

Poetic Justice: Slavery, Law, and the (Anti-)Elegiac Form in M. NourbeSe Philip's *Zong!*

Almas Khan¹

University of Virginia

James Walvin has called the Zong case stemming from a 1781 incident in which the crew of an English slave ship willfully “destroyed” more than one-third of the “cargo” (i.e., slaves) aboard the vessel “[t]he most grotesquely bizarre of all slave cases heard in an English court.” While the judges locked themselves within the discourse of maritime law in evaluating the case’s merits, M. NourbeSe Philip unlocks the legal language in Zong! (2008), which limits itself to the words included in the official narrative but contrastingly uses experimental poetry to suggest a poignant counter-narrative. My article concentrates on the complex interplay between Zong! and its source, the appellate record in the Zong case; by comparing and contrasting the rhetorical and generic conventions in the two texts, I reveal how Philip’s poetry cycle testifies that language’s complicity with violence is an association elided at our peril.

Keywords: Zong case (legal basis of slavery), law and literature, trauma studies

More than two centuries ago in England, the newly renamed *Richard* set sail,² the ship’s fresh coat of paint attempting to efface the memories associated with an incident and case whose notoriety had perhaps just begun to fade from the public’s recollection. Today, the *Richard* is better known as the *Zong*, a mistranscription of the Dutch word *zorg* meaning care;³ and the irony underlying the initial naming has been made keener by recent revelations about the facts regarding what is now described as the *Zong* massacre. James Walvin pronounces the *Zong* case, an insurance lawsuit stemming from the mass murder, “[t]he most grotesquely bizarre of all slave cases heard in an English court.”⁴ The litigation originated from the 1781 incident in which

Almas Khan is a PhD candidate in the English department at the University of Virginia. Her interests include contemporary Anglophone literature, poetry, and law and literature. She has a JD from the University of Chicago Law School, an MA from the University of California–Irvine, and a BA from Stanford University.

1 I wish to thank Professor Mrinalini Chakravorty for her incisive feedback on the numerous iterations of this article, which is written in remembrance of Tehziba Ansari and Seemin Mohammed, my grandmother and sister in spirit.

2 James Walvin, *The Zong* (New Haven: Yale University Press, 2011), 209.

3 M. NourbeSe Philip, *Zong!* (Middletown: Wesleyan University Press, 2008), 208.

4 James Walvin, *Black Ivory: A History of British Slavery* 1e (London: HarperCollins, 1992), 16.

the crew of an English slave ship bound for Jamaica willfully “destroyed” more than one-third of the “cargo” aboard the vessel—approximately 132 of 442 slaves—by jettisoning them as the ship belatedly approached its port of call, citing necessity to justify their perfidious actions. The massacre may have remained submerged in history because of the mere loss of “cargo,” but it is infamous today because the ship’s owners had the temerity to invoke maritime law in suing for the monetary value of the slain slaves. After a jury ordered the insurers to compensate the ship’s owners, the insurers appealed the jury’s verdict, culminating in the reported decision of *Gregson v. Gilbert*, the formal title for the *Zong* case. The case’s very name, legal shorthand for the litigating parties, expunges the victims’ lives from the official record. Even the opinions composed by the judges, who sanctioned a new trial, effectively perpetuated the dehumanization of the drowned slaves.

While the judges and barristers locked themselves within the rigid discourse of the law in evaluating the case’s merits, Marlene NourbeSe Philip, writing more than two hundred years after the 1783 decision, unlocks the legal language in her elegiac counter-narrative, paradoxically telling a “story that cannot be told yet must be told, but only through its un-telling.”⁵ Philip, a lawyer and poet who was born in the Caribbean, but currently resides in Canada, limits herself to the words included in the brief official narrative for her nearly two-hundred-page text. *Zong!* seeks to humanize slaves like the ones from whom many Caribbeans have descended through the very language earlier used to divest enslaved peoples of their humanity. Moreover, for Philip, as for many others, the *Zong* case signifies not only the past brutality of the transatlantic slave trade, but the long history of injustices inflicted on Africans by the West.⁶ As Ian Baucom writes in *Specters of the Atlantic*, “time . . . does not pass, it accumulates,” with “the Atlantic slave trade as a (perhaps *the*) foundational event in the history of modernity,”⁷ the original middle passage functioning as a “middle-passage into an experience of global modernity.”⁸ Echoing Baucom, Philip has asserted that “the slave ship was a globalized world, a multilingual globalized prison on the seas that was a part of the first globalization,”⁹ the proto-globalization to which contemporary globalization is heavily indebted.

Published a year after the bicentenary commemoration of the English slave trade’s abolition in 1807, Philip’s subversive poetry cycle revivifies history and implicitly questions whether such celebrations inordinately laud the purported liberators or appropriately honor the victims and acknowledge colonialism’s baleful legacy. Yet *Zong!* seems to admit that such an accounting may remain impossible because of the paucity of the official record. In imaginatively reconstructing the lives of slaves and crew members on the *Zong*, Philip underscores the lacunae in the foundational text from which her book is composed. *Zong!*’s contradictory relationship with

5 Philip, *Zong!*, 207.

6 Walvin, *The Zong*, 208.

7 Ian Baucom, *Specters of the Atlantic: Finance Capital, Slavery, and the Philosophy of History* (Durham: Duke University Press, 2005), 311 (citing Édouard Glissant, *Poetics of Relation*, trans. Betsy Wing [Ann Arbor: University of Michigan Press, 1997]).

8 *Ibid.*, 313.

9 Myriam Moise, “Grasping the Ungraspable in M. NourbeSe Philip’s Poetry,” *Commonwealth Essays and Studies* 33.1 (2010): 23–33, 26.

language—using the diction of *Gregson v. Gilbert* to assail the amoral, if not immoral, then-mainstream views espoused in the document—further attests to Philip’s vexed relationship with English, indicating that complete cultural autonomy may be impossible for the progeny of slaves living in the New World. However, even while *Zong!* suggests the inevitability of cultural compromise and unrepresentability of slavery’s horrors in the linguistic framework English colonizers imposed upon people of African heritage, Philip staunchly refuses to concede defeat. She adapts and at times explodes the English language in her formally and substantively audacious poetry collection recasting the *Zong!* atrocity, a book that has been analyzed for its interaction with historical depictions of the incident, trauma theory, and reader-response criticism, as well as for its use of poetic techniques, including voice and the catalogue form.¹⁰

In this article’s following sections, I glean insight from these approaches but apply a methodology drawn from law and literature scholarship to probe Philip’s text, concentrating on the complex interplay between *Zong!* and its source, the appellate record in *Gregson v. Gilbert*. By comparing and contrasting the rhetorical and generic conventions in the two texts, I reveal how Philip approximates the trauma of slavery from an account that avowedly refused to do so and hence crafts a profound elegy for the victims of one of history’s grimmest tragedies—men, women, and children whose lives were sacrificed—alongside those of many other slaves, as the price for European and American capitalism to thrive. After situating the *Zong!* massacre in the context of the flourishing English slave trade of the eighteenth century, my article scrutinizes the carnage’s afterlife in nonfictional and fictional texts, first focusing on the attorneys’ arguments and the appellate judges’ opinions in the *Zong!* case. The *Gregson v. Gilbert* appellate case report’s evidently logical form and language resist honoring the deceased slaves, who are largely characterized there in terms of disembodied collectivities. *Zong!* blithely evades such formal and verbal constraints, however, deploying yet critiquing elegy conventions to deconstruct historical legal discourse about slavery and linguistically reconstruct the drowned slaves’ humanity. Philip draws on the lamentation tradition affiliated with women’s mourning to voice the nearly inarticulable, enduring pain arising from the grave loss of her potential ancestors while ruing the moral defilement of all implicated in the massacre. A coda on the contemporary significance of the case and Philip’s book demonstrates how the *Zong!*’s apparitions linger in the present, testifying that language’s complicity with violence is an association elided at our peril.

10 See Anita Rupprecht’s “‘A Limited Sort of Property’: History, Memory, and the Slave Ship *Zong!*,” *Slavery & Abolition: A Journal of Slave and Post-Slave Studies* 29.2 (2008): 265–77; Veronica J. Austen’s “*Zong!*’s ‘Should We?’: Questioning the Ethical Representation of Trauma,” *English Studies in Canada* 37.3–4 (2011): 61–81; Sina Queyras’s “On Encountering *Zong!*,” *Influency Salon* 1 (2010). Web; Myriam Moise’s “Grasping the Ungraspable in M. NourbeSe Philip’s Poetry”; Kate Eichorn’s “Multiple Registers of Silence in M. NourbeSe Philip’s *Zong!*,” *XCP: Cross-Cultural Poetics* 23.1 (2010): 33–39; Erin McMullen Fehskens’s “Accounts Unpaid, Accounts Untold: M. NourbeSe Philip’s *Zong!* and the Catalogue,” *Callaloo* 35.2 (2012): 407–24; and Sarah Dowling’s “Persons and Voices: Sounding Impossible Bodies in M. NourbeSe Philip’s *Zong!*,” *Canadian Literature* 210/211 (2011): 43–58.

A Capsule History of the English Slave Trade and the Events Leading to the Zong Massacre¹¹

Historians estimate that 12.2 million Africans were loaded on European slave ships in the three and a half centuries before the practice ceased in 1866 and that 13 percent perished during the so-called middle passage, the second leg of the triangular route slave ships followed from Europe to Africa, Africa to the Americas, and the Americas to Europe.¹² Although the Spanish and Portuguese controlled the European slave trade at its inception in the sixteenth century, the English had entered the market in earnest by the following century. By 1781, the year when the *Zong* set sail from Cape Coast to Jamaica, Britain had become “the world’s most prolific slave trading nation”; Liverpool, where the syndicate that owned the *Zong* was based, boasted the Atlantic world’s busiest slave port.¹³ Moral concerns were subordinated to economic ones as commercial opportunities in the New World beckoned English entrepreneurs, and to declare that conditions aboard slave ships appall the conscience today is to understate the magnitude of the depravity that reigned there. Slave ships were paradigmatic “contact zones,”¹⁴ and Walvin describes how “[o]ppressors and oppressed were inextricably linked in an infernal system” that could degenerate to “a cross between a neglected stable and a slaughterhouse” after storms and could be characterized as a “floating prison” otherwise.¹⁵ European crew members on vessels like the *Zong* feared captives, who vastly outnumbered them (probably nineteen crew members including the captain and maybe the first mate on the *Zong*¹⁶ to 440 slaves¹⁷); and the crew often manacled slave men and raped slave women. Not only did slaves receive minimal nourishment from cauldrons, but because they were fed communally, forced to discharge feces where they lay, and packed in to maximize profit, diseases spread rapidly in the ship’s hold and frequently developed into epidemics inflicting mass fatalities.¹⁸

Walvin argues that institutionalized rather than personal brutality fostered this culture of willful neglect and violence, and the slave trade was indeed a vital component of an intricate commercial system that the William Gregson syndicate reaped immense revenues from. The *Zong* was just one of 152 slave ships Gregson and his colleagues had a stake in,¹⁹ part of a lucrative business that imploded with the English

11 This section synthesizes several of the seminal historical narratives about the English slave trade and the *Zong* incident. Because discrepancies about the incident, particularly the number of slaves aboard the ship and the number thrown overboard, permeate the historical record, it bears note that the cited sources at times vary markedly in their figures; accordingly, the statistics referenced here should not be considered definitive. See Fehskens, “Accounts Unpaid, Accounts Untold,” 407.

12 Paul Lachance, ed. “The Transatlantic Slave Trade Database,” *Voyages* (2009). Emory University. Web; Jane Webster, “The *Zong* in the Context of the Eighteenth-Century Slave Trade.” *Journal of Legal History* 28.3 (2007): 285–98, 286, 289.

13 Webster, “The *Zong*,” 286–87.

14 “[S]ocial spaces where disparate cultures meet, clash, and grapple with each other, often in highly asymmetrical relations of domination and subordination.” Mary Louise Pratt, *Imperial Eyes: Travel Writing and Transculturation* (London: Routledge, 1992), 4.

15 Walvin, *The Zong*, 47, 74.

16 James Oldham, “Insurance Litigation Involving the *Zong* and Other British Slave Ships, 1780–1807,” *Journal of Legal History* 29.3 (2007): 299–318, 299.

17 Walvin, *The Zong*, 27.

18 Walvin, *The Zong*, 34–48.

19 Walvin, *The Zong*, 57.

slave trade's abolition, perhaps leading to the demise of the bank Gregson had cofounded and the suicide of his son, former Liverpool mayor John Gregson, in 1807.²⁰ Yet more than a quarter of a century before their precipitous downfall, the Gregsons were members of a burgeoning English metropolis's elite, having purchased the *Zong* following its impoundment off the African coast. A series of mishaps soon thereafter evidently resulted in the calamities killing more than half the slaves originally on the ship: an overloading of the vessel; an inept and ill captain, Luke Collingwood, who suspended first mate James Kelsall and relinquished command to an equally incompetent former colonial governor, Robert Stubbs; and, most crucially, insufficient provisions—food and water—for those aboard once the *Zong* overshot Jamaica.²¹

Although, to quote Walvin, “it is impossible to be confident about what was happening on board the *Zong* in the last days of November 1781,”²² the crew seemed to unanimously agree to mass murder the ship's slaves over three nights. They first tossed fifty-four women and children, who would be less monetarily valuable,²³ from cabin windows; then threw forty-two men overboard from the quarterdeck; and finally drowned a group of thirty-six slaves.²⁴ One of those jettisoned by the crew survived,²⁵ but ten more captives plunged into the sea of their own volition²⁶ after perhaps hearing their compatriots' pleas for mercy callously dismissed. The crew would endeavor to eschew culpability for their conduct in subsequent litigation by citing the general average sacrifice principle, that is, sacrificing the few to save the many.²⁷ They were, however, likely aware that their “cargo” had been insured for thirty pounds a head in what was then a routine transaction to allocate risks, particularly of insurrections and inclement weather, before a hazardous venture.²⁸ The *Zong* massacre, then, only dramatically exposed the perverse consequences of a “perfectly prudent commercial ‘safety net.’”²⁹ The crew's exact motives, utilitarian, venal, or both, may remain immured in history, but their premeditated murders of innocent slaves undoubtedly catalyzed the abolitionist movement in England and generated a panoply of provocative nonfictional and fictional texts dating from the late eighteenth century to the present day with *Zong!*

The *Zong* Tragedy's Afterlife in Legal and Other Discourses

Referencing Barnor Hesse's essay “Forgotten Like a Bad Dream: Atlantic Slavery and the Ethics of Postcolonial Memory,” Anita Rupprecht writes that “any historical narrative accounting for the facts of history cannot be easily separated from the factors

20 Baucom, *Specters of the Atlantic*, 169.

21 Walvin, *The Zong*, 69–97.

22 *Ibid.*, 96.

23 Philip, *Zong!*, 208.

24 Andrew Lewis, “Martin Dockray and the *Zong*: A Tribute in the Form of a Chronology,” *Journal of Legal History* 28.3 (2007): 357–70, 364.

25 Robert Weisbord, “The Case of the Slave Ship *Zong*,” *History Today* 19 (1969): 561–67, 562.

26 Lewis, “Martin Dockray and the *Zong*,” 364.

27 Lewis, “Martin Dockray and the *Zong*,” 351–52.

28 Oldham, “Insurance Litigation,” 300–10.

29 Anita Rupprecht, “‘A Very Uncommon Case’: Representations of the *Zong* and the British Campaign to Abolish the Slave Trade,” *Journal of Legal History* 28.3 (2007): 329–46, 334.

underlining the form that the historical account takes.”³⁰ An attunement to the forms in which early historical renditions of the *Zong* atrocity were composed discloses divergent perspectives toward what transpired on board the ship before it arrived in Jamaica with 420 gallons of water to spare.³¹ A local newspaper at the time reported that the vessel had entered the port “in great distress” after jettisoning some 130 slaves; a subsequent advertisement offered the survivors, who were purchased for thirty-six pounds each on average, for sale.³² Three months later, a London newspaper merely stated: “The following ships from Africa are arrived at Jamaica viz *Zong*, Collingwood, with 208 ditto [slaves].”³³ These relatively meager accounts would prove inadequate to satiate the public frenzy for details that ensued when the Gregson syndicate filed a lawsuit against the *Zong*’s insurers in 1783, seeking to recover the monetary value of the slaves cast off the ship more than a year earlier.

Although the preliminary press reports of the *Zong* catastrophe and later legal narratives stemming from the incident differed in the depth of their depictions, both fixated on numbers, quantifying the slaves who were then commercially and legally regarded as property, “black ivory,” to quote the title to one of Walvin’s monographs about the transatlantic slave trade.³⁴ Paradoxically, even as disclosures about the law’s substance increasingly dismayed the British public, the legal process of a trial and appeal was the means through which slavery’s treachery, papered over in this instance by a façade of technical language, was bared. In legal terms, *Gregson v. Gilbert* was framed as a dispute over a clause in an insurance contract, not a sweeping challenge to the legality of slavery or a criminal prosecution for murder. These two legal actions could have threatened to undermine highly profitable enterprises buttressed by principles enshrined in English commercial law by the nation’s highest-ranking judge, Lord Chief Justice Mansfield.³⁵

No official records of the day-long civil *Zong* trial are extant, and of those aboard, only a passenger—the unreliable Robert Stubbs—was called to testify, with first mate James Kelsall providing a written account. The surviving slaves were overseas and obviously unavailable, even assuming their testimony would have been found credible. Crucially, the ship’s log, in which Kelsall should have been recording the *Zong*’s daily happenings, had disappeared by this time.³⁶ A recently discovered sworn answer given by Kelsall after the case’s appeal reveals evidentiary discrepancies and recounts a disturbing exchange between Kelsall and one of the drowned slaves who spoke English, a few dozen words from a man who pleaded with futility for life on behalf of all the *Zong*’s slaves and promised to forego food or water for the duration of the journey, preferring starvation to drowning.³⁷ Based on the scant evidence presented, though, a jury of the Gregsons’ peers ordered the insurers to compensate the syndicate

30 Ibid., 332. See Barnor Hesse, “Forgotten Like a Bad Dream: Atlantic Slavery and the Ethics of Postcolonial Memory,” in *Relocating Postcolonialism*, eds. D. T. Goldberg and Ato Quayson (Oxford: Blackwell, 2002), 143–73.

31 Fehskens, “Accounts Unpaid,” 409.

32 Lewis, “Martin Dockray and the *Zong*,” 364–65.

33 Walvin, *The Zong*, 102.

34 *Black Ivory: Slavery in the British Empire*, 2e (Oxford: Blackwell, 2001).

35 Walvin, *The Zong*, 124, 167.

36 Walvin, *The Zong*, 140–43.

37 Walvin, *The Zong*, 157–58.

for what was deemed destroyed cargo, a verdict expeditiously appealed to England's highest court. Then, as today, appellate courts considered not only the impact of their rulings on the immediate parties, but the wider ramifications of their decisions.³⁸ The procedural posture of a given case could thus give rise to the potential for conflict between justice on different scales and reveal the limits of law in satisfactorily rectifying injustices.

After a two-day hearing whose transcript remains, a Mansfield-led panel of judges on the Court of King's Bench ruled that because the plaintiff—the Gregson syndicate was never explicitly named in the case report—had failed to present sufficient evidence to support the pleadings, a new trial was mandated. Interestingly, the formal record of the proceedings in *Gregson v. Gilbert* was published almost half a century after the case was decided and was based on shorthand notes, varying on occasion from earlier unofficial accounts.³⁹ As Veronica Austen observes, Philip's source text is "a summary that is inherently a mere distillation of the trial and the trial a mere distillation of the event," the distancing removing the aura of facticity from the official legal narrative of the massacre.⁴⁰ Given *Zong!*'s exclusive reliance on this document, my article will next scrutinize each of the report's parts, which are reproduced in the appendix—the appellate and procedural summaries, a description of the lawyers' arguments, and the judicial opinions.⁴¹

Following a synopsis of the appellate decision, the report begins by crystallizing the issue, a common convention in legal opinions even today, transforming what is fundamentally a profound moral issue in the *Zong!* litigation, what *Zong!* probes, into a seemingly simple legal one—"This was an action on a policy of insurance to recover the value of certain slaves thrown overboard for want of water." The gist of the Gregson syndicate's declaration is then reproduced; and three salient characteristics of the pleading, as stated here, include its emphasis on rationality, its linguistic entrenchment of racial hierarchies, and its omission of significant details. The phrases "by reason thereof" and "by reason whereof" suggest that one event logically, if unfortunately, led to another aboard the ship, culminating in the deaths of hundreds of slaves. The general average sacrifice principle is cited to justify the drownings in a sentence that values slave lives en masse only after those of the white captain and crew—"the master and mariners, for the preservation of their own lives, and the lives of the rest of the negroes . . . were obliged to throw overboard 150 other negroes." Particularities about the atrocity—such as the killing spree occurring under the cover of night over three days, with the most vulnerable slaves (women and children) jettisoned first—are tellingly absent. This section of the text ends by framing the court's holding on appeal, its resolution of the legal issue: "a sufficient necessity did not exist for throwing the negroes overboard" and "the loss was not within the terms of the policy." Although the *Zong!*'s policy has vanished into the ether, it was probably

38 Policy (as opposed to legal) arguments frequently increase in significance as cases are appealed to higher level courts. Donna C. Looper and George W. Kuney, *Mastering Appellate Advocacy and Process* (Durham: Carolina Academic Press, 2011), 206.

39 Oldham, "Insurance Litigation," 310–12. Mansfield had presided at the earlier trial.

40 Austen, "*Zong!*'s 'Should We?,'" 77.

41 To promote readability, citations to the appellate case report have been excluded from the discussion below, but as noted, the appendix contains the full text of *Gregson v. Gilbert* on appeal.

a standard maritime insurance contract providing coverage for losses arising from “perils of the seas.”⁴² In *Specters of the Atlantic*, Baucom quotes a contemporaneous insurance law treatise that established a three-part test for invoking the necessity justification to obtain compensation for the disposal of cargo:

That what was so condemned to destruction, was in consequence of a deliberate and voluntary consultation, held been the master and men: —2dly. That the ship was in distress, and the sacrificing the things they did was a necessary procedure to save the rest: —and 3dly. That the saving of the ship and the cargo was actually owing to the means with that sole view.⁴³

Attorneys for each party vociferously disagreed about whether sufficient legal necessity—as distinguished from ethical necessity, notes Baucom⁴⁴—existed. Lawyers for the insurers parsed the term *necessity*, distinguishing between “the last necessity” and “apprehended necessity.” Only the latter could justify the drownings, in their estimation, and they contended that insufficient evidence was presented at trial to establish absolute necessity. They also argued that the negligence or ignorance of the captain was a risk that was allocated to the Gregson syndicate, which they accused of insidiously trying to transfer losses from “a bad market” for slaves to the insurers. Concluding that no legal precedent supported an award for the plaintiff, the lawyers unintentionally demonstrated that another troubling precedent did exist—recovery for slave mortality arising from “perils of the seas and of enemies.”

Attorneys for the Gregson syndicate sought to refute each of these assertions, particularly the imputation of a mercenary motive for the crew’s actions, but what is of greater interest is their statement of the case, which dismissed the essential moral issue at the outset—“It has been decided, whether wisely or unwisely is not the question, that a portion of our fellow-creatures may become the subject of property. This, therefore, was a throwing overboard of goods, and of part to save the residue.” The lawyers evoked sympathy for the crew, who “suffered so severely, that seven out of seventeen died after their arrival in Jamaica.” They also suggested circumstances beyond the crew’s control led to the calamity on board the *Zong*, with “the apprehension of necessity under which the first negroes were thrown overboard” being “justified by the result.” Bizarrely, the lawyers for the Gregson group referenced the proverbial elephant in the room—the issue of murder—by analogizing their case to a murder indictment not requiring proof “of each circumstance.” Here, they averred in seeking to have the court construe the law flexibly, the loss being primarily, even if not completely, attributable to the perils of the seas was sufficient for recovery.

After considering each side’s arguments, Mansfield rendered his decision, euphemistically calling *Gregson v. Gilbert* “a very uncommon case”⁴⁵ and emphasizing the insufficient evidence demonstrating necessity. Justice Buller concurred in his separate opinion, underscoring the unfairness of permitting the Gregson syndicate to

42 Oldham, “Insurance Litigation,” 302.

43 *Ibid.*, 137.

44 *Ibid.*, 136.

45 Cf. *Zong*’s reference to Wale, one of the captured slaves, as an “un / common negro.” *Ibid.*, 88.

recover on a basis not stated in the business's declaration, an outcome that would engender legal instability and upset the delicate allocation of risk the nation's economy relied upon. Buller also rejected the argument advanced by the Gregson syndicate's attorneys comparing the laws applying to their case and the liberal rules governing murder indictments.

Despite the judges' and attorneys' dissimilar rationales for their positions, their reported remarks share some linguistic and substantive qualities that the article's following sections will maintain Philip's text subverts. Overall, the legal accounts notably use abstract, euphemistic, circuitous, and jargon-laden rhetoric. For example, none of the primary actors, such as the captain or crew members, is named, nor are any of the slaves, who are described in terms of numbers or other collectivities ("certain slaves"). Disembodied actors undertake vague actions—throwing the slaves overboard is said to be "such a measure" by the plaintiff's attorneys. Moreover, blame for the massacre is couched by all in the most anodyne language—a mistake, negligence, or ignorance, as opposed to premeditated murder. The court's decision apparently turns on a technical legal issue, but the true fulcrum of the case is the judges' calculation of risk to preserve a complex commercial regime. This approach to the litigation is wholly oblivious to the interests of the slaves on board the *Zong* but consistent with a high court's expansive social, political, and economic perspectives at the time. At the appellate hearing, Mansfield had disclosed his commercial allegiances in the words posterity may best remember him for: "The matter left to the jury, was whether it was from necessity: for they had no doubt (though it shocks one very much) that *the case of slaves was the same as if horses had been thrown overboard*. It is a very shocking case."⁴⁶ The judges' failure to compellingly rationalize a decision that mortifies the mind—that is, the holding that an insurance policy may require compensation for the massacre of blameless slaves—is inadvertently demonstrated through Justice Buller's apparently becoming tangled in his own wording, as in this sentence containing a string of multiple negatives occluding meaning: "It would be dangerous to suffer the plaintiff to recover on a peril not stated in the declaration, because it would not appear on the record not to have been within the policy, and the defendant would have no remedy."

Abolitionist Granville Sharp, who attended the appellate proceedings and is said to have given "form to the facts insofar as they were first made public," offering "the first interpretive representation of the *Zong* in relation to which subsequent re-narrations need to be read,"⁴⁷ siphoned his outrage at the court's decision into a passionate manuscript unsuccessfully demanding that the crew face murder charges.⁴⁸ Yet even while Sharp's tireless efforts to secure justice are to be commended, Anita Rupprecht's argument that Sharp and his fellow abolitionists had their own property interest in slaves—in Baucom's terms, as "affective property,"⁴⁹ "generalized innocent victims" amenable to sentimental representations—also has force.⁵⁰ The *Zong*'s appropriation as "a kind of open space for the inscription of abolitionist fantasies,"⁵¹

46 Walvin, *The Zong*, 153.

47 Rupprecht, "A Very Uncommon Case," 332–33.

48 Baucom, *Specters of the Atlantic*, 3–4.

49 Ibid., 203.

50 Ibid., 341.

51 Rupprecht, "A Very Uncommon Case," 341.

with the central signifier (the dead slaves) being absent, may be less morally vexing than judicial decisions classifying slaves as goods under contract or property law. Nonetheless, abolitionist tracts in the *Zong*'s aftermath that deflected scenes of anguish through authoritative white eyewitness accounts and portrayed a stark binary between rapacious enslavers and their captives problematically consecrated white liberators and reduced "African cultural autonomy or personal agency . . . to the indescribable emotional suffering of the survivors."⁵² As Philip rhetorically asked in an interview with Patricia Saunders about *Zong!*, commenting on her discomfort with the idea of emancipation, what "we are, in fact commemorating you realize that it has more to do with Europeans finally understanding and accepting what we, African people, knew all along, that we are first and last Beings, and that we cannot be turned into things?"⁵³ Philip's poetry cycle is one of numerous recently published fictional and nonfictional texts striving to depict the *Zong* massacre with integrity, reverencing without propagandizing the victims through their carefully calibrated delineations of the incident.⁵⁴ These contemporary authors' accounts enable the perpetrators of the massacre who escaped with impunity from the courtroom⁵⁵ to be linguistically convicted in absentia while mourning those whose lives have long gone unremarked by history.

Zong!'s Formally Iconoclastic Revisioning of History

Even before *Zong!*, her most formally innovative text, was published, Philip's writings embodied her philosophy that "the form of a work is of particular importance . . . and often the form of work is as much the substance of it as the content is."⁵⁶ *Zong!* seeks to challenge "western, logical, linear" ways of reading⁵⁷ and fundamentally thinking, which Philip believes have been complicit in the subjugation of Africans and their descendants in the New World.⁵⁸ In *Zong!*'s "Notanda," or afterword, Philip

52 Rupprecht, "A Very Uncommon Case," 341.

53 Patricia Joan Saunders, "Defending the Dead, Confronting the Archive: A Conversation with M. NourbeSe Philip," *Small Axe: A Caribbean Journal of Criticism* 26 (2008): 63–79, 67–68.

54 Barry Unsworth's, *Sacred Hunger* (New York: Doubleday, 1992); Michelle Cliff's *Free Enterprise* (New York: Dutton, 1993); and Fred D'Aguiar's, *Feeding the Ghosts* (Hopewell: Ecco, 1997) are three novels rewriting the incident. More recently, a 2007 symposium sponsored by the *Journal of Legal History* explored the legal, social, and historical dimensions of *Gregson v. Gilbert*; see *Symposium—The Zong: Legal, Social, and Historical Dimensions*, *Journal of Legal History* 28.3 (2007): 283–370. Ian Baucom's *Specters of the Atlantic* (2005) and James Walvin's *The Zong* (2011), which both focus mainly on the *Zong*, have analyzed the incident from nonfictional literary and historical perspectives, respectively. The recently released film *Belle* (director Amma Asante, Fox Searchlight Pictures, 2014) narrates the fictionalized biography of Dido Elizabeth Belle Lindsay, a mixed-race niece who lived with Lord Mansfield and her white cousin Elizabeth Murray. Dido's father, Captain John Lindsay, apparently fathered a daughter with an African woman on board a Spanish slave ship he had captured, and the film interweaves the reconstructed story of Dido's life with the *Zong* litigation. The movie represents *Gregson v. Gilbert* melodramatically, with Chief Justice Mansfield's decision depicted more glowingly than in the case report. Philip learned about Dido's life while perusing Simon Schamas's *Rough Crossings*. Philip, *Zong!*, 206.

55 Rupprecht, "A Very Uncommon Case," 332.

56 Patricia Joan Saunders, "Trying Tongues, E-Raced Identities, and the Possibilities of Be/Longing: Conversations with NourbeSe Philip," *Journal of West Indian Literature* 14.1–2 (2005): 202–19, 214.

57 Kristen Mahlis, "A Poet of Place: An Interview with M. NourbeSe Philip," *Callaloo* 27.3 (2004): 682–97, 687.

58 H. Nigel Thomas, "Caliban's Voice: Marlene Nourbese Philip's Poetic Response to Western Hegemonic Discourse," *Studies in the Literary Imagination* 26.2 (1993): 63–76, 68. The "idea of the modern"

writes that “I deeply distrust this tool I work with—language. It is a distrust rooted in certain historical events that are all of a piece with the events that took place on the *Zong*. The language in which those events took place promulgated the nonbeing of African people, and I distrust its order, which hides its disorder; its logic hiding the illogic and its rationality, which is simultaneously irrational.”⁵⁹ Philip has elsewhere expressed that English is a language she is psychically exiled from and must doubly translate. She conceives that every writer must translate, even in his or her mother tongue, and that she has to translate from a language she recognizes “at some subterranean level” not to be her own.⁶⁰

Yet even while the compositional history of *Zong!*, which took Philip seven years to write, captures instances when despair stemming from her distraught relationship with English engulfs her,⁶¹ these moments are counterbalanced by epiphanies when the code she is writing in becomes her own language.⁶² Philip initially experienced guilt at fragmenting words, breaking-and-entering the language of the *Zong* case report, which she endeavored to lock herself within “in the same way men, women, and children were locked in the holds of the slave ship *Zong*.”⁶³ However, she ultimately celebrated her linguistic breakthrough of devising a “dictionary” listing “‘mother’ words followed by the words contained within that particular word,”⁶⁴ encrypting the text through a method that evokes Édouard Glissant’s theory about the development of Creole languages. Such languages were initially “a mode of communicating and sending messages at various levels that couldn’t be understood by the white colonizers,” to quote Kristin Mahlis’s synopsis of her interview with Philip.⁶⁵ Barbadian poet Kamau Brathwaite, in seeking to develop a “nation language” including West Indian Creole, has also emphasized orality and “use[d] non-Standard English idioms, sounds, and syncopations” to “reclaim linguistic elements that survived the Middle Passage” while “transformative[ly] appropriati[ng] . . . the master’s tools.”⁶⁶ *Zong!* reflects Philip’s deft manipulation of the ostensibly rational

has been “deeply implicated from its beginnings with a project of domination over those seen to lack th[e] capacity for reflective reasoning,” that is, anyone not “European, bourgeois, and male.” Rebecca Saunders, *Lamentation and Modernity in Literature, Philosophy, and Culture* (New York: Palgrave Macmillan, 2007), 5 (quoting Rita Felski, *The Gender of Modernity* [Cambridge: Harvard University Press, 1995], 4). William Watkin argues that “[t]he twentieth century has, if you like, being [sic] one long funeral procession for the Enlightenment project of legislative and transparent meaning, and post-modernism one great, irreverent wake.” William Watkin, *On Mourning: Theories of Loss in Modern Literature* (Edinburgh: Edinburgh University Press, 2004), 85.

59 Philip, *Zong!*, 197.

60 Mahlis, “A Poet of Place,” 692. Philip’s oft-cited “Discourse on the Logic of Language” reflects “anguish” at her estrangement from both her “father tongue” and “mother tongue.” See M. NourbeSe Philip, “Discourse on the Logic of Language,” in *Prismatic Publics: Innovative Canadian Women’s Poetry and Poetics*, eds. Kate Eichorn and Heather Milne (Toronto: Coach House Books, 2009), 149–52.

61 Philip, *Zong!*, xi, 199.

62 Philip, *Zong!*, 205.

63 Philip, *Zong!*, 191.

64 Philip, *Zong!*, 200.

65 Mahlis, “A Poet of Place,” 694.

66 Brathwaite has asserted that “[i]t was in language that the slave was perhaps most successfully imprisoned by this master, and it was in his (mis-)use of it that he perhaps most effectively rebelled.” Quoted in J. Edward Chamberlin, *Come Back to Me My Language* (Urbana: University of Illinois Press, 1993), 67. Although T. S. Eliot’s aesthetics have profoundly influenced Brathwaite’s poetics, innovations

terms of a sordid case report; she inverts grammar and freely mangles the official language to reveal the irrationality underlying *Gregson v. Gilbert* and the perniciousness of the power structures, corporate, judicial, and otherwise, that would sustain British colonialism for almost two hundred years after the case was decided. Consequently, although Philip argues that the language she employs is “already contaminated, possibly irrevocably and fatally,”⁶⁷ her anti-narrative text’s overall structure and micro-level formal techniques suggest that language also paradoxically offers a potent method of resistance to hegemonic narratives that have historically facilitated oppression.⁶⁸

In writing *Zong!*, Philip struggled against what she has described as the instinctive human desire to impose meaning, “the generating impulse of, and towards, language.”⁶⁹ *Zong!*’s form manifests this discomfort,⁷⁰ starting with the book’s organization. After an acknowledgments section that only generally references the *Zong!* massacre, “Os,” the first section of the poetry cycle, begins. Divided into twenty-six numbered poems containing embedded poems⁷¹ and a subsection entitled “*Dicta*” with several unnumbered poems, this section adheres closest to its originary text and is *Zong!*’s most conventionally poetic.⁷² “Os” is followed by four sections, “*Sal*,” “*Ventus*,” “*Ratio*,” and “*Ferrum*,” featuring ever-longer poems that progressively disorient the reader, as opposed to narrative texts that build toward a resolution, such as the *Gregson v. Gilbert* appellate report ending with a succinct recitation of the judges’ decision. “*Ferrum*,” the section that may most perplex readers who approach *Zong!* with their standard toolkit of analytical techniques, is the one in which Philip felt that she had come closest to reproducing her aesthetic vision in language.⁷³ The book’s next and final poetic section, “*Ebora*,” with its grayed wording, increasingly congested spacing, and terms layered atop one another, represents the quintessential antinarrative, “a space not so much of non-meaning as anti-meaning,” to quote from “*Notanda*.”⁷⁴

Zong!’s very section titles may mystify readers unfamiliar with Yoruba and Latin (the “father tongue” whose terms still pervade English and American law⁷⁵), leading

with African antecedents more deeply imbue Brathwaite’s poetry, which promotes Caribbean identity. Jahan Ramazani et al., “Kamau Brathwaite,” *The Norton Anthology of Modern and Contemporary Poetry*. Vol. 2: *Contemporary Poetry*, Introduction, eds. Jahan Ramazani, et al. (New York: Norton, 2003), 542–44.

67 Philip, *Zong!*, 199.

68 “As Gramsci has pointed out, a major aspect of hegemony is control over ‘common sense,’ i.e., that body of *doxa* that regulates what passes for sense in any public sphere . . . ‘The more powerful the perpetrator, the greater is his prerogative to name and define reality, and the more completely his arguments prevail.’” David Lloyd, “Colonial Trauma/Postcolonial Recovery?,” *Interventions* 2.2 (2000): 212–28, 214 (quoting Antonio Gramsci, “The Study of Philosophy,” *Selections from the Prison Notebooks*, eds. Quintin Hoare and Geoffrey Nowell Smith [New York: International Publishers, 1971], 323–43), and Judith Herman, *Trauma and Recovery* (New York: Basic Books, 1992), 28. Lloyd thus avers the necessity of postcolonial writers making “sense of the traumatizing event outside the terms that constitute the common sense of hegemony,” as of the state, “in order for the conditions for a recovery from trauma to exist.” *Ibid.*, 214–15.

69 Philip, *Zong!*, 194.

70 Saunders, “Defending the Dead,” 68.

71 Philip, *Zong!*, 192.

72 Queyras, “On Encountering *Zong!*”

73 Philip, *Zong!*, 205.

74 *Ibid.*, 201.

75 Philip, *Zong!*, 209.

some perceptive ones to the glossary of words and phrases heard on board the *Zong*. This section following “*Ebora*” reveals that *os*, *sal*, *ventus*, *ratio*, *ferrum*, and *ebora* respectively mean bone, salt, wind, reason or legal rationale, iron, and underwater spirits (in Yoruba). Philip conceives that the “*Os*” poems fragmenting *Gregson v. Gilbert*’s text are the “bones” of *Zong!* whereas the book’s four subsequent sections en flesh the “bones.”⁷⁶ Her description indicates the dual formal and substantive significance of the text’s terminology, with bones also referring to the literally unrecoverable remains of the dead slaves figuratively reclaimed by *Zong!*, salt referencing a key mineral to sustain human life, wind identifying the factor that apparently precipitated the massacre, reason ironically alluding to the *Zong* case record, and iron evoking the fetters slaves wore that *Zong!* seeks to rupture; “*Ebora*” then liberates the spirit of the slaves from the manacles that once restrained them to close the elegiac poetry collection. Closure may be an inapt term to describe how the reader experiences the text, however, because “*Notanda*,” in which Philip discusses the theoretical basis for her project, and the reproduced appellate report of *Gregson v. Gilbert* that ends the book, intimate that *Zong!* is a cyclical text that necessitates rereading. Traditional readers who perused the text linearly from beginning to end and so only discovered Philip’s code, her mode of deconstructing the official legal report, after finishing the book may be especially inclined to reread the work. Although giving the final word of *Zong!* to the judges and attorneys involved in the *Zong* litigation may appear incongruous with Philip’s intent to attack the legal system that conspired with English politicians and entrepreneurs to propagate slavery and other repressive regimes overseas, the book’s organization also reflects the reality “that there is no ‘outside the law,’ since it frames the social and political structures in which we exist.”⁷⁷ Formally mounting a convincing challenge to the basis for these structures through *Zong!*’s prior two hundred plus pages, though, can be seen as a significant victory.

Within each of *Zong!*’s sections, Philip utilizes a multitude of formal techniques to destabilize the reader, who wrestles “‘to make sense’ of an event that eludes understanding, perhaps permanently,” for Philip.⁷⁸ Sina Queyras’s unease that she was not the right reader for the book may express a sentiment felt by many readers approaching *Zong!* for the first, or even second or third plus, time.⁷⁹ Much of this disquietude may derive from the poetry cycle’s convoluted optics, its application of Philip’s theory that language is paint she daubs on a canvas,⁸⁰ recalling the fusion between modernist and post-modern poetry and other aesthetic forms. The visuality of *Zong!* resembles the *fin de siècle* aesthetics of French Symbolist poet Stéphane Mallarmé, whose experimentation with free verse included typographical innovations in poems like *Un Coup de Dés Jamais N’Abolira Le Hasard* (*A Throw of the Dice Will Never Abolish Chance*) (1897).⁸¹ Although Western readers are trained to read standard narrative texts like *Gregson v. Gilbert* horizontally, tracing lines that meticulously fill the page, most of the poems in *Zong!* are fragmented and teeming with fissures, as opposed to words.

76 Philip, *Zong!*, 200.

77 Saunders, “Defending the Dead,” 67.

78 Philip, *Zong!*, 198.

79 Ibid.

80 Mahlis, “A Poet of Place,” 693.

81 I thank Professor Cristina S. Martinez at the University of Ottawa for this insight.

This approach, suitable for an elegiac work in which facts about the central figures' lives are absent from the historical record, may initially perturb readers, but it also stimulates their creativity⁸² to construe not only the language but the visual dimension of Philip's text. Paradoxically, silence (e.g., in the form of visual lacunae) in *Zong!* "speaks" more powerfully than language itself. As Philip writes in "Notanda," "within each silence is the poem, which is revealed only when the text is fragmented and mutilated, mirroring the fragmentation and mutilation that slavery perpetrated on Africans, their customs and ways of life."⁸³ *Zong!* continues exploring the aesthetic implications of a revelation Philip had while composing an earlier book, *Looking for Livingstone*, that "Silence [with a capital S] was its own language that one could read, interpret, and even speak."⁸⁴

Readers, then, must interpret both words and linguistic gaps and the relative placement of each of these on the page. Philip's poetry cycle foregrounds linguistic signifiers, being amenable to a structuralist or deconstructionist analysis in which readers must remain keenly attuned "to syntax, spacing, intertextuality, sound, semantics, etymology, and even individual letters."⁸⁵ Philip's "governing principle" in *Zong!* is relationality, with "every word or word cluster . . . seeking a space directly above within which to fit itself," thus "fall[ing] into relation with others either above, below, or laterally."⁸⁶ "*Zong! #1*" in "*Os*," the collection's opening poem, for example, can be read horizontally and diagonally, the latter arrangement evoking the path of the slaves' bodies as they were thrown from the *Zong*. Other poems may be perused in a scattershot or cyclical manner ("*Zong! #5*") or vertically like a ledger ("*Zong! #24*"), a graphical allusion to a ship's manifest listing the crew, passengers, and cargo.⁸⁷ Philip mocks this form in *Zong!*'s own manifest enumerating items like African groups and languages⁸⁸ that would decidedly not be recorded in the official manifest.

Zong!'s deep sensory engagement is not only with sight, though, but with sound. The poetry cycle is inspired by longstanding oral traditions in African cultures, and it responds to the rhetorical question, recently posed by Paul Watkins in his introduction to an interview with Philip, "what is there but song when words risk enacting a second violence"⁸⁹? Here, too, *Zong!* shares affinities with several of Mallarmé's poems, in which recitation discloses meanings not evident from a silent perusal. In 2013, Philip performed *Zong!* non-linearly, "with over twenty readers improvising the poem's multiple meanings in discordant unison," according to Watkins,⁹⁰ enacting modernist poetry's splintering

82 Moise, "Grasping the Ungraspable," 31.

83 Philip, *Zong!*, 195.

84 Philip, *Zong!*, 195.

85 See Barbara Johnson, "Translator's Note," Stéphane Mallarmé, *Divagations*, trans. Barbara Johnson (Cambridge: Harvard University Press, 2007), 299–302, 301.

86 Philip, *Zong!*, 203.

87 The appendix reproduces selections from all poems referenced here.

88 Philip, *Zong!*, 185.

89 Paul Watkins, "We Can Never Tell the Entire Story of Slavery: In Conversation with M. NourbeSe Philip," *The Toronto Review of Books*, 30 April 2014. Web.

90 Philip has also performed selections of the poetry cycle in a jazz improvisation style with musicians. November 29, 2013, marked the anniversary of the 1781 massacre, for which the complete cycle was performed in a marathon event lasting until 5:00 AM. Watkins, "In Conversation with M. NourbeSe Philip."

of the single lyrical voice. The exclamation point in the poetry cycle's title signifies its being a "song of the untold story" for Philip.⁹¹

I would thus dub *Zong!* an experiential text in that it is felt more readily than it is described linguistically, like many lamentations. The reader is often figuratively immersed under the flood of language in the text, only occasionally grasping a life-raft of meaning, and thus vicariously experiencing the dislocation of the slaves on board the *Zong*. Philip remains sensitive to the position of readers (and herself) as secondary witnesses to this traumatic event, though.⁹² She ventured to Africa for "permission" to tell the untellable tale of the massacre⁹³ and channeled an ancestral voice, Setaey Adamu Boateng, to reveal "the submerged stories of all who were on board the *Zong*."⁹⁴ By forsaking control over the text, Philip avoids the pitfalls of the appellate case report in *Gregson v. Gilbert* and abolitionist narratives about the *Zong*, individualizing the victims of the atrocity in her revisionary elegy.

***Zong!*: Deconstructing Law, Reconstructing Humanity through the (Anti-)Elegiac Form**

Judith Butler's observation that we perhaps "make a mistake if we take the definition of who we are, legally, to be adequate descriptions of what we are about"⁹⁵ suggests legal language's limits for identity formation and the importance of alternative discourses, including literary ones, to vivify personalities that have been officially marginalized. "Literature offers the opportunity to interrogate the premises, strategies, and conventions of language and to discern the ways in which ordinary language becomes irresponsible to its greater calling," thereby permitting "ethical reflectiveness about the limits of our language."⁹⁶ The modern elegiac form appears primed to fulfill this objective, given that it "throw[s] into relief the inefficacy of language precisely when we need it most."⁹⁷ "[A] direct correlation [exists] between the textual body and the human body,"⁹⁸ that is, the elegiac poem's verbal insufficiency when faced with the lost "corporeal existence of the deceased."⁹⁹ A white sailor in *Zong!* references these dual disintegrations: "sift the dunes of / tunis for the bones the ruins of my / story their s & y ours."¹⁰⁰

Although elegies were once perceived to have a primarily consolatory function,¹⁰¹ theorists of the modern elegy, such as Karen Weisman and Jahan Ramazani,

91 Philip, *Zong!*, 207.

92 Austen, "Zong!'s 'Should We?," 64.

93 Philip, *Zong!*, 202.

94 Ibid.

95 Judith Butler, "Violence, Mourning, Politics," in *Precarious Life: The Powers of Mourning and Violence* (New York: Verso, 2004), 19–49, 25.

96 R. Clifton Spargo, *The Ethics of Mourning: Grief and Responsibility in Elegiac Literature* (Baltimore: Johns Hopkins University Press, 2004), 10.

97 Karen Weisman, "Introduction," *The Oxford Handbook of the Elegy* (Oxford: Oxford University Press, 2010), 1–12, 1.

98 Watkin, *On Mourning*, 86.

99 David Kennedy, *Elegy* (New York: Routledge, 2007), 23.

100 Ibid., 116–17.

101 Paradigmatic elegies preceding the modern period had "typically shaped and ordered grief . . . usually follow[ing] an affective course that led from anger and despair to consolation." Jahan Ramazani, *Poetry of Mourning: The Modern Elegy from Hardy to Heaney* (Chicago: University of Chicago Press, 1994), 18.

argue that the genre's manifestation today appropriates earlier generic norms but demonstrates modernism's influence. It is now inflected with self-reflexivity and an "anti-elegiac" strain that "resist[s] the traditional psychology, structure, and imagery of the genre," even at times devolving into the "anti-literary,"¹⁰² as *Zong!*'s source text invites the poetry cycle to do. Stylistically, *Zong!* employs a panoply of modernist poetic techniques that transformed English poetry in the early twentieth century, including irregularities of meter and rhyme (if present at all), jarring juxtapositions, searing ironies, elisions, fragments, multiple languages and voices, and dense allusions (inherent in elegy's generic lineage, as discussed below).¹⁰³ The elegy has not only become more formally flexible, but it has substantively expanded in scope beyond loss of life, encompassing the death of "institutions, cultures, forms of authority, and ways of thinking."¹⁰⁴ The sobbing *oba* (Yoruba for "king" or "ruler"), a recurring motif in *Zong!*, accordingly mourns not only personal but cultural deaths, the latter alluded to when a crew member euphemistically speaks of "cur[ing] the / m [the slaves] of a frica" and the slaves "shed / tears / for *ifá* / *ósun* / & *ógún* / for / *efun* / for *èsú*," which are Yoruba divinities.¹⁰⁵ Slavery is a site of collective or cultural trauma that disrupts an entire community's consciousness, "destroying the possibility of a common frame of reference and calling into question our sense of being-in-common."¹⁰⁶ "Modern literatures of loss and mourning" like *Zong!* "have increasingly made their textual bodies out of expelled matter,"¹⁰⁷ including people and cultural heritages. These works seek to *recover*—a term evoking the idea of "gain[ing] something by the judgment of a court"—the remains of that previously characterized as waste.¹⁰⁸

Erin Fehskens notes the dilemma that arises from this endeavor, though, when she asks "[h]ow we can totalize the *Zong*, make the *Zong* into a metonymic totality of the long eighteenth century, as Ian Baucom would have it, while also fiercely attending the constitutive loss at the core of its meaning, the loss than remains lost rather than recovered."¹⁰⁹ Philip's response in *Zong!* is an elegy that critiques the origins, motifs, and implications of the genre even while relying on elegiac conventions. Philip indicates that literary devices characterizing the often disparaged lamentation tradition may come closer to registering the horror of the drownings that her text compulsively replays in individual instances ("we have / thrown him over / board we pray then throw him pray / then throw them pray then / throw pray then / throw"¹¹⁰) and across sections. The preceding quotation from the ironically titled "*Ratio*" is echoed in "*Ferrum*," where severed words "reflect[] the degradation of language until

102 Ibid., 1–2.

103 See Jahan Ramazani, et al., "Introduction," *The Norton Anthology of Modern and Contemporary Poetry*. Vol. 1: *Modern Poetry*, eds. Jahan Ramazani, et al. (New York: Norton, 2003), xxxvii–lxiii.

104 John B. Vickery, *The Modern Elegiac Temper* (Baton Rouge: Louisiana State University Press, 2006), 1–2.

105 Ibid., 82, 134.

106 Sam Durrant, *Postcolonial Narrative and the Work of Mourning: J. M. Coetzee, Wilson Harris, and Toni Morrison* (Albany: SUNY Press, 2004), 4.

107 Watkin, *On Mourning*, 148.

108 See Saunders, *Lamentation and Modernity*, 16. The slaves in *Zong!* are associated with the abject (e.g., "t hey eat th / ey shit"). Ibid., 143.

109 Ibid., 412.

110 Ibid., 118.

at times we are only left with grunts and sounds,” according to Philip¹¹¹: “to se cure our pro / fit we th row them to res cue our for / tunes we do mur t hey f / all to in sure our pr ofits ov / er & o ver a gain to sec / ure their re scue the y fall o / ver bo ard to pre serve our profit.”¹¹² The non-syntactical lines and gap-laden typography here are indicative of the moral fissures and flaws in the crew’s reasoning. Additionally, the ampersand, although derived from Latin, can be suggestive of poetic experimentation, “a desire to tweak the sniffing nose of literary decorum,” in the vivid metaphor of Kevin Nance, creating a “cognitive blip” for some readers.¹¹³ Yet Philip crucially foregrounds the incident the judicial opinion elides and outrightly assigns blame in her subversive elegy: “the case / is / murder.”¹¹⁴

Although elegy has recently been described as a “mode of inquiry,”¹¹⁵ much like lamentation is conceived of as a mode that imbues other genres,¹¹⁶ elegies are seen as retaining distinctive generic qualities.¹¹⁷ The elegy is a literary form dating to ancient Greece¹¹⁸ and steeped in precedent—“a poem made out of other poems”¹¹⁹—not so unlike the common law system in which *Gregson v. Gilbert* was decided. Indeed, both judicial opinions and elegies, which are said to “construct power,”¹²⁰ may be susceptible to similar critiques of entrenching patriarchal ideologies. The “elegy is historically a form written by men and about men”¹²¹ in which “the elegist asserts his own poetic skill and becomes part of a pre-existent tradition or lineage of similarly skilled poets”¹²² while at times serving nationalist aims.¹²³ Contrastingly, “the lamentation [is] composed by women and expressive of their experience,”¹²⁴ enabling

111 Watkins, “In Conversation with M. NourbeSe Philip.”

112 Ibid., 140.

113 Kevin Nance, “Poets & Ampersands,” *Poets & Writers Magazine* 40.1 (2012): 12–14.

114 Ibid., 41.

115 Kennedy, *Elegy*, 5.

116 Saunders, *Lamentation and Modernity*, 171.

117 They treat the topics of loss or death through the speech act of lament; their mode is primarily lyric and includes certain generic markers like “apostrophe, exclamation, allusion, and epitaph”; and their “indigenous moods are sorrow, shock, rage, melancholy, and resolution—often in quick succession.” “Elegy,” *The Princeton Encyclopedia of Poetry & Poetics* 4e, eds. Roland Greene, et al. (Princeton: Princeton University Press, 2012), 397–99, 398.

118 Watkin, *On Mourning*, 3.

119 Kennedy, *Elegy*, 5. *Zong!*, an elegy derived from an appellate case report, reflects Kennedy’s insight that “[d]eath and mourning are too painful to be confronted directly and can only be approached through the words of others, through pre-existing stories,” Kennedy, *Elegy*, 15, even while the poetry cycle follows in the line of other postcolonial works challenging official narratives, Durrant, *Postcolonial Narrative*, 6.

120 Kennedy, *Elegy*, 103 (quoting Louise O. Fradenburg, “‘Voice Memorial’: Loss and Reparation in Chaucer’s Poetry,” *Exemplaria* 2.1 (1990): 169–202, 184).

121 Saunders, *Lamentation and Modernity*, 51. John Milton’s “Lycidas” (mourning the poet’s friend’s death) is often considered the definitive pastoral elegy. Other acclaimed pastoral elegies mourning fellow poets include Percy Bysshe Shelley’s “Adonais” (for John Keats) and Matthew Arnold’s “Thrysis” (for Arthur Hugh Clough).

122 Kennedy, *Elegy*, 13.

123 “[W]e have to see how great and memorable elegiac poetry has a history of covering things over, how much it depends on covering over social violence, or how it plays upon the victories of conquest and war.” Anita Helle, “Women’s Elegies: 1834–Present: Female Authorship and the Affective Politics of Grief,” in *The Oxford Handbook of the Elegy*, ed. Karen Weisman (Oxford: Oxford University Press, 2010), 463–80, 474.

124 Kennedy, *Elegy*, 13.

them to “play otherwise masculinized roles: they are revenge seekers, judges, bearers of authority, writers of history,” though outside of male-dominated institutions.¹²⁵ Lamentations were traditionally communal oral rituals but now include “a range of utterances from shrieks and cries to improvised oral performances to formal written texts.”¹²⁶ They often foreground the body and employ antithesis and repetition to articulate the incomprehensibility of corporeal loss and the inadequacy of language to fully palliate bereavement,¹²⁷ ultimately representing the “return of a violence and chaos repressed by social order and law.”¹²⁸ The lyrical voice’s cry in Kamau Brathwaite’s “Stone,” “lawwwd,” upon his murder for clashing with activists supporting the ruling party in Jamaica,¹²⁹ suggests the futility of appeals to religion (the Lord) and law when confronting grave injustices, a theme that also suffuses *Zong!*.¹³⁰

Philip strikingly proclaims the *Zong!* appellate case report as a “gravestone” that must be “shatter[ed]” to free the voices of the dead slaves,¹³¹ and *Zong!* launches simultaneous attacks on the judicial decision and the Western literary tradition. The poetry cycle is permeated by references to pastoral elegy tropes, including conventional settings like the countryside and the sea. Although these spaces often proffer solace to the speakers in pastoral elegies, Philip criticizes this complacent attitude, using juxtaposition to suggest that idyllic pastoral spaces in England have resulted from the despoliation of such regions and their inhabitants elsewhere. A white crew member in *Zong!* obsessively reminisces about meeting his beloved, Ruth, in scenic locales, including a garden,¹³² a “fen,”¹³³ a “dal[e],”¹³⁴ a “glen[],”¹³⁵ a ferny expanse marked by a cairn,¹³⁶ and “dow / ns.”¹³⁷ He expects to receive “gr / ants of l and to

125 Saunders, *Lamentation and Modernity*, xiii.

126 Saunders, *Lamentation and Modernity*, xiii.

127 Saunders, *Lamentation and Modernity*, 61, 63. “[M]ourning without end . . . is perhaps the female elegist’s most characteristic subversion of the masculine elegiac.” Celeste M. Schenck, “Feminism and Deconstruction: Re-Constructing the Elegy,” *Tulsa Studies in Women’s Literature* 5.1 (1986): 13–27, 24.

128 Saunders, *Lamentation and Modernity*, xvi. According to Plutarch, in ancient Rome during civil conflicts, women were forbidden to mourn, with mothers’ tears “likened to a crime of conspiracy against the empire and . . . punishable with death.” Saunders, *Lamentation and Modernity*, 57. Even today, lamentation is geographically and temporally marginalized and susceptible to legal prohibitions or manipulation by religious or political authorities, given its association with female hysteria (versus masculine logic) and regression to a pre-Enlightenment world. Saunders, *Lamentation and Modernity*, 46–56.

129 Kamau Brathwaite, “Stone,” in *The Norton Anthology of Modern and Contemporary Poetry*. Vol. 2: *Contemporary Poetry*, eds. Jahan Ramazani, et al. (New York: Norton, 2003), 551–53, 553.

130 Philip’s major verbal conjunction in a predominantly disjunctive poetry cycle is a series of numbers that attests to quantitative inadequacy more than precision in the poem’s context, appearing in the section entitled *Dicta* (that which is not essential to a judge’s decision in a specific case, and accordingly not binding law): “150sixtyfortytwoandahalfeventhreesevenfiftythirtyseveneighteenseventeenonesix.” *Ibid.*, 51.

131 Saunders, “Defending the Dead,” 69.

132 *Ibid.*, 103.

133 *Ibid.*, 121, 148.

134 *Ibid.*, 127, 140.

135 *Ibid.*, 127.

136 *Ibid.*, 107.

137 *Ibid.*, 172.

gr / ow cane & g row ri ch¹³⁸ overseas while aspiring to cultivate grain in fields with Ruth upon his stateside return.¹³⁹ In his leisure time, he envisages cavorting with Ruth in a veritable Noah's ark of a garden replete with "stag / s boar s & / deer carp in / the river doves / there / will be dogs fish & / grouse owls & tit s pea hen s too" but "no pigs he / negroes & she / negroes"¹⁴⁰; the sailor's most ardent desire is to "b e with y ou i / dle in our e den."¹⁴¹

However, the dreaminess of these scenes of "ease"¹⁴² is undercut by contrasting nightmarish ones in their immediate vicinity, text-wise; the crew member recalls lush pastures in England as Philip depicts a more ominous fate for the captives in general and one specific African couple, Wale and Sade, a husband and wife from a rural region who function as doppelgangers for the anonymous crew member and Ruth. For example, a passage portraying "visions of l / ace for a queen / my queen" in "*Sal*" soon degenerates into "dire visions" of hunted slaves, one of whose voices pierces the poem in the italicized text: "*de men dem cam for mi / . . . / mi flee / the fields gun bam bam.*"¹⁴³ In *Ferrum*, a similar scene to the edenic ones above—"su ch a grand gard en with stag / s grouse and deer an e den" is followed by the chilling image "the lad la / y dead and a nother & anot / her they a ll lay d / ead."¹⁴⁴ This section also tells the fractured story of Wale and Sade (along with their son Ade), whose mutual affection is evident through their exchange of gifts in a touching chiasmus: "*sad e makes a ree d mat for w / ale wale mak es a hut of ru / sh and reed for sa de.*"¹⁴⁵ But their humanity fails to immunize them from being pursued like "prey"¹⁴⁶ across the fields they once freely traversed: "*wa / le and sa de run from the / field the river t he raft.*"¹⁴⁷ Slave traders drive them into the woods before apprehending them¹⁴⁸—"i have / set a snare for *wa le & sade / a trap for h / is feet a sna / re for hers*"¹⁴⁹—and forcing them to walk on a trail of tears to "the fo / rt at the port o n the river."¹⁵⁰ From here, they and their fellow captives journey to the seaside ("the line of negroes wend s / its way to the coast"¹⁵¹) and depart for the middle passage, during which "they suffer."¹⁵² As *Zong!* summarizes the dastardly pastoral exchange from the crew member's perspective, "there was ga / in t heir loss,"¹⁵³ namely in the form of seemingly pristine spaces where the sailor could savor products from the New World

138 Ibid., 155.

139 Ibid., 84, 133.

140 Ibid., 103. Exemplifying Walvin's description of slave ships, the *Zong* "appears a pig sty," with the captives characterized as pigs by a crew member ("to trap a fat pig / a fat nig") in Philip's text. Ibid., 67, 115.

141 Ibid., 154.

142 Ibid., 166.

143 Ibid., 65–66.

144 Ibid., 161.

145 Ibid., 130.

146 Ibid., 165.

147 Ibid., 159.

148 Ibid., 165.

149 Ibid., 171.

150 Ibid., 160.

151 Ibid., 109.

152 Ibid., 129.

153 Ibid., 139. The captured "*wal e and s de have no hut.*" Ibid., 146.

(e.g., tea, oranges, and sugary éclairs¹⁵⁴) while lavishing luxuries like a “fur”¹⁵⁵ on his cherished Ruth.¹⁵⁶

Yet the sailor terrifyingly conceives he has become an “agent of satan” or “slav e[] to sin,” leading God to avenge the deaths he perpetrated and obliterate his splendid visions: “just u / s ruth you and m e in the g / arden our ed en will he / throw u s out as he / has be fore”?¹⁵⁷ Divine retribution here substitutes for legal retribution,¹⁵⁸ and the word *throw* recalls references to the slaves jettisoned from the *Zong* and connotes dual Falls/falls: “we / fall to our fate they / to the o cean their fate,” “their f / all our f / all.”¹⁵⁹ *Ferrum* concludes with Wale’s asking a crew member to transcribe a poignant missive to Sade, which Wale consumes, before this passage of disturbing wordplay in which “weight” morphs into an eternal “wait” underwater: “he fa lls to the we / ight & wa it in w / ater i ca ll his na / me & f / all too.”¹⁶⁰ *Zong!* elegizes even the white perpetrators who suffered bodily or psychological deaths, with one of them rhetorically questioning “what pro fit me if *mon coeur non est*”¹⁶¹ (“my heart is not”), without the text’s necessarily implying equivalency between the slaves’ and crew members’ losses.¹⁶² Philip felt compelled “to acknowledge the existence of those Europeans on board the *Zong*, those who like many Africans sickened and died, as well as those who were involved in the murder of the Africans, and thus in the murder of their own souls,”¹⁶³ with the sections after “Os” often voiced by an odious white male sailor. Rationalizing this unusual inclusion, Philip has asserted that the character was necessary “to do justice to what had to be told,” with his suicide being “akin to the idea that Columbus must die—for the world to live, that spirit of conquest, destruction, and domination that Columbus represents has to die.”¹⁶⁴

Zong! humanizes what this character and the judicial opinion dehumanized, transforming the more monodic “dessicated[] legal report into a cacophony of voices—wails, cries, moans, and shouts that had earlier been banned from the text.”¹⁶⁵ These polyvocal lamentations “bear[] witness to the ‘resurfacing of the drowned and the oppressed,’ ”¹⁶⁶

154 *Ibid.*, 130, 166.

155 *Ibid.*, 86.

156 The sailor is morally conflicted, though; he alternately “lust[s] for / tin for / gold” and disavows this craving, claiming “i se ek no g / old no r tin no sap / tin sap phire no / r rub / y nor the o re of the i ndies m / y eden is y ou r / uth only y ou.” *Ibid.*, 102, 146.

157 *Ibid.*, 115, 163, 162.

158 “[G]od ch arge s us w ith their we / ll be ing will he c / harge us with a c rime”? *Ibid.*, 148.

159 *Ibid.*, 130, 144.

160 *Ibid.*, 172.

161 *Ibid.*, 152. The ominous raven possesses his heart and soul. *Ibid.*, 122.

162 “The concept of loss is imbricated in a complex web of interrelationships—with, for example, notions of mourning, trauma, crisis, negativity, absence, lack, memory, and death.” Saunders, *Lamentation and Modernity*, xii. *Zong!*, a “po / em of loss,” *ibid.*, 153, considers the manifold denotations and connotations of the word *loss* for different parties, ranging from the pecuniary to the personal, *ibid.*, 17, 21, 24. The text also demonstrates how “[l]oss always threatens *in potentia* and against the demands of utilitarian, pragmatic, or contractual realisms to create a competing reality,” Spargo, *The Ethics of Mourning*, 21.

163 *Ibid.*, 203. Ruth’s lover requests that she “come strum the lute some / more for my late / soul.” *Ibid.*, 117.

164 Saunders, “Defending the Dead,” 75. Columbus’s voyage coincided with the Spanish Crown’s linguistic consolidation to promote Castilian nationalist values. Moise, “Grasping the Ungraspable,” 26.

165 *Ibid.*, 203.

166 *Ibid.*, 203. *Zong!* opens with an epigraph from Dylan Thomas’s “And Death Shall Have No Dominion”: “Though they go mad, they shall be sane, / Though they sink through the sea they shall rise again.”

like the “she / negroes” who “sin / g sa / d songs”¹⁶⁷ for the deceased, with an African chant dominating much of one of *Ferrum*’s closing pages.¹⁶⁸ The sea where voices of the past resound is a conventional elegiac setting redolent with “the possibility of ‘a sea change’ into a ‘rich and strange’ consolatory apotheosis.”¹⁶⁹ Yet it is also a “site of seemingly contradictory images and a site which is . . . significantly textual,” “a metaphorical blank page upon which the poet writes a history of trauma” and a space “that the poet interprets through his lyrical power.”¹⁷⁰ The middle passage has rendered the sea a place fraught with significance—“the image of Empire and of engulfment and of memory”¹⁷¹—for Caribbean people, as encapsulated by several of Derek Walcott’s poems. “The Sea is History” shares *Zong!*’s castigation of the exploitation abroad that historically enabled Western culture to thrive but similarly ends with a tinge of hope “of History, really beginning.”¹⁷² The sea’s fluidity, in contrast to the physically contained courtroom, suggests non-narrative and anti-narrative literary capabilities,¹⁷³ as in *Zong!*. Also, unlike the law, the sea is traditionally coded maternal (life-giving) across languages: “the sea is *ma / i* is *mère* i s *mer* is / *mar ema* & *mater* i / s *madre* is *ma* is *omi*.”¹⁷⁴ *Zong!* queries whether this maternal sea will “give up its de / ad its bo nes,” “be ar[ing] the t / ruth”¹⁷⁵ along with the “s / ouls” of the deceased coerced into a cruel bargain: “they ask fo / r water we g ive them s / ea they as / k for bread we / give them se / a they ask for lif e we give them o / nly the sea was that a fair / trade ruth i ask you i / am a fair man.”¹⁷⁶ Responding with a vociferous no to the white sailor’s ludicrous inquiry in cursive arising from—and intruding into—the print text, Philip’s poetry cycle figuratively seeks to “drown[] the law that could potentially excuse murder and deem the “sin”¹⁷⁷ a compensable offense.

Zong!, like many lamentations, refuses “this economic model of justice” premised on “[s]etting prices, determining values, contriving equivalences, exchanging” (of often disparate items), which “preoccupied the earliest thinking of man to so great an extent that in a certain sense [it] constitute[s] thinking as such.”¹⁷⁸ Quoting Nietzsche, Rebecca Saunders argues that such a model of justice “‘treats violence and capricious acts on the part of individuals or entire groups as offenses against the law . . . and thus leads the feelings of its subjects away from the direct injury caused by such offenses.’

167 Ibid., 161.

168 Ibid., 168. The captives share a common human response to tragedy, singing, praying, hugging, and shedding tears. Ibid., 142, 146–47, 153.

169 Kennedy, *Elegy*, 6 (quoting *The Tempest*).

170 Glenda R. Carpio, “Postcolonial Fictions of Slavery,” in *The Cambridge History of Postcolonial Literature*, Vol. 1, ed. Ato Quayson (Cambridge: Cambridge University Press, 2012), 41 (discussing Walcott).

171 Fehskens, “Accounts Unpaid,” 409 (quoting Marina Warner, “Indigo: Mapping the Waters,” in *Études Britannique Contemporaines* [Montpellier: Presses Universitaires de Montpellier, 1994], 1–12, 12). *Zong!* also portrays the sea as a perverse pastoral space populated by the drowned slaves: “we [the crew] plant the stems of neg / groes in the seas,” where “weeds feed / on bodie s.” Ibid., 114, 119.

172 Derek Walcott, “The Sea Is History,” in *Collected Poems: 1948–1984* (New York: Farrar, Straus & Giroux, 1986), 364–67, 367.

173 Fehskens, “Accounts Unpaid,” 409.

174 Philip, *Zong!*, 169. For example, *mer* and *mère* are French for sea and mother, respectively.

175 Ibid., 153, 155.

176 Ibid., 156, 170. The crew member is “argu[ing] my case / to you” (Ruth). Ibid., 70.

177 Ibid., 33, 87 (“the questions can / we / sin within / the law / can the / law / sin”).

178 Saunders, *Lamentation and Modernity*, 33 (quoting Frederick Nietzsche, *On the Genealogy of Morals*, in *Basic Writings of Nietzsche*, trans. Walter Kaufmann [New York: Modern Library, 1968], 437–600, 506).

This is just the sort of sublimation, displacement, and abstraction that lamentation refuses.¹⁷⁹ Although the parties involved in the *Zong* litigation defended various commercial interests, *Zong!* “defend[s] the dead.”¹⁸⁰ “Mourning depends on a hypothesis of defense, howsoever wishful,”¹⁸¹ and a failure to mourn those denigrated in the past may have acute implications for the present; “acceptance of one’s own or the other’s death may develop into a cultural ideology that increases the practice and use of death as a cultural weapon.”¹⁸² Butler has accordingly called for an “insurrection on the level of ontology,” underscoring how dehumanizing discourse can effect dehumanization in reality. She advocates scrutinizing the relationship between “violence and those lives considered as unreal,” asking “[w]ho counts as human? Whose lives count as lives? And, finally, *What makes for a grievable life?*”¹⁸³

Zong! is an extended exploration of these questions that paradoxically asserts realization of our “common human vulnerability”¹⁸⁴ may be our savior, and it is apropos that Philip alludes to an English poetic progenitor, who often wrote in elegiac meter, to convey this urgent message. “*Ratio*” begins with a white crew member hearing “the / clarion [that] / sounds for / me,” and bells toll at the climax of “*Ventus*”: “ding ding / dong done.”¹⁸⁵ These passages, with the pun in the second one, evoke the renowned “for whom the bell tolls” section from John Donne’s “Meditation XVII” (1624):

And when she [the church] buries a man, that action concerns me; all mankind is of one author, and is one volume . . . No man is an island, entire of itself; every man is a piece of the continent, a part of the main; if a clod be washed away by the sea, Europe is the less, as well as if a promontory were, as well as if a manor of thy friend’s or of thine own were; any man’s death diminishes me, because I am involved in mankind, and therefore never send to know for whom the bell tolls; it tolls for thee¹⁸⁶

for the drowned slaves named below the text’s surface in *Zong!*,¹⁸⁷ for the crew members on board the *Zong* whose appalling deeds cost them their names,¹⁸⁸ and for all of us haunted by these ineffable losses today.

179 Ibid., 33 (quoting Nietzsche, *Genealogy*, 512).

180 Ibid., 25.

181 Spargo, *The Ethics of Mourning*, 37.

182 Spargo, *The Ethics of Mourning*, 20.

183 Ibid., 20, 33.

184 Butler, “Violence, Mourning, Politics,” 30.

185 Ibid., 98, 102.

186 John Donne, “Meditation XVII,” in *Devotions upon Emergent Occasions and Death’s Duel* (New York: Vintage Spiritual Classics, 1999), 102–04, 102–03. Cf. the Gregson syndicate attorneys’ amoral assumption that “[i]t has been decided, whether wisely or unwisely is not the question, that a portion of our fellow-creatures may become the subject of property.” Ibid., 211. “*Zong! #8*” manipulates this language into “fellow / creatures / become / our portion / of mortality,” and reflects on the arbitrariness of the slaves’ and crew members’ fates: “why / th em not u / s why u s why no t them.” Ibid., 16, 160.

187 “[L]anguage’s assumed magical power of naming, and thus of giving or of extending life, is called upon in the service of intense grief . . . ‘People may die and be remembered; but they only disappear when they are completely forgotten, when no one ever uses their name.’” Watkin, *On Mourning*, 4, 9 (quoting Adam Phillips, *Darwin’s Worms: On Life Stories and Death Stories* [London: Faber and Faber, 1999], 125). The deceased slaves’ names at “*Ferrum’s*” denouement are notably closer to the text’s main body and in a larger, more distinctive cursive font as compared with the lower (underwater) placement and smaller generic print in “Os.” Ibid., 3, 173.

188 Ibid., 121.

The *Zong's* (and *Zong!'s*) Legacy

Zong!'s unflinching portrayal of an inexplicably evil event, reinforced by the text's discombobulated form, demonstrates why the very name *Zong* "quickly entered the demonology of Atlantic slavery, and came to represent the depravity and heartless violence of the entire slave system."¹⁸⁹ The shameful enterprise was propped up by legal institutions that subconsciously, if not consciously, registered the heinousness of the practice without intervening to foreclose it. The appellate record in *Gregson v. Gilbert* thus memorializes a moment of miscarried justice, a decision with dire ramifications in the immediate term, but one that eventually instigated the crusade to abolish the English slave trade, a preliminary step for many in the West to recognize the humanity of African peoples. Yet for Philip and many other people of color, in the Caribbean and elsewhere, the struggle to retain their identities may persist. When Philip sought to publish her novel *Harriet's Daughter* in 1988, she was informed that the text's black characters rendered it unmarketable.¹⁹⁰ Philip has also observed that the tourist industry's expansion in Tobago has been accompanied by a resurgence of the word *plantation*, and "an old painting of a slave plantation" was even used to advertise a Hilton resort.¹⁹¹ Moreover, disclosures that several of England's—and indeed America's¹⁹²—most eminent insurance companies insured slaveowners¹⁹³ suggest that the *Zong's* traces may be discerned today. Reparations for slave exploitation remain a divisive issue,¹⁹⁴ but a recent \$10 million donation to help re-create two wooden buildings on Monticello's Mulberry Row, where earth alone currently marks the place Thomas Jefferson's slaves would have toiled¹⁹⁵ (a sight not unlike the cavity in the center of a page of "*Zong! #5*"¹⁹⁶) indicates that the public perceives value in excavating and rectifying the historical record. Although the "real" story of Monticello may be inaccessible, like the lives of the drowned slaves on board the *Zong*,¹⁹⁷ imaginatively reconstructing untold histories that are part of our collective archive remains a vital endeavor, "an ode / to the ne / gro in me in you."¹⁹⁸

Appendix

The following appendix contains selections from *Zong!* referenced in this article, including the full text of *Gregson v. Gilbert*, the first page of "*Zong! #1*," a sample page from "*Zong! #5*," and the first page of "*Zong! #24*." I thank the English Department at the University of Virginia for assistance with reproducing the excerpts here.

Credit: Marlene NourbeSe Philip, Excerpts from *Zong!*© 2011 by Marlene NourbeSe Philip and reprinted by permission of Wesleyan University Press.

189 Walvin, *The Zong*, 2.

190 Saunders, "Trying Tongues," 208. The novel was subsequently published and won a Canadian Library Association prize for children's literature in 1989, in addition to several other accolades.

191 Mahlis, "A Poet of Place," 695.

192 "Slavery Era Insurance Registry Report to the California Legislature," *California Department of Insurance*, California Department of Insurance, May 2002. Web.

193 Rupprecht, "A Very Uncommon Case," 346.

194 Tim Armstrong, "Catastrophe and Trauma: A Response to Anita Rupprecht," *Journal of Legal History* 29.3 (2007): 347–56, 353.

195 K. Burnell Evans, "10 Million Gift to Help Tell the Story of Slavery, Improve Infrastructure at Monticello," *The Daily Progress*, 20 April 2013. Web.

196 *Ibid.*, 11 (reproduced in appendix).

197 Symbolized by Wale's ingestion of the love letter to his beloved Sade before perishing. *Ibid.*, 172–73.

198 *Ibid.*, 110.

Gregson v. Gilbert

GREGSON *v.* GILBERT. Thursday, 22d May, 1783. Where the captain of a slaveship mistook Hisaniola for Jamaica, whereby the voyage being retarded, and the water falling short, several of the slaves died for want of water, and others were thrown overboard, it was held that these facts did not support a statement in the declaration, that by the perils of the seas, and contrary winds and currents, the ship was retarded in her voyage, and by reason thereof so much of the water on board was spent, that some of the negroes died for want of sustenance, and others were thrown overboard for the preservation of the rest.

This was an action on a policy of insurance, to recover the value of certain slaves thrown overboard for want of water. The declaration stated, that by the perils of the seas, and contrary currents and other misfortunes, the ship was rendered foul and leaky, and was retarded in her voyage; and, by reason thereof, so much of the water on board the said ship, for her said voyage, was spent on board the said ship: that before her arrival at Jamaica, to wit, on, &c. a sufficient quantity of water did not remain on board the said ship for preserving the lives of the master and mariners belonging to the said ship, and of the negro slaves on board, for the residue of the said voyage; by reason whereof, during the said voyage, and before the arrival of the said ship at Jamaica — to wit, on, &c. and on divers days between that day and the arrival of the said ship at Jamaica — sixty negroes died for want of water for sustenance; and forty others, for want of water for sustenance, and through thirst and frenzy thereby occasioned, threw themselves into the sea and were drowned; and the master and mariners, for the preservation of their own lives, and the lives of the rest of the negroes, which for want of water they could not otherwise preserve, were obliged to throw overboard 150 other negroes. The facts, at the trial, appeared to be, that the ship on board of which the negroes who were the subject of this policy were, on her voyage from the coast of Guinea to Jamaica, by mistake got to leeward of that island, by mistaking it for Hispaniola, which induced the captain to bear away to leeward of it, and brought the vessel to one day's water before the mistake was discovered, when they were a month's voyage from the island, against winds and currents, in consequence of which the negroes were thrown [233] overboard. A verdict having been found for the plaintiff, a rule for a new trial was obtained on the grounds that a sufficient necessity did not exist for throwing the negroes overboard, and also that the loss was not within the terms of the policy.

Davenport, Pigott, and Heywood, in support of the rule. — There appeared in evidence no sufficient necessity to justify the captain and crew in throwing the negroes overboard. The last necessity only could authorize such a measure; and it appears, that at the time when the first slaves were thrown overboard, there were three butts of good water, and two and a half of sour water, on board. At this time, therefore, there was only an apprehended necessity, which was not sufficient. Soon afterwards the rains came on, which furnished water for eleven days, notwithstanding which more of the negroes were thrown overboard. At all events the loss arose not from the perils of the seas, but from the negligence or ignorance of the captain, for which the owners, and not the insurers, are liable. The ship sailed from Africa without sufficient water, for the casks were found to be less than was supposed. She passed Tobago without touching, though she might have made that and other islands. The declaration states, that by perils of the seas, and

contrary currents and other misfortunes, the ship was rendered foul and leaky, and was retarded in her voyage; but no evidence was given that the perils of the seas reduced them to this necessity. The truth was, that finding they should have a bad market for their slaves, they took these means of transferring the loss from the owners to the underwriters. Many instances have occurred of slaves dying for want of provisions, but no attempt was ever made to bring such a loss within the policy. There is no instance in which the mortality of slaves falls upon the underwriters, except in the cases of perils of the seas and of enemies.

Lee, S.-G., and Chambre, contra. — It has been decided, whether wisely or unwisely is not now the question, that a portion of our fellow-creatures may become the subject of property. This, therefore, was a throwing overboard of goods, and of part to save the residue. The question is, first, whether any necessity existed for that act. The voyage was eighteen weeks instead of six, and that in consequence of contrary winds and calms. It was impossible to regain the island of Jamaica in less than three weeks; but it is said that [234] other islands might have been reached. This is said from the maps, and is contradicted by the evidence. It is also said that a supply of water might have been obtained at Tobago; but at that place there was sufficient for the voyage to Jamaica if the subsequent mistake had not occurred. With regard to that mistake, it appeared that the currents were stronger than usual. The apprehension of necessity under which the first negroes were thrown overboard was justified by the result. The crew themselves suffered so severely, that seven out of seventeen died after their arrival at Jamaica. There was no evidence, as stated on the other side, of any negroes being thrown overboard after the rains. Nor was it the fact that the slaves were destroyed in order to throw the loss on the underwriters. Forty or fifty of the negroes were suffered to die, and thirty were lying dead when the vessel arrived at Jamaica. But another ground has been taken, and it is said that this is not a loss within the policy. It is stated in the declaration that the ship was retarded by perils of the seas, and contrary winds and currents, and other misfortunes, &c. whereby the negroes died for want of sustenance, &c. Every particular circumstance of this averment need not be proved. In an indictment for murder it is not necessary to prove each particular circumstance. Here it sufficiently appears that the loss was primarily caused by the perils of the seas.

Lord Mansfield. — This is a very uncommon case, and deserves a reconsideration. There is great weight in the objection, that the evidence does not support the statement of the loss made in the declaration. There is no evidence of the ship being foul and leaky, and that certainly was not the cause of the delay. There is weight, also, in the circumstance of the throwing overboard of the negroes after the rain (if the fact be so), for which, upon the evidence, there appears to have been no necessity. There should, on the ground of reconsideration only, be a new trial, on the payment of costs.

Willes, Justice, of the same opinion.

Buller, Justice. — The cause of the delay, as proved, is not the same as that stated in the declaration. The argument drawn from the law respecting indictments for murder does not apply. There the substance of the indictment is proved, though the instrument with which the crime was effected be different from that laid. It would be dangerous [235] to suffer the plaintiff to recover on a peril not stated in the declaration, because it would not appear on the record not to have been within the policy, and the defendant would have no remedy. Suppose the law clear, that a loss happening by the negligence of the captain does not discharge the underwriters, yet upon this declaration the defendant could not raise that point.

Rule absolute on payment of costs.

Zong! #1

w w w w a wa
 w a w a t
 er wa s
 our wa
 te r gg g g go
 o oo goo d
 waa wa wa
 w w waa
 ter o oh
 on o ne w one
 w o n d d d
 ey d a
 dey a ah ay
 s one day s
 wa wa

Masuz Zuvena Ogunsheye Ziyad Ogwambi Keturah

of

water

day one ...

for sustenance

water

day

one ...

one day's

water

day

one ...

sour

water

day

one ...

three butts good

of voyage

(a month's)

Thandiwe Lukman Sabah Liu Sikumbuzo

Zong! #24

evidence

is
sustenance
is
support
is
the law

the ship

is
the captain
is
the crew

perils

is
the trial
is
the rains
is
the seas
is
the currents

jamaica

is
tobago
is
islands

the case

is
murder

Kenyatta Mesi Nayo Yooku Ngena