holgate's, where "between life and the theatre, there is no longer any clear-cut distinction" (Artaud, 1938: ; my translation) and where, consequently, distinctions are also erased between the living and the world of spectres. As actors shed tears and break down under the weight of their emotions (the wife of Gordon; the mother of Bogle; mothers, sisters and brothers of persons in Bogle's entourage), they are overcome bodily by the distress of traumatic memories, transported by emotion, and construct a shared present – a moment of reparative justice – by giving voice to the ghosts of the past. Moreover, as performance, it naturally renders the boundary between truth and fiction indistinct, reinforcing the phenomenon of possession, i.e. the phenomenon of a time, a space, an event which, though absent, is felt and experienced in a space of testimony. It is this play on mimesis, via a harnessing of the homologies and mutual recognizability of trial and tragedy, that allows the Jamaican community to "access" the events of the 1865 colonial trauma, creating a space for memorialisation, healing and catharsis.

### **Misperformance**

There is a paradox that inheres in the act of viewing. The spectator's illusion is that they are witnessing truth (the accomplishment of justice), but this truth comes through the medium of the stage, reversing the logic of theatrical illusion. In this instance, truth is found in the (fictional) dramatic space and not in the world beyond the theatre. The courtroom staging thus becomes a medium of communication between absent victims and those who perform their trauma. Theatre thus becomes far more than a mediating field between reality and fiction, and is instead a means for accessing the truth of events (or the truth behind events), and thus a medium in the truest sense of the word.

In this regard, Samuels' account of the creation of the play is significant. According to him, the work came about when "the ancestors spoke the play through me [...] spoke for three hours straight, with my court reporter writing [...] This was not me talking", insists Samuels, "it was the ancestors speaking through me" (Samuels, 2017). The play's genesis thus displaces the anteriority of text, of writing and the written word: the ancestors' speech, that brings the play into the space of performance, is a hand lifted against a logocentric understanding of theatre and the performance becomes a space produced "from within itself" (Derrida, 1997: 46), rather than the mirror of a master-speech (the copy

of an original). The conventional subject/object dichotomy of mimesis is, accordingly, destabilized and the stage “is a space of spectres par excellence, where one can represent their return and, through them, replay, reconfigure and re-confront what historical and human time makes unattainable” (Biet et al., 2006: 426; my translation). Thus, the writer, like the performers, becomes an intermediary between the world of the living and the world of the ancestors’ spirits. The theatre becomes, rather than a mirror (as in its mimetic conception), a conduit, a mode of testimony.

This performance phenomenon suggests a new approach to the reconstruction and representation of the colonial past for the purpose of contemporary inquiry. The juridical breaches left by colonial atrocities demand redress and address in the present. The “Trial of the Code Noir”<sup>9</sup> by The Parliament of Bodies<sup>10</sup> and Belgian researcher and theatre maker Chokri Ben Chikha’s use of theatre to intervene in the public commemoration of the colonial past in Belgium (most notably his mock truth commission around the long tradition of “human zoos” at the many world exhibitions that Belgium has hosted and which has been performed in several Belgian cities) are some of the varied examples of performative intervention around the issue of colonial law and around African-Atlantic memory in the present. These interventions suggest a particular shift in the way in which African-Atlantic futures are being imagined. I would go so far as to say, in keeping with Scott’s (2004) thesis in *Conscripts of Modernity*, that the issue of reparatory justice and the challenges it brings to colonial law represents a new “problem space” for anticolonial ideology. The urgency of the 1930’s-1960’s was, as Scott summarises it, one of “anticolonial revolution” (Scott, 2004: 7), which, if I understand the implication of his analysis, subscribed to a teleological unfolding of History, a longing for revolution that would displace the stultifying epistemologies of colonial domination. The utopian anticolonialism of the 1930s-1960s “bought into” a vision of History in which a new order would displace the past. By contrast, the urgency of the current historical moment seems to be based far more on a notion of the endless retroaction of past and present, of the past in the present, where the “longing for total revolution” (Yack, 1986) is supplanted by the need to contend with the endless return of the colonial within the postcolonial, with its always unsettled, unresolved debts and breaches. What the present moment is grasping is the sense in which the history of colonialism is constantly producing revisions. Far from having attained a state of perfectibility, we are constantly reminded of the return of the past, and the present confronts us with that which is unfinished. For African diaspora communities, the “horizons of transformative possibility” (Scott, 2004: 1) in the political postcolonial present seem to lie, more and more, in the field of justice, and thus the “problem-space” of anticolonialism becomes the site of colonial law itself and its spectres. There are resonances here of Walter Benjamin’s (Benjamin, 1969) notion of the historical moment, in which historicity constitutes “an excess of the unactualized, the unfinished, failed, thwarted, which leaps beyond its particular Now and demands from another Now its settlement, correction and fulfilment” (Friese, 2001: 164). The Trial, as theatre, allows justice to be grasped as reality, arising from the memory of the missed, the thwarted, the deferred. It thus follows that rewriting history (i.e. for those addressed by the need to fulfil the unfulfilled possibilities of the past<sup>11</sup>), “is only possible because of the possibilities that were missed” (Friese, 2001: 163).

Though actual justice failed in this case, and precisely because it did, The Trial can rewrite history. Social failure thus elicits the potentialities that lie in what Blazevic and Cale Feldman refer to as “failing-yet-performing actions” in their edited volume entitled *Misperformance* (Blazevic and Cale Feldman, 2014: 19). *Misperformance*, I would like to suggest, goes beyond the fact of failure, emphasising defiance, a refusal to comply, a resistance – in sum, a misbehaviour. Precisely through an act of revisionary defiance, misbehaviour becomes a critical creative form of agency to shed light on colonial history and speak against disavowals and over silences, summoning the past to speak to the present. Moreover, through this “misperformance”, colonial law itself is brought to reflect critically on both the epistemic and political conditions in which it operates.

It is here that its reparative potential lies: insofar as, in both a Benjaminian and a Brechtian sense, it considers history as an ever-present arena, and thus the battle for reparative justice as one that

must be fought and refought. The Trial refuses to accept historical inevitability – to “accept the past as past” and justice denied as justice lost forever – and we can hear the resonance of Brecht’s “epic theatre” in its unseating of the principle of tragic inevitability. As Benjamin states, echoing his own “Theses on the Philosophy of History” (Benjamin, 1969), “‘It can happen this way, but it can happen quite a different way’ – that is the fundamental attitude of one who writes for epic theatre.” (Benjamin, 1998: 8).

One capacity of epic theatre, of course, is to serve as a medium for true experience, sidelining reason and debate for a purer form of direct communication. In this sense, it resonates powerfully for Caribbean playwrights and critics, demonstrating the reparatory power of performance. Indeed, if “anti-blackness [cannot] be reasoned with, debated with, charmed, and defeated” (Warren, 2018), then performance art can bring together previously unaligned spaces, places and genres, and exploit the often latent irony contained in racist discourses, memory, and history. This is a sensibility that connects *The Trial of Governor Eyre* and Ben Chikha’s *Truth Commission* to performances such as *Apeshit*, the film of *The Carters* that turns the Louvre museum into both stage and subject, and Jordan Peele’s satirical film *Get Out*, works that are obviously quite different, but which are nevertheless connected by a sense of performance as intervention and its potential for dislodging so-called ‘archived’ or ‘closed’ narratives of racist violence, Cameron notwithstanding.

## Conclusion

What *The Trial of Governor Eyre* and other contemporary performative interventions suggest is that “the resources of hope” (Williams, 2006) for postcolonial reparative justice lay no longer in a utopian belief in a more inclusive future for Western humanism, but in the creative forms that emerge precisely as a result of the cultural and historical experiences of confinement, racism and duress that structure the existences of Black postcolonial communities. 1865 thus becomes enlisted as a key historical conjuncture for thinking through the cultural disenchantment of race, but also the formalist, creative resources of re-enchantment that can be mobilised for the imagining of a different future for humanness in the postcolonial context.

What I hope has emerged, in this discussion of the remediated forms involved in *The Trial of Governor Eyre*, is the sense of a particular kind of consciousness that is at the heart of the piece: a sense of the human being as storyteller, *homo narrans*, in the words of Sylvia Wynter (2007), the human as creator of subjectivity thanks to the moulding of mental experience – thanks to narrative.

While the events of 1865 mark, in principle, a discursive, juridical moment of rupture, a watershed moment that launched Britain into a new era of dealing with its overseas colonized subjects, this play-trial highlights that the notion of a break with the past is contested and problematic, if not perversely a continuation of the brutality of the past. The notion of the reduced personhood of Britain’s Black subjects, which forestalled the possibility of trial for Eyre’s egregious offenses in the first place, is far from over. This trial places the spotlight and the debate squarely on this tangled issue, on the problematic of the effacement and necessary control of the “impolitic body” (Charles Mills 2011) which is at the heart of Eyre’s brutal repression and terror. It underscores the persistence of this notion, its doggedness, its structural presence within the justice system, within legal discourse, within public discourse and popular opinion. And it highlights Cameron’s callousness. Speaking for the British state in 2015, slavery and the traumatic legacy of Empire, he suggests, are not things deserving of discussion; they are past, and past is not even prologue.

*The Trial of Governor Eyre*, drawing on the voices of the spectres of violent colonialism, allows the past to speak in the present, forcing debate about unredressed atrocity. Staging justice now, it frames

the failure of justice then, and by refusing to let the past stay in the past, it misperforms, pointing to an unwillingness to consider Empire's crimes as closed or archived. It speaks to an opening up and an opening out of disavowed histories and of the modes of memory and remembering that such moves engage in the current moment. It is my belief that this interplay and interrelation between failure and its productive potentials will be apt to animate a series of questions around justice, imperialism and performance in the contemporary moment. In this sense, *The Trial of Governor Eyre* is a unique form of transnational postcolonial theatre art, one that has the potential to galvanise re-shapings of historiographical and archival space.

## NOTES

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1 Administrative regions in the island of Jamaica.

2 Bogle was a black Baptist church deacon, and Gordon, a mulatto member of the Jamaican parliamentary assembly, at the time of their deaths. Today, they are recognised as two of Jamaica's seven "National Heroes", honoured for their role in the struggle for human rights, which resulted in their untimely deaths.

3 The decision to commemorate Geohagen and Ward, in particular, seems to point to certain gendered implications with respect to how collective memory is being conceived, though an examination of this is not within the scope of this article.

4 I find that the very term "character" does not adequately encapsulate what the actors do in *The Trial*, since, as I show further on in this paper, the action quickly ceases to be representation to become performance.

5 See webpage dedicated to the National Commission on Reparations:  
<http://jis.gov.jm/features/national-commission-reparations/>

6 Many see in Britain's offer to build a prison in Jamaica to house Jamaicans convicted in Britain as a thinly veiled example of Britain's colonial paternalism.

7 Admittedly, due investigation is needed into the differing operations of this return or possession when it takes place within the direct victims of an atrocity, as opposed to when it occurs within the victims' descendants. Among others, the experience of "forgetting" which direct trauma victims have in the aftermath of their trauma, and which Freud (1939) calls the "incubation period", is, I think, one of the things that qualitatively distinguishes their response to an atrocity from the workings of inherited trauma (of those who unconsciously restage the traumas of their ancestors). Marianne Hirsch in her book *Family Frames* (1997), offers a way of thinking through this using her concept of 'postmemory'. 'Postmemory' refers to traumatic experiences transmitted "so deeply and affectively as to seem to constitute memories in their own right" Hirsch M. (2017) *Postmemory*. Available at: <http://www.postmemory.net/>. Yet, there seems to be something in the *Trial's* "possessive" memory that goes beyond a mnemonic connection to the past "mediated by imaginative investment, projection, and creation" to involve a psychosomatic inhabitation among the "generation after".

8 Abraham's and Torok's theory of mourning evoke a psychosomatic sense of possession and points to the dissociation involved in "incorporation", where the dead occupy a space inside the body yet is not fully assimilated into it: it remains an other within the self, though it ventriloquises the body's speech and consciousness.

9 As the website of “documenta 14” explains, “The Code Noir was an economic and legal decree passed by King Louis XIV in 1685 to regulate colonial traffic and exchange within the French Empire.” It operated until 1848 and “set up the conditions of white supremacy and violent racialized division of social and political access to technologies of government. Far from being a mere economic treatise, it [...regulated] life and death, sexuality and freedom, giving full rights to white (non-Jewish, non-Muslim) colonial owners to traffic with, slave, possess, rape , and kill a human body on the basis of ‘color.’” documenta14. (2017) *The Parliament of Bodies: Black Athena Reloaded 2: A Trial of the Code Noir*

with Colin Dayan, Pélagie Gbaguidi, Tavia Nyong'o, David Scott, and Françoise Vergès.

10 A set of programs by Documenta, a 60-year-old art show originally hosted in the German town of Kassel. In 2017, Documenta's public exhibition was moved to Athens. See website of the program “A Trial of the Code Noir” on the exhibition's website:

<http://www.documenta14.de/en/calendar/22937/black-athena-reloaded-2-a-trial-of-the-code-noir>

11 Here I use the expression “unfulfilled possibilities” in an abstractly categorical way, being fully aware that the victims of colonial violence, unlike the perpetrators, necessarily lack the powers needed to fulfil the possibilities of justice.

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