

# The Feelings Of Concrete

Mihaela Brebenel

Thank you. Thank you. Thank you.

This reflection came out of **conversation, collaboration and co-creation in the everyday**. This is the only mode of thought and **knowledge** I have directed my intention to entertain and I feel grateful for those who practice it with me. The gift of inter-dependence means I don't do anything on my own, but in the company of **gorgeous non-binary, trans, queer, disabled, neurodivergent, BIPOC folks**. I am indebted to the academics I try to be in conversation with here and I acknowledge missing many messages and nuances in the texts I have journeyed into reading.

Thank you **Arjya Gandawolf** for holding space and figuring it out, for our **generative** sharing, with love. Thank you **Sepideh Ardalani** for **cintrures** and chronic body talks, from beds and in gardens, stretching and smelling yellow mullein flowers. Thank you **Rukeya** for **somatic joys** and audio messages of **comfort**, for moving me as you do. Thank you to **Mayfield Brooks** for our exchanges in the **gathering of ghosts** and sharing with me the **Saidiya Hartman** piece, which makes up the opening to this short reflection.

## “The Plot Of Her Undoing”

“The plot of her undoing begins with the **man, the sovereign, the subject, the self-possessed, the able-bodied, the reasonable, the gendered, the neurotypical**, it begins with the vertical hierarchy of life, with the uneven distribution of death, with the announcement “I think” and “I am” and “I own” and “I will,” with the possessive my and mine, with the fore and I create, with the fee to increase, with the sanctity of property, with the map of the territory, with the deed that says get the hell out and affirms that the reins of power are in her wherever, with the **court order that declares her a quarter and a trespasser**, with the mortgage for mad people, with the eviction, with no human involved.”

But then, there is the undoing of her plot that **Saidiya Hartman** opens up towards the end of this essay. **Undoing as refusal and fire**. Undoing as a way of **figuring it out / figuring a way out** when there is no outside to the looking towards, as Fred Moten says. An undoing as refusal and much more when acquisition and extermination equate and add to the same thing, as he continues.

I would like to think here –with, to stay –with, with her as she comes through to me, with the announcements of UK law and life as it has unfolded in the past months, of these obstinately called “unprecedented times.”

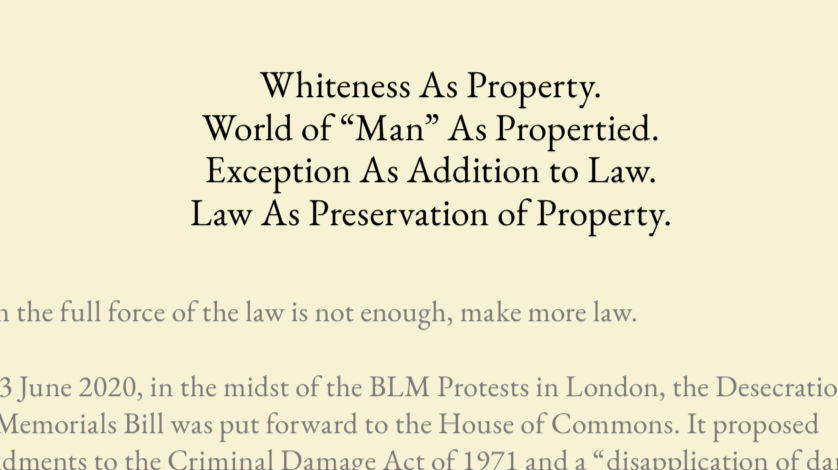
## What I Learned from Sylvia Wynter and Saidiya Hartman: Refusal and Engagement of Black Life Co-Exists with an Order of Racialized Value, Preradiated on Originary Accumulation of Value and Property

Refusal then, of this de-humanization. Refusal of refusal, one might think.

**Refusal causes friction**. With others. With objects. With law. With codes, with rules, bills, and acts. With property. I want to talk about a particular **friction between bodies and objects**. Between bodies and **property** (property as plot) in the way Hartman **un**-does it. Property as **marking**. Marked objects as **acre.d.f**.

Here, **friction is a supplement**. The response to friction – **more law**. Because the de-humanization is unseen. Because bodies are unseen. Because the concern is with refusal of the category of the human and the operation of a hand is that through which **“more” law** is made.

## Embodied Frictions



History Machine (@historymachine), photo taken by Mihaela Brebenel, June 2020.

The image shows a rainy day in Central London. You can see the backdrop of the Thames and London Eye. In the middle-ground, across a street there are two parked vans. On the right side, there is blue police van and on its side a text reads: Territorial Support Group. On the left side, there is white van with the words “Stand together” and “Black Lives Matter” spray-painted in red and in blue, respectively.

The two vans are parked facing each other. In the foreground of the image, a tree is standing, marking the space between the two vans, from the other side of the road. The image is taken from the other side of the street, from the pavement.

I have been thinking this past months about this “making more law”, as it shows in **anti-immigration law making in Europe**, through Schengen Border Codes.

Europe is bound to **Man’s (in Sylvia Wynter’s terms) legal apparatus**.

The World of Man, for Wynter, is the configuration of **hetero-masculine, white, propertied, liberal** subject produced from a **type of surplus of the human**, through exploitation, which renders anyone outside of this formation as, like **Alexander Weheliye** puts it, **“exploitable non-humans, literal no-bodies.”**

Europe is bound to (this) Man’s (in Wynter’s terms) legal apparatus.

Man’s bordering machine articulates itself in **embodied bordering practices even in non-bordering sites**, in areas where movement should be **frictionless**, given existing laws, such as the **Schengen Agreement**.

In the space of EU Law as **Racialized Assemblage**, border policing is done as if any spot were the border.

**Refusal of entry** to a territory is decided on the basis of where the border is literally drawn on the spot and through making “more law” (in this case, adding Schengen Border Codes) in spaces where the standard restrictions do not reach or apply.

It is a literal trans-lation / moving of the border. Making the border another space across the land, where it is not. Gliding it over land and bodies, maps and territories.

Another law-making creates legal states of exception and contributes to the operations of Man in the erosion of the human. It produces, to quote **Weheliye** again, **“the universalizing of exception which disables thinking humanity creatively.”**

Why this **constant enactment of refusal to think humanity creatively?**

A **dream of governance**, as **Moten and Harney** suggest.

Making **more law** to maintain A DREAM and A PROMISE.

**THE DREAM** – calculation, tabulation, measure, and **control**  
**THE PROMISE** – there is always recourse to exception by and through supplementing **law**

**Refusal of entry** through exception.  
**Refusal of application** through exception.  
**Refusal of revision** through exception.  
**Refusal and fear** of (some)bodies as human.  
**Refusal of engagement with the materiality of black, gendered, dis-abled, neurodivergent life.**

no threat to the human conceived in the world of Man, as long as exception allows to add “more law”.

It fits with the idea of Man as a type of surplus of the human.

## Whiteness As Property. World of “Man” As Property. Exception As Addition to Law. Law As Preservation of Property.

When the full force of the law is not enough, make more law.

On 23 June 2020, in the midst of the BLM Protests in London, the Desecration of War Memorials Bill was put forward to the House of Commons. It proposed amendments to the Criminal Damage Act of 1971 and a “disapplication of damage threshold for offence to be triable either way.”

## Desecration of War Memorials Bill

### CONTENTS

- 1 Amendments to the Criminal Damage Act 1971
- 2 Disapplication of damage threshold for offence to be triable either way
- 3 Interpretation
- 4 Short title, commencement and extent

Desecration of War Memorials Bill 1

### A

## B I L L

TO

Create the offence of desecrating a war memorial; and for connected purposes.

**B**EEF ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows—

- 1 **Amendments to the Criminal Damage Act 1971**  
(1) The Criminal Damage Act is amended as follows.  
(2) After section 1 (destroying or damaging property) insert—  
“1A **Desecration of a war memorial**  
A person who without lawful excuse destroys, damages or otherwise desecrates a war memorial shall be guilty of an offence.  
(3) After section 4(1) (punishment of offences) insert—  
“(1A) A person guilty of an offence under section 1A is liable—  
(a) on summary conviction, to imprisonment for a term not exceeding 12 months, or to a fine, or to both;  
(b) on conviction on indictment, to imprisonment for a term not exceeding ten years, or to a fine, or to both.”
- 2 **Disapplication of damage threshold for offence to be triable either way**  
After section 2(2)(2) of the Magistrates’ Court Act 1980 (certain offences triable either way to be tried summarily at value imposed is small) insert—  
“(13) This section does not apply to offences under section 1A of the Criminal Damage Act 1971 (desecration of a war memorial).”

- 3 **Interpretation**  
In this Act—  
“war memorial” means any physical object, including a grave or headstone, created, erected or installed to commemorate those  
Bill 144 58/1

## Desecration of War Memorials Bill

### A

## B I L L

To create the offence of desecrating a war memorial; and for connected purposes.

Presented by Jonathan Gallis, James Sanderson, Andrea Leadson, Rob Seely, Esther McVey, James Gray, Tracy Crouch, Peter Bone, Peter Clarke, Jim Shannon, Tom Tugendhat and Lee Anderson.

Ordered, by the House of Commons, to be Printed, 23rd June 2020.

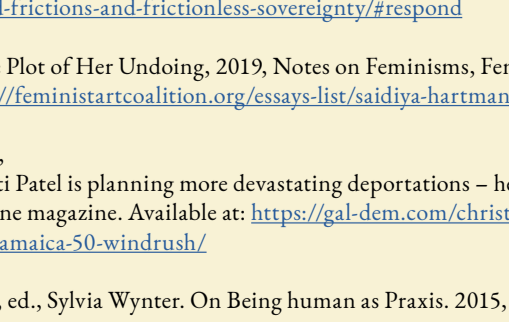
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PUBLISHED BY AUTHORITY OF THE HOUSE OF COMMONS  
Bill 144 58/1

The bill proposes to introduce a specific section in Section 1 – Destroying or Damaging Property - of the Criminal Damage Act.

The bill asks for a **New and Specific Offence** to be introduced for anyone who, “without lawful excuse destroys, damages or otherwise desecrates a **war memorial**.”

A person found guilty is liable:  
— (a) on summary conviction, to imprisonment for a term not exceeding 12 months, or to a fine, or to both;

— (b) on conviction on indictment, to imprisonment for a term not exceeding ten years, or to a fine, or to both.”



Churchill was a racist statue, photo taken by Mihaela Brebenel, June 2020. The image is a low angle shot of the statue of Winston Churchill, near the Houses of Parliament, in central London. The engraved name of Churchill has been crossed with black spray painted line and the words “was a racist” have been written in the same black spray paint below the name. The body of Churchill has a cardboard sign with the words “Black Lives Matter” strapped across the waist with cellophane. Another sign is placed at the bottom of the statue, the text not legible. Around the statue there is a group of people protesting the death of George Floyd and systemic structural racism. In the foreground there is a hand with smartphone, you can see a small image of the statue in the phone’s screen, as a photo is being taken.

The Secret Barrister showed in a Guardian article published around the time the bill was proposed [and voted for in cross-party consensus, with Labour joining in], calling for this NEW and SPECIFIC offence shows little or mis-understanding of what the law Currently says. The Criminal Damage Act already provides a legal framework for the offence of Criminal Damage and this applies to all property, including Statues and War Memorials. This offence carries a maximum sentence of 10 years custody. In addition, where a statue or a memorial are a listed building, a further offence, which carries a sentence of max 2 years can be applied. In other words, there seems to have been **no shortage** of law in this area.

However, the Secret Barrister provides an important insight. They point out that, in practice, the 10-year sentence would rarely, if ever, be imposed. And that, because in the UK, the criminal damage to property is valued in economic terms. A statue like Churchill’s is however, valued under £5000, so the offence of property damage would carry with it, if found guilty, a maximum sentencing of three months.

That is why, the bill assigned a new form of value to war memorials and statues, one that would allow for the maximum sentencing of 10 years to be applied. By introducing the definition of Desecration as “an act of disrespect including graffitiing, burning, spitting, urinating or defacing.” Escalating sentencing powers and supplementing the law would make writing “Racist” on Churchill’s statue “an act of disrespect.”

**Secret Barrister** again: “displaying **disrespect** – not even equitable damage – to an inanimate object is worthy of a higher maximum sentence than inflicting grievous bodily harm, violent disorder, theft, carrying knives, acid or offensive weapons, voyeurism, upskirting and causing death by careless driving, to name but a few offences that cause **tangible harm to real people**.”

The supplement to law is there to **protect the feelings of concrete**, as they aptly point out.

## Now We Know

**NOW WE KNOW**  
By Roger Maise

Now we know why the draft of the New Constitution had not been published before. The authors of that particular piece of hypocrisy and deception are the little men who are hopping about like mad all over the British Empire employing the real official policy, implicit in statements made by the Prime Minister from time to time.

That man of bronze succeeded in that the world never met again that he does not intend the old empire to collapse; that he does not mean to yield an inch in concessions to anyone, loses of all to people in the colonies. This man again has avoided in open parliament that in no many words, that we are fighting for is that England might retain her exclusive prerogatives in the conquest and enslavement of other nations, and that she will not brook competition in that particular field from anyone.

For it is not the non-dissolution of the Empire that is aimed at — there are two Dominions within the Empire — but it is the non-dissolution of a colonial system which permits the systematic exploitation of those colonies across the seas of an Empire upon which the sun never sets.

That the sun may never set upon aggression and inequality and human degradation; that the sun may never set upon privilege and repression and exploitation . . .

That the sun may never set upon the putting of one man's greed before the blood and the sweat of a million.

That the sun may never set upon urinating in rags and old men and old women in rags, prostitutes with luggage and scores upon the sidewalks of cities and upon street corners warm in poorhouses and prisons and homes;

That the sun may never set upon the greening of people of alien races who have been brought the blessings of Empire; of famine and plague and the sword . . .

That the sun may never set upon the insolence and arrogance of one race toward all others; and especially to those whose manners they hold in contempt though through their own stupidity and quibblings and cheap jibes and all the tricks and blarney and yes-men and browbeats of their own kind they are busy for a piece of ribbon to wear on their coats or a medal to wear on their collars or some letters to come to their tiny homes or the articles of clothing some wearing by his first name, “Hello, Bill!” Hello, Charlie, how’s the boy!” or with a signature of office will become to travelling expenses or with a public man some name which will amount to nothing.

-- 2 --

From the full table where the unholy ghost is deposed by their lords and masters.

For such things as those our young men have added their names to the roll of honoured dead with their mothers and we men and sisters and sweethearts present at the unveiling and proud to honour their dead . . .

For such things . . . That the sun may never set upon the great British tradition of Democracy which claims men and women and little children with more than physical rights; claims of freedom and the equity of the unadorned and the unadorned; which is a spiritual attitude in the home and streets of a man, arising from the hangings of gold rings and silver mines and diamonds and upon sugar plantations and upon rubber plantations and tea plantations.

For the great idea of Democracy which welcomes all “niggers” or whatever race to their proper place in the scheme of political economy.

That we Dominions are yearning in our exhausted throats for the name of the British Empire to be changed to the name of the British Commonwealth.

That we might take an equal pride with all Englishmen in the glory of the greatest Empire upon earth; that we may rejoice in our privilege to serve it seeing it couldn’t exist without us.

That we may take pride if we are no more than the great hunk of red meat upon which the noble Lion feeds and the mighty lion may be kept in the corner.

That we may take pride to our feet and sing with the rest of God save the King before we take our seats in the scheme of affairs the show . . .

That we might rejoice in our bonds and join in honoring the great and the noble republic which compares the greatest state upon earth . . .

That we might rejoice in our poverty and degradation and sickness and ignorance and misery; for it is occasioned more because it is poor . . .

For such things as these we are fighting side by side with others in the good cause;  
Now we know.

I found out about this article from reading an interview with **Sylvia Wynter** and David Scott in Small Axe journal. She says:

“Here was **Robert Maise** standing up to Churchill, writing this exhorting article about exactly what the sun will not set on, then showing the massive poverty of the colonial Caribbean, the degradation of concrete humans, that was/is the price of empire, of the kind of humanism that underlies it.”

“For it is not the non-dissolution of the Empire that is aimed at (. . .) but IT IS THE NON-DISSOLUTION OF A COLONIAL SYSTEM which permits the shameless exploitation of those colonies across the seas of an Empire upon which the sun never sets.”

The draft constitution, which was supposed to be giving more powers to the Jamaican state made no concession for self-government. Criticism of imperialism was made to look like it would bring real prejudice to the war effort and criminal law was made recourse to.

“On July 12 1944, the police seized the “Now We Know” manuscript in a raid on Public Opinion’s office. On the next day, Maise’s family home was also raided.

Maise spent a sentence of 6 months in jail, found GUILTY OF LIBEL AGAINST THE BRITISH AND JAMAICAN GOVERNMENTS AND CHURCHILL. Together with the Printer of the Public Opinion journal, the defendants were charged with breaching the Defence Regulations by publishing an article that, it was claimed, “unlawfully tried to influence public opinion in a manner likely to be prejudicial to the conduct of the war”; as Roxanne Watson’s reconstruction of the trial highlights. In the absence of an official record of the trial in the lower court, Watson put together coverage in two newspapers — the conservative Gleaner,8 and the progressive Public Opinion9 — to follow Maise’s trial.

Part of what Maise was accused of was what we now would call the defamation of Churchill, and more broadly, the British Empire. Criminal libel was repealed in the UK in 2010 and one can now make recourse to the Defamation Act of 2013.

Without conflating the two moments — 1944 and BLM protests of 2020 in London, and collapsing complexities I am most likely unaware of, what was of note here is a certain **continuity of colonial operations** that **institute, regulate, normalize and legitimate criminalizing and punishing of being**, when that is not seen as being human.

These continuities continue and are facilitated by the Hostile Environment legislation passed in 2012. At the start of December 2020, in the middle of a global health crisis, the UK Home Office planned and carried out the deportation of almost 50 Black British people from the Windrush generation.

An independent report by Wendy Williams, published in March 2020, titled Windrush Lessons Learned recommendations, is yet to be implemented.

As Zita Holbourne states in an article in gal-dem magazine, the report found the Home Office to be **institutionally ignorant of racism**, with recommendations including race equality training and teaching the history of colonialism in Britain.”

Additionally, In November 2020, the Equality and Human Rights Commission released another report, which concluded that the **Hostile Environment broke Equality Law**.



What Kind of Ancestor will you be? Image taken by Mihaela Brebenel, June 2020

The image shows a gate in the forefront with a number of cardboard protest signs attached to the gate to the Houses of Parliament in central London. The signs are of various colours and various texts. There is a red sign on the top of the metal gate that reads “Racism is a pandemic too” and another reads “It’s not enough to just say I’m not racist, you must be actively anti-racist.” “Enough is enough” Centrally framed there is a pink sign that reads “What kind of ancestor will you be?” The word “you” is highlighted in fluorescent yellow.

## “discontinuities can erupt out of seedbeds that have been empirically pre-prepared for them.”

Sylvia Wynter

I am thrown-back to the archaeo-astronomers world-makings in the same interview, who structured human orders and **world-making principles** following the regularities of movement of **heavenly bodies**.

Being “grounded”, I will never know what it is “to experience a total abjection of being” like Wynter puts it. I know that I don’t know. As white, migrant, queer and disabled, I **learn and unlearn and re-learn about what I don’t know**. The mechanisms of occlusion are being torn down again and again. There have been many precedents surfacing up in these “unprecedented times.” **The timelines are piling up. I can only end in questions.**

**Holding with-ness, can we put together the needed knowledge of totality, which comes from autonomous zones and multi-verses of discontent?**

**Holding ground-ness and inter-connectedness, can agency and choice surface from that knowledge against dispossession?**

**What kinds of agency can be channelled through a sense of with-ness, ground-ness and totality?**

**What kinds of ancestors can arise from these piled-up timelines?**

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