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Can Trauma be Told? Juridical Discourse and Affect in Vanessa Place's *Statement of Facts*

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Abstract

A poet and an appellate criminal defence attorney specialising in sex crimes, Vanessa Place reproduces the evidence of rape crimes presented during trials in *Statement of Facts* (2010). At the heart of these trials lies a trauma that legal language seeks to convey. Drawing on Jean-François Lyotard's concepts of the differend (*différend*) and litigation, I ask if the documentary poem represents the traumatic event or if it simply reproduces legal language. I propose that the discourse of the law fails to account for trauma because of a mismatch between the forms of language required to establish facts in a court of law and the traumatic event itself. Yet, the transformation of this language into a poem makes it possible to indicate this mismatch while at the same time bringing the unspeakable violence of the traumatic experience to the surface of the text as read by the poet.

Vanessa Place's *Statement of Facts* (2010) comprises statements of facts presenting the evidence of sex crimes. An appellate criminal defence attorney who specialises in sex offenders and sexually violent predators, Place reproduces the statements of facts as presented by her during trials. Such an approach has not failed to arouse a great deal of controversy: Place's choice of presenting the statements without stating her position on the subject has given free rein to the inventiveness of critics to establish the meaning of such a transposition. This essay will not, however, attempt to address the ethical problems of Place's mode of poetic exhibition. It will focus on what *Statement of Facts* is about, rather than the polemical question of its author's position on rape, or lack thereof. In other words, the central problem is a *referential* one. The text as presented at the trial takes the rape scene as a reference: Place, as a lawyer, has to present the facts to the judge. However, as a defence lawyer,

Place proposes statements of facts that are never completely neutral: the challenge is to mitigate the severity of the sentence previously handed down to her client. Even in court, then, the question of how to formulate the traumatic event is problematic, insofar as the purpose of the trial is to rule on what happened. The situation becomes more complex when these statements are published in a collection of poetry, which leads to a blurring of its relationship to its referent: as the text is decontextualised, the question arises as to what it now refers and, above all, what it means. The reader may then choose between three possible interpretations of the nature of the text's referent. Firstly, each case of sexual assault may refer to a specific scene of aggression, which would make the poems representations of the traumatic event. But if that were the case, the reader wonders why Place has copied the legal document as it is, as this practice serves to create further distance between the reader and the scene itself as it draws attention to the context for which the text was written, the court room. Secondly, the poem can be interpreted as a representation of the legal language *per se*, so that the reading of the poem is an examination not of the event itself but rather of the language produced around that event. Thirdly, more radically, the transcription could be read as a reproduction of nothing, the challenge being for Place to present language as such, without critical distance or meaningful intent. Yet, if the third interpretation is the right one, the reader does not understand why the text has such a striking effect. Indeed, trauma seems to reappear in a more obvious way the moment the text refuses to refer to reality. In short, there is a conflict between, on the one hand, a traumatic event and, on the other hand, its transcription into a legal discourse.

Relying on the concepts developed by Jean-François Lyotard in *The Differend*, the hypothesis I defend is that Place's text questions the possibility for legal language to account for trauma. For Cathy Caruth, following Freud's seminal work in *Beyond the Pleasure Principle*, trauma can be defined as a wound of the mind. An event "is experienced too soon, too unexpectedly, to be fully known and is therefore not available to consciousness until it imposes itself again, repeatedly, in the nightmares and repetitive actions of the survivor" (Caruth 4). The brutal event that assails the subject destroys his or her capacity to rise to the rank of a speaking being, capable of mastering their discourse. He or she collapses and is incapable of talking about the event as a fact like any other. Because the experience is still alive in the subject's mind, one cannot find the words to say it. However, in the face of trauma, law intervenes, summoning the victim to speak: from the point of view of law, silence is intolerable, it is necessary to state clearly and simply the facts of the

aggression in order to relate them to the appropriate legal categories and rule on the legality or illegality of the facts. The problem posed by the poetic text is then the following: should we respect the trauma by refusing law's process of symbolisation under the pretext that this conversion risks betraying the traumatic experience, or is it not rather necessary to use legal language to give the trauma form and find a way of resolving it? My hypothesis is the following: the discourse of law fails to account for trauma because of a mismatch between the forms of language required to establish facts in a court of law and the traumatic event itself. Yet, the transformation of this discourse into a poem makes it possible to point out this mismatch while at the same time bringing to the surface of the text as read by the poet the unspeakable violence of the experience. Paradoxically, the experience of the victim is expressed in a statement of facts that has crafted a symbolisation of the traumatic event to suit the needs of the defence of the suspected perpetrator.

Vanessa Place's work draws on the legacy of Charles Reznikoff's objectivism, notably through the reuse of trial documents. However, unlike Reznikoff's writing in *Holocaust* or *Testimony*, Place does not suppress the information about the context of enunciation, but explicitly refers to the origin of the documents that her statement of facts draw on (Carmody, 2008). This is demonstrated by the curious numbers in brackets that dot Place's poems, such as the following: "(RT 2:1838-1840, 2:1851-1852, 2:1869)" (*Statement*, 2010, 9). These refer to the police reports containing the interrogations of the persons involved in the case. Place thus indicates the conditions under which the facts were produced, their archival references and the nature of the institutions that collected them. The difference between technical and poetic language is abolished. Yet the lay reader may not necessarily know what "RT" stands for, which contributes to creating the impression that the text is not a straightforward representation of the scenes described.

The challenge for documentary poetry is to become a ready-made that wrings eloquence's neck by presenting a cold linguistic object, a real reproduced without sublimation. In Place's case, this goal is achieved by way of a legal text, which recounts the 'facts' of an aggression in the manner of a report. The text is simply reproduced, not invented—the same words that once had legal value are now presented to the reader. However, Place does minimally modify certain facts: she changes names so that the victims may not be known. Place's writing/transcription is not intended to be representational: the scene of the events is replaced by the very text that Place, in her article "The Death of the Text: Kenneth Goldsmith at the White House" (2011), qualifies as follows: "Better than best, it is nothing more than dumb

materiality, a mute object that can serve, like other hunks of stuff, our man-made [sic] need for talismans.” The text is reduced to a thing that refers to nothing, that has no meaning that transcends it, an indeterminate object, without a background, hollowed out of all metaphorical power. It says nothing, but contents itself with being on a plane of pure immanence.

Nevertheless, the text is not dead. As an indeterminate object, it requires the intervention of the reader and in return acts upon him or her: “In other words,” writes Place, “the text says nothing but what is fed through it. The text is machine, not mirror. In this sense, text is screen: not a mirror of us, but for us, and thus, us for it” (*Death*, 2011). A brief excerpt from the first statement of facts shows how such a process is at work:

Appellant never asked Ben if he wanted to have sex. Ben had sex with appellant “out of curiosity.” After Ben saw appellant ejaculate, Ben returned home. (RT 2:1838-1840, 2:1851-1852, 2:1869) Ben’s mother Madison was on the porch; she asked Ben where he had been, and he eventually told her. She became upset, he embarrassed. (*Statement*, 9)

The coldness of the words does not obviate the horror of the event. The text does not just stand there, something is going on. This text, which was first read in court during a trial and which served to establish the facts of the event, does not fail to arouse a reaction of horror in the reader. But this emotional reaction is paradoxical: an anti-aesthetic impulse obviously animates the discourse. Taken out of its original context, the text is grey, the discourse is factual. What Christine Buci-Glucksmann calls “disaffection” (*désaffect*) permeates the text (1998). Indeed, the poet prevents a relationship with the victim built on pathos. In this respect, this recalls the programmatic verse of Place’s poem “No More” (2013): “No more songs of raw emotion, forever overcooked.” And yet the violence of the scene, despite its cold and objective transcription, animates the text. Does this mean that the discourse of the law manages to adequately account for the traumatic experience? Before analysing Place’s poetic practice of the legal text, it is first necessary to explore how Lyotard conceives the traumatic experience which, according to him, is similar to what he calls the phrase-affect. I will then show how the legal text fails to phrase this experience.

The first important element that characterises the phrase-affect is that it is the only manifestation of pleasure or pain. It concerns pleasure or sorrow that is felt without these sensations being related to any cognitive representation. In other words, the pain is so intense that I cannot associate it with a cause or an image that would capture it. There is only pain. The affect is not there for anything other than itself. It says only one thing: that it is there.

Such an affective experience makes it difficult for it to be associated clearly with an event, and therefore to be attached to a witness account. If what defines a witness is to say 'I saw this' or 'I heard that,' that is to say, to relate to something at a distance, then this kind of affect cannot bear witness. The pure experience of affect, which refers to nothing other than itself, bears witness to nothing except its mere appearance. The affect that arises does not say from where it comes, what it results from, what it means. As Lyotard notes:

The affect as an 'effect' of excitement is there, but it is not there for anything other than itself. This is what makes it both irrefutable and insufficient as a witness. It 'says' only one thing: that it is there. (*Misère de la philosophie*, 73, my translation)¹

The affect is there, much like the sensation left by a blow to the face that came out of nowhere and destabilised the subject. The phrase-affect would then be the mark of this blow, an experience of pure pain, one that represents absolutely nothing.

This leads us to the second definitional element of the phrase-affect, namely its ghostly temporality. The affect, as we have seen, is difficult to represent: it simply overwhelms the subject. But if I cannot represent it and thus identify it, then I cannot even know if it repeats itself in time. The case of Emma Eckstein, analysed by Freud in his *Entwurf einer Psychologie* and then reworked by Lyotard, has a paradigmatic value here. Emma was abused at the age of eight, but this trauma, which led to crises in adulthood, was repressed. As Lyotard notes, if the subject was affected at a certain age, and if the subject could not picture the event because of the emotional force at work, then how do we know that it is the same affect that comes back to haunt the subject years after the shock? The affective excitement introduced into the subject at a young age was not linked to representative formations, either conscious or unconscious. Or, to use Lyotard's words:

The psychic apparatus did not have the means to 'ward off excitement'. It was thus affected without being able to represent (itself) this affection, that is to say, in good Freudian doctrine without being able to control and 'liquidate' it. ² (*Misère de la philosophie*, 73, my translation)

Hence the paradox of this affect: its repetition is always an initiation; it always comes back to haunt the subject but it is never identical to itself.

The place of the phrase-affect in Place's text is then problematic. Does legal language produce sentences that are identical to phrases-affect? Let us return to the text: "Ben's mother Madison was on the porch; she asked Ben where he had been, and he eventually told her. She became upset, he embarrassed." Clearly, there is affect in the text: it says that Madison is "upset"

and Ben is “embarrassed.” On one side, the phrase-affect is an experience of pain; on the other, the legal text talks about the pain in the victim who is Ben. But a comparison between the phrase-affect and the expression of pain in the legal text reveals a discrepancy: the phrase-affect *is* pain, while the legal text *speaks of* pain. The legal text of the statements of facts is built on a referential depth: Ben’s pain is spoken of as something distant, it is referred to. Moreover, we are talking about an affect that is now fully defined: according to the statement of facts, Ben’s affect is ‘embarrassment’ and not an unspeakable affect. It appears that the legal text refers to the traumatic affect in a conquering manner: on the one hand, the statement of facts hastens to reduce the affect to embarrassment, i.e., to determine it, whereas the phrase-affect is opposed to any attributive determination. On the other hand, the statement of facts relates to experience from the standpoint of knowledge: the law determines the facts, as is made evident by the brutally simple phrase “She became upset, he embarrassed.” Legal discourse thus encourages the transformation of the real, which is brutal and resistant to symbolisation. In the reproduction of legal discourse in Place’s poetry, trauma is summoned to appear by the observation that the simple and reductive form of the fact constitutes the outline of an infinitely expansive event. “Appellant never asked Ben if he wanted to have sex”: the fact is now obvious. By placing the reader at a distance that allows for the violence to be observed, we find ourselves facing reality and not in it, overwhelmed by the affect.

Secondly, Place’s text does not respect the temporality of the phrase-affect. As the phrase-affect happens but is not associated with a representation, it is impossible to identify the phrase-affect through time. This is because the affect does not repeat itself and is constantly renewed in a chaotic manner. In contrast to this mode of deregulated resurgence, temporality in the legal text is based on permanence and regulated succession. The legal text presupposes the permanence of the actors: the initial “Ben” remains the final “Ben.” This, of course, minimises the disruptive force of traumatic affect: in the meantime, the aggression has taken place, which may have resulted in the subject being dislodged from their identity. Moreover, the legal text restructures the event so that it obeys the rules of succession: it links up the facts, puts them in order, and thus masters the chronology. This also poses a problem—when Place writes: “She asked Ben where he had been, and he eventually told her”, “eventually” signals only a stretch in time, not the shattering inscription of trauma in the psyche. The temporality of the succession seems to indicate that nothing happened in the gap between the moment when the mother asks the question and the moment when Ben says

what happened. The mastery of temporality through the regulated use of succession does not, therefore, make it possible to account for the pure affect that invades the subject “Ben.” There is a discrepancy between the order of succession and the pure present of the affect that the legal text gets rid of by placing the event within a chronology.

It appears that the trauma, which could have appeared in the form of a phrase-affect, is forced to transform itself so as to enter into legal discourse. Everything happens as if the language of law, by giving precedence to factual referentiality and regulated succession, does not respect the trauma’s mode of expression. To describe this problem, Lyotard specifies two concepts: differend (*différend*) and litigation. The differend is characterised as “a case of conflict, between (at least) two parties, that cannot be equitably resolved for lack of a rule of judgment applicable to both parties” (*Differend*, xi). When language freezes, a feeling of discomfort is born in the speaking subject: one cannot find one’s words, one hesitates; the language one uses cannot account for what is happening, because “something which must be able to be put into phrases cannot yet be” (*Differend*, 13). Thus, the differend is a case of conflict between two ways of phrasing, one not being a substitute for the other. Quickly the differend, the uncomfortable state of hesitation, becomes a litigation. Litigation, as opposed to differend, is a case of conflict between two languages, where one can be substituted for the other: no matter if something refuses to be named and persists in silence, litigation brings together the two opposing parties through the use of universal language.

When dealing with trauma, does Place’s text constitute a differend or a form of litigation? As the analysis of the legal text’s relationship to the phrase-affect has shown, the law, in its claim to settle a differend between its mode of discourse and that of the phrase-affect, gives rise to a litigation. The law (or Place’s poetic ready-made) produces metadiscursive domination: the way the law expresses itself in the trial prevents certain traumatic events from manifesting themselves. The law silences the traumatic affect—something cannot be said. Legal discourse offers the possibility of indicating a traumatic event, but paradoxically it is also what removes the possibility of having the entire harm suffered recognised. The phrase-affect is phrased in a language that is not its own. On the one hand, there is the affect that refers to nothing but itself and a pure present in time; on the other hand, there is the affect named and categorised by the law and situated within a chronological sequence at the service of the correct restitution of events.

This situation of litigation produces what Lyotard calls a wrong (*tort*): “A wrong results from the fact that the rules of the genre of discourse by which

one judges are not those of the judged genre or genres of discourse" (*Differend*, xi). What is the effect of this discrepancy between the two ways of phrasing? "This is what a wrong would be: a damage accompanied by the loss of the means to prove the damage" (*Differend*, 5). In other words, not only does legal language not respect the traumatic event, but it also makes it impossible to provide evidence that the event happened, that is, to prove it happened before a court of law. The formulation of trauma in legal language leads to a double bind which Lyotard formalises as follows: "Let p be: you are the victim of a wrong; $not\ p$: you are not; Tp : phrase p is true; Fp : it is false. The argument is: either p or $not\ p$; if $not\ p$, then Fp ; if p , then $not\ p$, then Fp " (*Differend*, 5). In the "Ben" case, this structure of the double bind may be translated as follows: if there is no trauma, then it is wrong to say that there is trauma; if there is trauma, then it is wrong to say that there is trauma. This last sentence, which is contradictory, can be explained by the gap between the kind of discourse by which trauma is judged, which is based on the primacy of the referent, and the kind of discourse that is judged, namely the phrase-affect. In the form of the phrase-affect, the trauma manifests itself without being designated; in the form of factual discourse, the trauma is taken as the referent of the sentence. Therefore, if there is trauma (in the form of a phrase-affect), then it is wrong to say that there is trauma, because the language of law cannot respect the absence of referentiality that defines the phrase-affect. From the law's perspective, if there is no reference to trauma, then there is no trauma, and yet this is the essence of the phrase-affect: not to become an object of discourse. Conversely, when the language of law, as in the case of Ben, transforms the event by making it the referent of discourse, it no longer respects the mode of appearance of the trauma in the form of the phrase-affect and thus causes it harm. It is therefore precisely by seeking to define the traumatic event through legal language that one loses the means of proving the trauma through the expression of the phrase-affect.

At this point, it would seem that Place's *Statement of facts* evacuates the phrase-affect in favour of the cold and scientific restitution of events. One may be tempted to assert that the poem is no longer the locus of the trauma. It would then present itself in only two ways: either *Statement of Facts* is a dead linguistic object waiting for meaning to be produced by the reader, or it is the locus of criticism of the way the police and the adversarial court system shape the narrative of events. The latter option is a powerful interpretation: faced with the reproduction of police report transcripts, the reader would find themselves in a complex situation since they can only access the scene via the police reports and their interpretation by the defence lawyer. Therefore,

believing in the truth of the event simultaneously implies partial adherence to the discourse of power that shapes the way things are supposed to have happened. However, if one is wary of the truth content automatically attributed to a discourse emanating from the authorities, then reciprocally the truth of the event can be questioned (Zultanski, 2012). Though the two options outlined above are not the same, they nonetheless share a common point: the traumatic event itself is withdrawn from the reader, either absolutely, when the referential structure of the text is removed, or relatively, when the reader is forced to rely on the discourse of the police and the defence lawyer, despite his or her reluctance to acquiesce to this discourse. A question then arises: if the trauma is indeed present in statements of facts, would it not rather be in the presentation of these facts by the prosecution? Being on the side of the victim, the prosecutor, even if they must present the facts in the most objective way possible, cannot fail to insist on the pathos of the scene. The objectivity of the statement of facts is already part of a rhetorical strategy of persuasion and not a simple demonstration of a debated reality. On the contrary, one might be tempted to think that the defence's presentation of the facts would seek to minimise the facts, to highlight the contradictions in the victim's assertions. Thus, Place's statements should be the mode of discourse least capable of presenting the violence at work. However, I will now defend the opposite hypothesis: paradoxically, despite the text's structure which makes empathy with the victim difficult, the trauma does indeed manifest itself. Trauma is present in the text despite the conflict between the phrase-affect and the legal discourse. So where is it?

So far, we have overlooked a fundamental aspect of Place's artistic practice: the poet does not simply transcribe statements of fact, but also performs her poems by reading them in front of an audience. The text takes on flesh, it gains volume, it resonates in a room rather than remaining a cold and lifeless linguistic object anchored to the page. May we then say that when a text of law has a voice, the affect that is driven out of the door comes back in through the window? Let us now listen to the voice of Place, and try to hear the phrase-affect. Place reads *recto tono* during her public performances. It is these performances in particular that provoke strong reactions among the spectators. The indignation and shock of the audience, especially in the USA, is the result of the poet's refusal to declare herself explicitly in favour of the victim of the attacks. Worse still, Place, as a lawyer, defends those accused of rape. So the audience gets angry and worried. Why doesn't she defend the victim? Why does she stay so distant from the scene of violence? Why is she defending rapists? Could she even be in favour of rape? Place's performances

are thus disturbing and could be read as sign of a fundamentally immoral attitude of indifference towards the victims' pain. Consequently, the members of the audience want her to take a stand. Given the sensitive content of the poems, the critic and poet Juliana Spahr asked Place to take a stand on her work by asking what Place's intention was in making poetry from legal documents (2010). Place's refusal to answer is not, however, a sign of weakness, for it is a deliberate choice: she explicitly refuses to 'curate' the experience of the listeners, she does not seek to gain their approval by advocating for a moralising discourse against rape. She decides to leave the audience alone with the legal text.

Of course, one should be wary of Place's explicit intents: her intention to not curate the experience of the listeners is not matched by what happens. She does curate the experience because she modifies and reframes the text. Moreover, she curates the space and the room with her dark clothes, her heavy make-up, her grim figure. By not dressing up as a lawyer at trial, she is throwing in relief the fact that the text is decontextualised. Her curatorial stance is thus negative: she is not saying what her text is and what sort of reactions the listeners should have; she is indicating that her text is no longer what it was.

But is it only the legal text that resonates while Place reads her work? That people take offence at the poet's practice by calling it immoral, by saying that it is not sufficiently on the side of the victims, reveals that something other than the law speaks in the text. The performance of the verbatim transcript does not imply the presence of the legal text alone. Indeed, the voice of Place carries the phrase-affect that disappears when one just reads the text. This assertion will not fail to surprise: how is it that by simply reading aloud a legal text in public Place makes the phrase-affect reappear even though this reading does not add new sentences to the legal text from which the phrase-affect was absent? The text remains the same be it read silently or recited aloud, so why does the phrase-affect suddenly appear on stage when the poet's voice is heard?

Through the voice, which Lyotard, taking up Aristotle's concept (1932, 11), calls *phonè*, we learn something about the mode of appearance of the phrase-affect. The *phonè* is not an articulated sentence, with a subject, a verb, a complement, but emerges between the lines of the text. It is not a repressed level of articulated discourse, a set of pre-constituted sentences in the shadow of rational sentences; rather, it is a force that comes to disarticulate the articulated sentences and is lodged in the very heart of the latter. *Phonè* is not expressed by any text other than the text itself—and yet it is not confused with

this discourse. Lyotard clarifies this point by describing the phrase-affect as a “mute speech”:

The voice is deaf, even dumb (silence is a voice). It can sound with all the tones that connote, in Indo-European, the root *mu* (*mut*), which indicates the sound obtained by closed lips: *to moan*, *to mutter*, *murmeln*, *murmurer*, *mugir* (in French, even the word for word, *mot*, comes from this root, *muttum*). The voice is choked up, it explodes, it is blank, it whines, sighs, yawns, cries, it is thin or thick. (*Voices*, 1992, 130)

Mute speech, or the silent communication of affect, is that which does not proceed by regulated articulation of sounds: one does not distinguish discrete sounds, one does not say anything, but one hears the voice. At the heart of the “word,” there is the disarticulation of speech. Paradox of the phrase-affect: in regulated speech lies mute speech that expresses itself. We can therefore distinguish what comes under the *lexis*, i.e. the poetic text, which is readable and composed of articulated sentences, and the *phonè* which is the voice of Place, reading the poem. But what in Place’s voice expresses the trauma?

The phrase-affect was defined as a force that disrupts the chronological sequence in that it appeared in a new form each time through time. We need only look at the multiple reactions to Place’s public readings to understand how the phrase-affect emerges in the voice. Reading *Statement of Facts* in public provokes anger, anxiety, sometimes laughter; it can even provoke these reactions in the same individual in the space of a few minutes as the reading progresses. The unspeakable affect, at the heart of the text that indicates trauma, invades the room where the performance takes place and gives rise to a variety of reactions. What the law cannot say comes to inhabit the audience, provoking various reactions that are the jolts of the phrase-affect.

Moreover, Place’s voice while reading is disturbing and difficult to define: it does not speak lightly as if it were conversing with the audience, nor does it seek to be serious as in a tragedy. No character is attached to her voice: is it a magistrate reading the statement of facts? Is it the victim who speaks again? Is it simply Vanessa Place reading her notes? It is this ambiguity that troubles Place’s opponents: they want the phrase-affect to come from somewhere. More precisely, they want the victim to speak and declare that the affect is theirs. Now this ambiguity of the identity of the speaker is once again the sign of the silent presence of the phrase-affect: the very nature of affect is to be non-locatable, to be here and there, to pass from one body to another, to communicate by transmuting itself. There is trauma, but we know neither where it comes from, nor what it means, nor to whom it belongs. No character manages to claim it because the force of the trauma is to destroy the speaking

subject. However, the situation is different when Place submits the statement of facts to the court. In this case, the addressor is obvious (the lawyer) as well as the addressee (the judge).

The analysis of the unspeakable nature of Place's voice leads to the last point: the absence of intonation or emphasis has the consequence of muting the narrativisation of the scene. In other words, it is not a question of reproducing the events in the manner of a storyteller. On the contrary, the poet's voice does not refer to anything, it vibrates, it is content to be there. Of course, it is possible for the voice to serve as an instrument of communication by transmitting messages, but in the case of Place's performances, we listen to it for itself, because it does not open onto an elsewhere. It is in this sense that Place's voice is the affect: the voice "is identical to an affect, which is wholly what it is, with one fell swoop the state of the *psukhè* and the signal of this state. The *phonè* is the affect insofar as it is the signal of itself. The affect is its immediate manifestation" (Lyotard, *Voices*, 130). Trauma is not what is talked about, but what is heard. This puts paid to the all too obvious distinction between the pure text that refers to nothing and the traumatic event that should be accounted for. It is precisely by refusing to be the victim's spokesperson that Place manages to make the trauma manifest in the public readings of her texts. Her voice that merely resonates conveys the affect that resists being taken as the object of discourse.

Is then Place's voice necessary in order to bring about the strange presence of affect? The poet, as she performs the text, takes on the role of affect transmission. Consequently, if someone performed or read in a different manner, then the characteristics of the phrase-affect might not be found in the new voice: if it were the victim reading the text, then the pain and the subject of the pain would be locatable. A process of identification with the victim would begin. What happens, however, when we simply read the text, when it is not embodied by the poet or by someone else's voice? A silent reading first combines disbelief and horror. We are intrigued by what is happening in the scene as we try to decipher the meaning of the numbers that interrupt almost every sentence. Thanks to the report transcripts we do our best to reconstruct the event even though these transcripts also block direct access to the scene. As we approach the scene a feeling of horror starts to develop, and yet simultaneously a sense of disbelief grows. As the cases accumulate, the violence becomes increasingly abstract. Victims become substitutes for one another, to the point that their proper names no longer matter. The effort to grasp the events behind their perhaps deceptive transcriptions is gradually replaced by an almost hypnotic state, into which the reader is lulled by the

numbers in the report transcripts. A new distance from the event is thus highlighted: it is no longer the distance caused by the double refusal to dramatise what has taken place and to identify the spectator with the victim, but a distance caused by boredom alone. Place's monotonous voice becomes that of the bored reader. Unlike a public performance, however, the inner reading can very easily be interrupted. You can certainly leave the room when Place is performing, but it is always easier to put the book down. Thus the inner reading consists of a contingent and temporary relation with the event, whereas attending a performance is a commitment to stay with the scene.

The question arises, however, if internal reading and listening differ *toto coelo*. In many ways the reading by Place resembles the inner voice of the bored reader: it is not only the monotony that unites them, but also the fact that the bored inner voice may form an efficient conductor for the phrase-affect. First, boredom, like the phrase-affect, blurs all linear temporality: time is no longer marked by breaks or succession, but consists of the repetition of a single event. Second, boredom leads to a major operation of desubjectivation: the profound boredom caused by the repeated reading of numbers consists of self-forgetfulness. The reader is no longer a subject who stands in front of the textual object in the position of an interpreter seeking to decipher the mystery of the text. They remain on the surface of the words, without plunging further into what is said, and in doing so, they forget themselves by being carried along by the flow of words that have ceased to designate a worldly event. This experience of the disappearance of the self is similar to that which occurs in the experience of the phrase-affect. Let us note that it is by no means a question of saying that the traumatic experience is an experience of boredom, but of underlining the common points they share. Thus, even when Place is no longer performing, her mode of reading, characterised by the *recto tono*, is heard in the inner voice of the reader. Silently, we ourselves perform the phrase-affect.

Is then *Statement of Facts* a case of differend or litigation? Litigation, according to Lyotard, is a case where two languages merge because one takes away the other's speech by imposing a certain way of speaking. The differend consists, on the contrary, in testifying in one language about the existence of another language: this testimony is based on the feeling of lacking the words necessary to speak, of not being able to say what is spoken elsewhere. At first glance, Vanessa Place's text strongly resembles a case of litigation: the phrase-affect is neutralised as soon as the law speaks of trauma, establishing facts and placing them within a chronology. By indicating the trauma, the law forfeits it. However, the public reading of these legal texts brings to the surface the

phrase-affect that emerges between the lines, like a vibration emitted by the traumatic event. Thus, when law is read, decontextualised, rendered poetic by the reproduction of the legal text, it falters; it admits that it cannot say everything. In other words, Place's voice is a sign that there is a difference between the language of law and the phrase-affect.

The initial question was the following: is it necessary to keep silent about the traumatic experience given law's inadequate symbolisation of the event or should we nevertheless designate trauma in order to repair, thanks to law, the damage caused? *Statement of Facts* offers three complementary answers: first, it is necessary to underline the inadequate symbolisation of the event, and this is made possible by reproducing verbatim legal discourse. Second, the traumatic event is nevertheless not lost behind this discourse—if one listens to the text, then the phrase-affect reappears along with the horror and violence of the event. Last, the reappearance of the phrase-affect (*phonè*) is only possible because of the existence of legal discourse (*lexis*) through which it is transmitted.

Place's poetry has a complex relation with the law. On the one hand, the law cannot perfectly represent trauma. On the other, even though the law is necessarily inadequate, it is considered a lesser evil: even if the symbolisation of the event constitutes a betrayal, at least the event is exposed as a fact. It is no longer nothing. The legal outcome is not a subjective reparation of the victim, which is rather the task of therapeutic work, but the possibility of punishment of the criminal in order to restore order in society as a whole. In this sense, the law is like a measuring and calculating instrument: it identifies facts, relates them to a norm, and orders a punishment. Place's poetry therefore engages in two seemingly contradictory actions: underlining the impossible symbolisation of the event while defending the necessity of this symbolisation. The law is neither sacralised nor desecrated: by reframing juridical texts, the inadequacies of law are thrown into relief without leading to the complete destruction of the juridical mode of representation. The following dilemma is thereby avoided: if one dogmatically defended the law then one would be blind to its inadequacies; if one remained violently sceptical as to law's capacity to define a traumatic event then one would have to abandon the possibility of any form of punishment. Instead, *Statement of Facts* offers a poetic method for criticising the law while remaining within it.

¹ «L'affect comme 'effet' d'excitation est là, mais il n'est pas là pour autre chose que lui. C'est ce qui fait à la fois son irréfutabilité et son insuffisance, comme témoin. Il ne 'dit' qu'une chose : 'qu'il est là'.»

² l'appareil psychique n'a pas eu les moyens de 'parer à l'excitation.' Il a donc été affecté sans pouvoir (se) représenter cette affection, c'est-à-dire, en bonne doctrine freudienne, sans pouvoir la contrôler et la 'liquider.'

Works Cited

- Aristotle. *Politics*. Trans. H. Rackham. Cambridge: Harvard UP, 1932.
- Buci-Glucksmann, Christine. "Du désaffect dans l'art contemporain: une beauté d'indifférence ?" *Rue Descartes*, 21 (1998), 25-34.
- Carmody, Todd. "The Banality of the Document: Charles Reznikoff's *Holocaust* and Ineloquent Empathy." *Journal of Modern Literature*, 32.1 (2008): 86-110.
- Caruth, Cathy. *Unclaimed Experience*. Baltimore: Johns Hopkins University Press, 1996.
- Freud, Sigmund. *Beyond the Pleasure Principle*. Trans. by J. Strachey. New York: Norton, 1961.
- . "Entwurf einer Psychologie." in M. Bonaparte, A. Freud and E. Kris (eds.), *Aus den Anfängen der Psychoanalyse*. London: Imago Publishing Company, 1950.
- Lyotard, Jean-François. *The Differend: Phrases in Dispute*. Trans. G. Van Den Abbeele. Manchester: Manchester UP, 1988.
- . *Misère de la philosophie*. Paris: Galilée, 2000.
- . "Voices of a Voice." *Discourse*. Trans. G. Van Den Abbeele. 14 (1992): 126-145.
- MacMahon, Fiona. "Vanessa Place and the Performance of Verbatim." *Textes et contextes*, 14.1 (2019).
- Murat, Michel. "Uncreative Writing, Close Reading? À propos de Vanessa Place et Kenneth Goldsmith." *Itinéraires*, 3 (2017).
- Place, Vanessa. *Statement of Facts*. Los Angeles: Insert Blanc Press, 2010.
- . "The Death of the Text: Kenneth Goldsmith at the White House", *Poetry*, May 2011. Available at: <https://www.poetryfoundation.org/harriet/2011/05/the-death-of-the-text-kenneth-goldsmith-at-the-white-house>. Web. 9 July, 2020.
- . "No More", *Poetry*, March 2013. Available at: <https://www.poetryfoundation.org/poetrymagazine/poems/56142/no-more>. Web. 3 July, 2020.
- Reznikoff, Charles. *Holocaust*. Los Angeles: Black Sparrow Press, 1975.
- Spahr, Juliana. "Couldbeotherwise.blogspot.com", 18 June 2010. Available at: <http://could-be-otherwise.blogspot.com/2010/06/response-from-marjorie-perloff.html>. Web. 3 July, 2020.