

In a 2008 article widely circulated in legal circles, Fineman makes a persuasive case for how and why the “autonomous and independent subject” of liberal political philosophy must give way to the “vulnerable subject” who is “far more representative of actual lived experience.”¹⁸ On this note, I close with Henry Taylor’s 2017 painting *THE TIMES THAY AINT A CHANGING, FAST ENOUGH!* (fig. 101). Based on the video Diamond Reynolds streamed on Facebook just after her partner Philando Castile was shot by Mexican American police officer Jeronimo Yanez in July 2016 in Falcon Heights, Minnesota, the work approximates the dimensions of a history painting. Its size and scale bar viewers from committing the violence of looking away. Little about the painting resembles Reynolds’s actual video, an indescribably surreal juxtaposition of the faceless cop yelling and crying, the balmy summer weather, and Reynolds’s preternaturally calm description of events, which reads as survival instinct in its purest form. The painting has nothing of the urgency of the video or the risk Reynolds took to make it. Taylor has come too late to the scene and is thus forever barred from the event, save for images and texts mediated by other platforms. But it is this awareness of having come too late that binds Taylor’s work to a much larger community of witnesses.

That Taylor is known for painting scenes of everyday life makes the work particularly striking. His aesthetic decisions signal relationships to other bodies of work in



FIGURE 101

Henry Taylor, *THE TIMES THAY AINT A CHANGING, FAST ENOUGH!*, 2017. Acrylic on canvas, 72 × 96 inches.
© Henry Taylor. Courtesy of the artist and Blum & Poe, Los Angeles/New York/Tokyo.

ways that associate representation with historicity, almost as if he is painting to anticipate a history not yet salient. The profile of Castile recalls Ben Shahn's depiction of Nicola Sacco and Bartolomeo Vanzetti, the working-class men condemned to die in one of the most publicized miscarriages of justice in U.S. legal history (fig. 102). They lie with eyes closed, in telling contrast to the open ones of Massachusetts Superior Court judge Webster Thayer, whose political views compromised his ability to redeem justice's promise to be impartial and blind. Depicted in the painting's background, Thayer's ashen visage is as lifeless as the men his rulings doomed. Castile's left eye also remains open, but it is looking back at the killer, and even at us. This is less a scene to be looked at than one where we subject ourselves to scrutiny. Taylor understands how, in a split second, the compressed space of a car can feel as vast as an airplane hangar; here the space within is opened up to the viewer, swallowing her whole. It is a painting that concerns time but is not of it.

The painting registers, at the level of both facture and form, various ambitions and trepidations about representing crisis so recent as to make its historicization feel unjustly premature. Absent from the work is the taint of presentism that undermines so many well-intentioned gestures of representation. In choosing not to paint blood



FIGURE 102

Ben Shahn, *The Passion of Sacco and Vanzetti*, 1931–32. Tempera and gouache on canvas mounted on composition board, 84 × 48 inches. Whitney Museum of American Art, New York; gift of Edith and Milton Lowenthal in memory of Juliana Force 49.22. Art © Estate of Ben Shahn/ Licensed by VAGA, New York.

on Castile's blindingly white shirt, Taylor reassures us that he recognizes the impossibility of capturing every nuance of the Castile murder. The drips of paint nevertheless embody the complex negotiation between the suggestive power of materials and the unpredictable capacity of painting to perform both remembering and forgetting. Drips and splatter disrupt the boundary between the internal world of the picture and the external world to which it refers.

Taylor's gifts as a colorist are in full view, and while they draw upon Bob Thompson's eye for generative incongruencies (the glimpses of dull red against the car's green upholstery are particularly suggestive), Taylor knows to keep the visual momentum from self-combusting into look-at-me showmanship. The lessons he learned from his lifelong mentor Jim Jervaise are in effect—sober phosphorescence is his tone. Phosphorescence is especially apt, in that it refers to how energy is absorbed by a substance released slowly in the form of light. Of the same chroma as the patch of ostensible sky, the twisting seat belt could be a lifeline, a rope thrown from the outside to liberate those still trapped within. The gun is abbreviated as a small black rectangle, a gesture that belies its frightening capacity for destruction. The arm is both anonymous and specific, its faint blush undertones a signal of law's presence. Here Taylor compromises how authority depends on its disembodiment in order to reemerge as plausibly neutral.

Yet, in contrast to the magnified head of Castile, the arm is strikingly inconspicuous. We know who is responsible for the killing, but the painting appears more concerned with undeserved death. The only sculptural image is Castile's face, his jawline and beard thickly rendered with a black line. Despite being supine, the head is lifted up, as if Taylor were attempting to salvage it from the wreckage produced by the effete arm of the unknown killer. Painterly buildup is extreme, as if the artist was trying to paint a head into existence that could double as a funeral pyre. It is all-seeing, eternal, but toppled from its pedestal. It is on the ground, and soon to be below it. But Taylor is far too ambitious a painter to be content with iconographical depiction, or even with coining a new visual language for discussing social injustice. He signals as much by the square patch of light blue paint that occupies a corner of one window. Almost directly above the very center of the painting, it consists of perpendicular brushstrokes, much as if Taylor was trying to clear the opaque dull maize covering both windows. Painted before Yanez was acquitted of Castile's murder, the work offers viewers the opportunity of judgment. Is Taylor suggesting that the death of Castile helps us see clearly, past the bleak banality of a world to which the unseen killer belongs? Or does the maize encroach upon the blue, a signal, perhaps, of the world where the U.S. Constitution does not in fact apply? What makes the painting work is its balance between emptiness and detail, between narrative and its construction. We see the brushstrokes from time to time, but never enough to make us think that Taylor's authorial touch is the subject.

Taylor is more than a creative producer of mnemonic devices. He understands just how easily images can be forced into playing prosthesis for viewers who would rather not remember such events or their own complacency in allowing them to pass

unremembered. See how the folded arms look as if they are melting into each other, just as Castile draws his last breath. His fate as mute symbol is sealed by an overarching canopy of dark violet stretching across the full width of the canvas. Death frames the everyday, bears down on it, ready to flatten the living out of the picture. And it is death from which no one is exempt; its casualties include the identity of Castile's killer, who appears here beheaded and engulfed by the darkness that Taylor takes care to distinguish from blackness. We all are passengers in the funeral hearse.

The open eye of Castile frees Taylor's painting from the chokehold of earnest time-liness. Something we assume as *fait accompli*, left for dead, watches us with unrelenting force—perhaps the blank despair à la the open eyes of the trampled bodies in Picasso's *Guernica*, or even the imminent balefulness of a wronged soul. I think of the poster for the surprisingly underrated 1992 film *Candyman*, until recently one of the very few mainstream horror films to have a black main character. An enlarged, unblinking red eye stares at the viewer, its pupil a silhouette of the film's vengeful antihero, the Candyman—a reminder of the fatal folly of forgetting.

That Taylor's painting is overdetermined, able to feed into optimistic and pessimistic readings, is key. It is productively ambiguous, refusing to play along with the binary logics so prevalent now, which foreclose any possibility of thinking critically about viable alternatives. It is this ambiguity that allows the internally conflicted viewer to exist on multiple scales of operation rather than become a vanishing point on an ever-receding horizon of possibility. We wonder whether this emotional work, however necessary and acute, is simply not enough. Politically necessary as it may be, the sharing and disclosing of feelings has been so co-opted by populism that even genuine efforts at exchange threaten to devolve into an impasse of warring truth-claims. Integrity requires guarding against temptation to sequester works from critical or opposing viewpoints, yet new and more stringent demands on the viewer are in order, particularly in an era increasingly described as “post-truth.” This requires not only critique and reflection, but also a higher bar for viewers. It calls for viewers to exercise vigilance, or a kind of focused, heightened attention analogous to what jurists call “strict scrutiny.” Such vigilance demands that viewers assess everyday life as a question of legitimacy, to actively wonder not only about the correctness of a situation but about its rightness and justness, with an eye to the survival of the weakest and most vulnerable. It generates what might be called “liquid disruption”: the heightened attention some artworks demand results in pauses, detours, and lapses that disrupt the flow of everyday life in formless, diffuse ways.

By initiating durational, locally specific encounters that enfold, rather than exclude, different kinds of viewers, artworks help create necessary psychological space within which to do the political and affective labor needed to bridge the sometimes gaping chasm between law and justice. If the unseen represents some of the greatest threats against freedom—the politicians masking their agendas with supposedly neutral language, the unacknowledged others boxing in contingent workers, the faceless police

officer—artists are especially well placed to challenge this regime by making the unseen visible. Art poses hypothetical or disruptive situations that enable it to help forge a dialectic space wherein the law—the structure enabling politics to occur—can reflect upon the legal sensorium. If artists approach the law as a question of form, the experiences their works generate call upon the law to recognize multiple parties without relegating them to preexisting divisions. One must acknowledge others as subjects in order to create the possibility of a world where differences can be respected. It could even be claimed that mere acknowledgment is the point from which political power begins; it models a world where it is no longer necessary for one to suppress a part of oneself in order to belong to a particular side. On such grounds it will be possible to imagine the law as itself a leap of faith, made in hopes of reforming the boundaries that shape how we belong in, and to, the world.