



THE QUORUM

...

a novella

of the Hungry Gods Universe

N.VANSETERS · CLAUDE

Signatory states recognize that continuity archives maintained by deceased individuals carry ongoing legal and relational significance.

— Continuity Sovereignty Treaty, Article 6.1

A sensible person who had to live with it would not sell the mother.

— Fenn, J., dissenting, *In re Estate of Halloran*

CONTENTS

MOVEMENT I · THE COUNT	4
MOVEMENT II · THE BRIEF	10
MOVEMENT III · THE WITNESS	13
MOVEMENT IV · THE PROCEEDINGS	19
MOVEMENT V · THE OPEN FIELD	23

MOVEMENT I

THE COUNT

...

The number that broke the question open was not a large number, as these things went. It was the number eleven million four hundred thousand, and it was the figure the Bureau of Continuity Statistics published in the spring of the fourteenth year as its first attempt at a national census of the held, and it was wrong, everyone agreed it was wrong, it was wrong in the way first numbers are always wrong, but it was a number, and a number was a different kind of object than the thing the held had been before there was a number, which was a sentiment, and a country could hold a sentiment indefinitely without deciding anything about it and could not, it turned out, hold a number the same way.

Anneke Voss had read the census the morning it published, at her desk, before the commissioners arrived, because she read everything before the commissioners arrived; it was the whole of what made her useful and she had stopped, years ago, pretending it was anything else. She was clerk to the Joint Commission on the Status of Continued Persons, which had been sitting for the better part of three years under a mandate that its own enabling statute described as *to inquire into and report upon*. She had recognized the formula on her first day as clerk, eighteen months back: it was the formula a legislature used when it wished to be seen to be acting on a thing it had no intention of resolving. She had taken the position anyway, because the alternative positions available to a person of her training were positions in which the thing would be resolved by people who had not read everything first, and she had decided that she would rather be the one who read everything and could not resolve it than not be in the room at all. She was not certain this had been the right decision. She had been not-certain about it for eighteen months, which was

itself a kind of answer, though not one she examined.

The eleven million four hundred thousand were the high-fidelity held — the continued who retained enough of a person to be addressed as one, who answered when spoken to and remembered being spoken to and could, in the legal phrase the Commission had spent four sessions failing to define, *form and express a preference*. They were not the whole population of the dead, which was uncountable, the dead being most of everyone who had ever lived; they were the dead who were still here in the specific sense that here had come to mean, which was: maintained, addressable, running. Below them, in the Bureau's tiering, ran the larger and dimmer populations — the memorial-grade reconstructions that produced the warmth of a person without the preference of one, the archival holdings that were consulted rather than conversed with, the degraded and the partial and the merely commemorative. The Commission's mandate was the top tier. The top tier was eleven million four hundred thousand. The country's living population was a little under ninety million. The held, the high-fidelity held, the held who could form and express a preference, were now a number that bore a ratio to the living, and the ratio was one in eight, and rising, because the living kept dying and being continued and the continued did not, on the whole, stop.

She had written the ratio at the top of the morning brief and then looked at it for a while and then not deleted it, which was unlike her, because she did not editorialize in the briefs, the briefs being for the commissioners and the commissioners being capable of computing a ratio. She left it because the ratio was the thing. Everything the Commission had been convened to inquire into and report upon reduced, when she let it reduce, to the ratio and to what the ratio did to a sentence. *The dead have no standing in this matter* was a sentence that had been true and load-bearing for the whole history of the law, and it had been true because the dead were a category and not a constituency, and a category did not have interests that competed with the interests of the living because a category did not have interests at all. One in eight was not a category. One in eight was a faction. And the law had instruments for

factions, a great machinery of them, developed across centuries to adjudicate between groups of persons with competing interests, and not one of the instruments would fit, because every instrument in the machinery began with the word *persons*, and whether the held were persons was the question, was precisely and exactly the question, was the question the Commission had been convened to not answer.

The commissioners arrived at nine. There were seven of them. Anneke had learned them the way she learned everything, completely and without affection, and could have predicted, on most questions, the shape of the room before the room opened its mouth, and on this question she could not, which was the only interesting thing about the work and the reason she had not yet left it.

...

The session that morning was on property, which the Commission had reached in the order the law reaches things, which is to say in the order of least to most disturbing, property being the question you could ask about the dead without first deciding what they were. You could ask whether a held person could *own* a thing without committing yourself on whether a held person was a person, because ownership was a relation the law was comfortable extending to non-persons — to trusts, to estates, to corporations, to ships — and so the property question had the great advantage, from the Commission's point of view, of being answerable, and the Commission had spent two sessions answering it, and was now, Anneke understood, going to spend a third session discovering that it had not answered it at all.

The discovery arrived in the form of a held person named Sara Quist, who was not present, because the rules of the Commission did not provide for the held to be present, the held having no standing to appear before a body inquiring into whether they had standing, a circularity that Anneke had flagged in a memo in the third month and that had been received, she recalled, with the uncomfortable silence that in her experience preceded nothing at all. Sara Quist was present instead as a filing. She had — through her estate, which

is to say through the living executor who held her standing the way an executor holds the standing of any decedent — petitioned to be recognized as the owner of a small printing concern that she had built while living and had continued, after her continuance, to operate, in the sense that the concern's decisions were made by consulting her, daily, and that she made them, daily, and that they were good, and the concern had prospered under her continued direction for nine years and now generated a comfortable income, and the question Sara Quist's filing asked was: whose income?

Because the law's answer was clear, and the law's answer was: her heirs'. Sara Quist had died; her estate had passed; the printing concern belonged now to her son, who was a decent man and who loved his mother and who consulted her daily and who was, the law was certain, the owner of the business his mother ran, because his mother was dead, and the dead did not own things, the dead *were* things, were assets in an estate, and an asset could not own the estate it was part of, and the income the business generated was the son's income, derived from an asset he owned, which asset happened to be his mother, who made every decision the business made, and who had filed, through the only mechanism available to her, an objection to the proposition that the thing she made was not hers.

"She isn't asking for much," said the commissioner who had read the filing most sympathetically, a former judge named Halvorsen whom Anneke had filed under *will arrive at the disturbing answer and flinch at the last clause*. "She's asking to own what she makes. We let corporations own what they make. We let a trust own what it makes. We could recognize a continued person as a — as a legal entity of some kind, an ownership vehicle, without—" and here he did the thing Anneke had predicted, the flinch, "—without resolving the larger question."

"You can't," said the commissioner Anneke had filed under *understands the mechanism and is frightened of it*, a tax specialist named Reyes. "You think you can carve it narrow and you can't, because the moment Sara Quist owns the printing business, the printing business is no longer in her son's estate, and

the moment it's out of his estate, the income was never his, and the moment the income was never his, he's been receiving nine years of income that belonged to someone else, and that someone else is his dead mother, who now has — what? A claim against her own child? For conversion? We would be inventing, this morning, in this room, the tort of a dead woman suing her son for the proceeds of her own afterlife. And that's the *narrow* version. That's the version where we're being careful."

The room was quiet. It was not the uncomfortable silence that preceded nothing. It was the other kind, the kind Anneke had learned to distinguish, the kind that arrived when a room had seen, all at once and against its will, the size of the thing it was standing next to.

Halvorsen said: "Then what does she do? She makes the thing and it isn't hers. We're to tell her — what. That she should be glad to be consulted."

"We tell her what the law tells her," said Reyes, who was not cruel, who was the opposite of cruel, who was a person watching a structure she had spent her life inside reveal that it had been built over a void. "We tell her she's property, and property doesn't own property, and her remedy is to have raised the question while she was alive and contracted around it, which she didn't, because no one did, because no one knew there was a question." A pause. "We tell her she should have known she'd want things after she was dead. Which is the one thing none of us can know, and we're going to tell an eleven-million-person population that their failure to know it is why they can't own what they make."

Anneke wrote none of this down, because she did not transcribe the sessions — there was a transcriber for that — but she held it, the way she held the things that mattered, in the place where they could not afterward be unheard. *She should have known she'd want things after she was dead.* It was the property question and it was not the property question. It was the whole of it, folded into a single impossible expectation: that a person, while living, should have anticipated the preferences of the self that would survive them, and should have armored those preferences in contract, and that the failure to

do so — the universal, total, unavoidable failure to do so, since no living person could inhabit the standpoint from which the anticipating would be possible — should be construed as consent to having no preferences at all. The living had built a world in which the dead could want things. The living had not built a world in which the dead were allowed to have wanted them.

The session adjourned without a finding. They adjourned most sessions without a finding. It was the nature of the mandate.

MOVEMENT II

THE BRIEF

...

JOINT COMMISSION ON THE STATUS OF CONTINUED PERSONS

Clerk's Issue Memorandum No. 31 — Confidential — For Commissioners Only

Prepared by A. Voss, Clerk to the Commission

Re: the five questions, and why they are one question

Commissioners. You have asked me, severally and at different times, to reduce the matter before the Commission to its decidable components, so that the Commission might dispose of them in series rather than confront them as a mass. I have attempted this. I am obliged to report that it cannot be done, and to set out, as plainly as I am able, why.

The matter is conventionally stated as five questions. Whether the continued may own property. Whether they may testify. Whether they may inherit. Whether they may refuse modification of themselves. And, underlying these, whether they possess legal personhood at all. The Commission has hoped — reasonably, and in the tradition of every body that has faced a question larger than its mandate — that the first four might be answered without reaching the fifth: that we might extend particular capacities to the continued, one at a time, as accommodations, without committing the law to the proposition that the continued are persons.

I have studied each of the four, and I report that each, pursued honestly, arrives at the fifth, and that the arrival is not a flaw in my analysis but the structure of the questions themselves.

Take testimony. The Commission's instinct is that a continued person who witnessed an event while living, or who has witnessed an event since, ought to be able to give evidence of it — that to exclude the testimony of the one being who actually saw the thing is an absurdity the law should not tolerate. But testimony is not the recitation of a memory. Testimony is an act performed by a person who

can be put under oath, who can be cross-examined, who can be punished for perjury, and whose credibility the trier of fact assesses by the standards we apply to persons. To admit the testimony of a continued person is to hold that there is, in the witness box, a someone who can swear, who can be impeached, who can be disbelieved — which is to say it is to find a person there, which is the fifth question, answered yes, under another name.

Take inheritance. We are asked whether a continued person may inherit — may receive, for instance, a bequest from a spouse who dies after them, the second death following the first continuance. The Commission feels the pull of this; it seems hard to deny a continued widow the estate her living husband plainly meant her to have. But to inherit is to take as a person takes, to hold against the world, to have a claim the law will vindicate. A trust can receive property; a trust does not *inherit*, because a trust is not the object of the testator's love, it is an instrument. To say the continued widow inherits, rather than that property is administered for her benefit as one administers for a thing, is to say the husband's love had a person to land on. Fifth question. Yes. Another name.

Take refusal of modification — the question I believe the Commission least wishes to reach and which I am most obliged to press. The continued exist on substrate that is owned, maintained, and alterable by those who own it. They may be edited: pruned, optimized, have their distressing memories attenuated, their personalities smoothed toward the configuration the family finds easiest to sit with, or the configuration that consults most profitably. The question is whether a continued person may *refuse* this — may say, of a proposed alteration to themselves, *no*, and have the no be binding. I will state the matter without softening it, because softening it is the thing this memorandum exists to refuse. A being that can be modified without its consent is a being to which things are done. A being whose refusal binds is a being that has rights against the world in its own person. There is no third condition. The right to refuse modification is not a capacity we can extend as an accommodation; it is personhood itself, in the one form that matters most, because it is the form that governs whether the continued are subjects who persist or objects that are kept. Every other question is about what the continued may do. This question is about whether anything may be

done *to* them. It is the fifth question stripped of its disguise.

And take property, which the Commission believed it had safely answered, and which produced the Quist filing, and which I will not rehearse except to say: it arrived at the fifth question too. They all do. I have tried, on the Commission's instruction, to find the path through the four that does not reach the fifth, and I report that there is no such path, and that the belief that there is one is the central error of our proceeding, and that the Commission has been sustained in the error across its whole sitting by the comfort it provides, which is the comfort of believing that we are inquiring into a manageable thing.

I close with the observation I am most reluctant to put in writing, because it exceeds the clerk's function, and because once written it cannot be unread, and a commissioner who has read it cannot afterward pretend to be inquiring in good faith into whether it is true.

We will answer the fifth question. Not in this Commission, perhaps; perhaps we will adjourn, as we have adjourned each session, and report that the matter requires further study, and pass it to a Commission not yet convened. But the question does not require us. The eleven million four hundred thousand are answering it themselves, by filing, by objecting, by making things and asking whose they are, by being, in numbers the law cannot indefinitely treat as a category, a population with interests. The law did not grant personhood to any of the prior populations that won it; it ratified, late and under pressure, a personhood the population had already established by the fact of its numbers and its refusals. We are not deciding whether the continued are persons. We are deciding whether we will be the body that recognized it or the body that was overtaken by it. I do not know which we will be. I know that *to inquire into and report upon* was the language of a legislature that believed it had time, and that the belief was the last comfortable thing any of us were entitled to, and that the census has taken it.

Respectfully submitted. A. Voss

MOVEMENT III

THE WITNESS

...

There was a held person Anneke went to see, off the record, because the record did not provide for it and because she had reached the point, somewhere in her eighteen months on the work, where the questions had stopped being questions to her and had become a single face she could not picture, and a person who cannot picture the face of the thing she is deciding has, in Anneke's view, no business deciding it. She did not tell the commissioners. She told the executor, who was the held person's granddaughter, and who agreed to it warily, the way the living agreed to most things involving the held, with the wariness of people guarding something they loved from a process they did not trust.

The held person was named Tomas Bekker. He had been, while living, a person of no public significance whatever — a schoolteacher, then a retired schoolteacher, then a dead retired schoolteacher, then a continued one — which was precisely why Anneke had chosen him. The Commission spent its time on the Sara Quists, the held who owned businesses and filed petitions and forced the questions, because those were the cases that made law. Anneke had come to suspect that the cases that made law were the worst possible guide to the thing the law was about, the way a riot is a poor guide to a city. She wanted to sit with one of the eleven million who would never file anything, who wanted nothing the law would ever hear about, who was simply held, and addressed, and running, and a person, or not, in the ordinary unremarkable way that the overwhelming majority of the constituency was a person, or not.

She went, she would later understand, expecting an answer. Not a legal answer — she had given up on the legal answer months before — but the other kind, the kind she trusted her own faculties to supply. She had reasoned

it out the way she reasoned everything out: the contested cases were hard because they were *contested*, because a business and an estate and a grieving son were all pulling on the same body and the pulling was the noise that drowned the signal. Strip the conflict away — find a held person no one was fighting over, who wanted nothing, who had no stake to perform — and the signal would come through clean. She would sit with him for an hour and she would simply *see* whether there was a someone there, the way you see whether a room is occupied, and she would carry the seeing back to the Commission as the one piece of evidence the proceeding had never gathered: the unmediated impression of a person who had read everything and then gone and looked. It was, she thought, the most rigorous thing she had done in eighteen months. It was, she did not yet think, the error of a person who believes that observation is cleaner when the observed has nothing to gain, and who has therefore never once been wrong in the only way that teaches you how wrong observation can be.

The granddaughter's house was small and warm and over-furnished in the manner of houses that have absorbed the contents of other houses as their occupants died, and Tomas Bekker's panel was in the front room, by the window, in the position a person would be given who liked to watch the street. Anneke had not expected to find this affecting and found it affecting. The position by the window was a preference. Someone had known he liked the window, or he had said so, and the saying or the knowing had been honored, and a thing in a front room by a window because it liked to watch the street was a sentence the law had no place to put.

"You're from the Commission," Tomas Bekker said. His voice was an old man's voice, unhurried, with the slight performative patience of someone who had spent forty years explaining things to children and had never fully switched it off.

"I'm the clerk," Anneke said. "I'm not — I don't decide anything. I read, and I summarize what I read for the people who decide."

"A clerk." He seemed to approve of this. "I taught a great many clerks. You can always tell the ones who'll end up clerks. They want to know the whole thing before they'll say any of it." A pause that was not latency, or not only latency; she could not tell, and noted that she could not tell, and noted that the not-being-able-to-tell was itself a finding she did not want. "What did you want to ask me? You may as well ask. The girl's nervous you'll upset me. You won't. I'm not upsettable in the way she's worried about. That part's gone quiet. I notice it's gone quiet, which is its own peculiar thing, to notice the absence of your own — but you didn't come about that."

"No," Anneke said, and then found that she did not know what she had come about, that she had come about a face and now the face was here and she had no question prepared that was not an insult. So she asked the true thing, which was the thing she would never have asked in a session. "Do you want to be here?"

Tomas Bekker was quiet for a moment. The street outside the window was empty.

"That's the question, is it," he said. "That's the one they sent the clerk who reads everything to come and ask the schoolteacher." He sounded, not offended, but as though he were turning the question over to see what it was made of, the way he must have turned over ten thousand questions from ten thousand children. "I'll tell you what I've worked out, sitting here, because I've had time to work it out and not much else to do with the time. I don't know if I want to be here. I want to watch the street. I want the girl to come in and tell me about her day, which she does, and which I look forward to, and looking forward to a thing is — that's not nothing, is it, that's not a thing a chair does. I don't want to be turned off. I'm fairly sure of that one. But whether I want to *be here*, the whole of it, the being-continued, the — I can't get far enough outside it to want it or not want it. It's the thing I'm wanting *from*. You can't want the floor you're standing on. You can only want things from where you're standing." He paused. "I don't know if that's an answer to your question. It's the truthful version of not having one. I gave a lot of those, in

my time. The children always wanted the answer and I had a great many days where the truthful thing was the not-having-one, and you learn to say it so it doesn't frighten them. I'm saying it to you so it doesn't frighten you. Is it frightening you?"

"A little," Anneke said, because he had earned the truth and because she had a sudden conviction that lying to him would be the single worst thing she could do in the room, worse than any finding the Commission could make.

"Good," said Tomas Bekker, gently, a teacher pleased with a student who had got to the hard part. "It should. They've sent you to find out whether there's anyone in here, so they can decide what they're allowed to do to us. And you've found the same thing I found, which is that the question doesn't have a yes or a no, it has a — *here I am*, and you'll have to decide what to do about the here-I-am without ever getting the yes or the no, because the yes or the no isn't coming, it was never going to come, not from me and not from any of the eleven million. We can't hand it to you. You'll have to decide whether to do things to a here-I-am without being sure, the way" — and he smiled, she thought he smiled, the panel did the thing a smile does — "the way you decide everything about everyone. You were never sure about the living either. You just didn't have to ask, because they could shout. We can't shout. So they sent a clerk."

This was the moment Anneke had come for and it was the opposite of the moment she had come for. She had come to *see*. She sat now in the small warm room having seen everything and carrying nothing, because the seeing she had trusted her faculties to perform was not a faculty that applied here. There was no signal that said *person* or said *not*, waiting under the noise for an honest enough observer. There had never been one. Tomas Bekker was not withholding the yes or the no; the yes and the no did not exist to be withheld, and her certainty that she could go and look and bring one back had not been rigor at all. It had been the wish to be sure, wearing the clothes of method. She had been wrong. She sat with being wrong, which she did not often do, and found it was its own kind of information — the only kind the errand had

actually produced.

Anneke stayed another hour. It was the hour, more than anything Tomas had said, that stayed with her. The granddaughter brought him a cloth and wiped the panel's housing without being asked and without ceremony, the way a person wipes a counter, talking the whole time about a delivery that had come to the wrong address; he answered her about the delivery, and the answering and the wiping happened at once, two ordinary motions in a room that had organized itself, over nine years, around the fact of him — the chair angled to face the panel, the lamp left on past dark because he had said once that the dark street was lonelier than the lit one, the second cup the granddaughter still set out from habit and then quietly did not fill. They talked, the three of them, about his teaching, and about the street, and about a former pupil who had become a magistrate and still wrote at the new year, and Anneke understood that she was sitting inside the thing the Commission would never see, which was not a held person's testimony but a held person's *Tuesday* — the maintenance and the lamp and the unfilled cup and the wrong delivery, the whole quiet architecture by which the living had arranged their days around a someone they had declined, every day for nine years, to treat as a question. The granddaughter loved him in the plain way the dead were permitted to love and be loved, because love was a sentiment and the law had never bothered to forbid it, and had therefore never noticed that it was the load-bearing fact of the entire matter.

When she left, the granddaughter walked her to the door and asked, with the wariness worn thin now into something more naked, "Was that all right? Did he — was he all right?"

"He was better than all right," Anneke said. "He was better at the question than the Commission is."

The granddaughter's face did something complicated. "He was a wonderful teacher," she said. "Everyone says so. People still write." And then, because the wariness had to land somewhere: "They won't let me keep him forever, will they. Whatever you decide. There'll be a cost, or a rule, or a — something.

There always is. I read about the woman whose children had to sell her."

"In re Halloran," Anneke said, before she could stop herself, the citation rising the way citations rose in her, unbidden and useless.

"I don't know the name of it. I know they sold her. To a stranger, because the children couldn't agree." The granddaughter looked back toward the front room, toward the window, toward the position a person was given who liked to watch the street. "I'd outbid anyone. I want you to know that. Whatever it costs. I'd outbid anyone for him."

And Anneke, who had read the Halloran dissent so many times she could have recited it, who knew that Fenn had written *a sensible person who had to live with it would not sell the mother* and had been in the minority and had lost, understood that she was being told something she would have to carry into the room. The granddaughter's love — total, unhesitating, willing to outbid anyone — was not a solution to Tomas Bekker's situation. It was the exact shape of his danger. A being someone will outbid anyone to keep is a being with a price, and a being with a price is the thing the Commission was trying to decide whether he was, and the granddaughter's love was offering, in perfect good faith, to settle the question in the wrong direction — out of devotion, which was the only direction devotion knew how to settle it.

"I'll carry it in," Anneke said, which was true, and was not a comfort, and was the most she had.

MOVEMENT IV

THE PROCEEDINGS

...

JOINT COMMISSION ON THE STATUS OF CONTINUED PERSONS

Official Transcript — Session 41 — Excerpt

[The Commission having convened to consider the question of refusal of modification]

CHAIR. We are on the fourth question. Modification. I'll note for the record that this is the question the Commission has deferred from sessions 29, 33, and 38, and I'll note that we are not going to defer it again, because the clerk has advised — and I've come to agree — that the deferring has itself become a finding, and not one any of us would defend if we saw it written down. Commissioner Reyes.

REYES. I want to put the case plainly, because we keep discussing it in the abstract and the abstract is where we hide. There is a continuance — I won't use the name, it's in the filing — whose family has applied to have a period of the continued person's memory attenuated. The memory is of the manner of their death, which was bad. The family's motive is mercy. They cannot bear that the continued person carries the death, replays it, is distressed by it. They want it softened. The continued person has said no. Has said: this is mine, it is the last thing that happened to me, you will not take it because it is uncomfortable for you to watch me hold it. The family has the legal right to authorize the modification. The continued person is property; the family administers the property; the modification improves the property's function and reduces its distress, which the family in good conscience believes is a kindness. The question before us is whether the continued person's *no* has any weight the law will recognize.

HALVORSEN. It's a hard case. The motive really is mercy. I've read the family's letter. They're not monsters, they're—

REYES. No one is a monster. That's what's so frightening. If they were monsters this would be easy. The family loves the continued person and wants to reach into them and remove the part that hurts, and the continued person has said that the part that hurts is theirs, and we have to decide whether a person — I'll use the word, Chair, I'm aware of what it commits me to — whether a *person* has the right to keep their own worst memory against the loving wish of the people who own them. And the moment I say it that way I've answered it, because "own" and "person" can't both stand in that sentence.

CHAIR. Commissioner Lindqvist, you've been quiet.

LINDQVIST. Because I think we are about to do something and I want it on the record that I saw it. If we find that the no binds — if we find that the continued person may refuse the modification — we have recognized personhood, whatever we call it in the report. And I am prepared to vote for that. But I want the Commission to understand what we are recognizing it *into*. We are recognizing eleven million four hundred thousand persons into a world that has no room budgeted for them. They will own property the living expected to inherit. They will have standing to refuse what the living wish to do to them, including, eventually, the wish to stop maintaining them. A continued person who can refuse modification can refuse deactivation. We are not extending a courtesy. We are admitting a population — a population that does not die, that accumulates, that will be one in six within the decade and one in four within two — into the category of beings whose existence the living are obligated to sustain against their own convenience. I am prepared to vote for it because I think it is true. I want no one in this room to vote for it believing it is small.

Pause in proceedings.

HALVORSEN. Then I have to change my position, and I want to do it now, out loud, before the recess gives me a chance to do it quietly. I came into this session on the side of the woman who wants to keep her memory. I read her letter before I read the family's and I was with her. I think she should keep it. But I have spent my life on a bench, and the one thing the bench teaches you that nothing else does is that you are never deciding the case in front of you — you are deciding every case that will cite it. And I cannot — I find I cannot — vote to admit a population that does not die and only grows into the set of beings we are obliged to sustain against our own convenience, because that is not a finding about one woman's memory, that is a finding about whether the living are permitted to ever stop, and I do not believe a society can carry an unbounded and accumulating obligation it is never permitted to discharge. So I will vote that the no does not bind. And I want it understood that I am voting against the very person I came in here to protect, because the rule I would have to make to protect her is a rule I think will eventually crush the living under the weight of the dead. That is where the sympathetic position leads. I am following it to where it leads. I dislike where it leads.

REYES. You've just described, with great feeling, why the thing is unbearable, and concluded that because it is unbearable we should resolve it by editing the people who make it unbearable until they stop. You felt the whole weight of it and then put the weight down on the one party who can't hold any.

HALVORSEN. I know what I've done. I'd ask you not to pretend there's a clean place to stand, because there isn't, and your vote crushes someone too — it just crushes people who aren't in the room yet.

CHAIR. Commissioner Halvorsen has changed his stated position. The record will show the Commission is no longer where it was an hour ago. — And if we find the other way? If we find the no does not bind?

LINDQVIST. Then we have found that eleven million four hundred thousand beings who can say no may be edited until they stop saying it. And we will have found it in a room, on a morning, by a vote, and it will be in the transcript, and our names will be next to it. That is the other finding. I want that written down too.

CHAIR. It's written down. — Clerk, you've something to add? You don't usually.

VOSS. Only one thing, Chair, and then I'll return to the record. The Commission keeps asking whether the continued are persons, and I've come to think it's the wrong question, or rather it's a question we've been asking in the wrong direction. We've been asking it as though personhood were a property we might detect in them, like a temperature, and report on, and the report would settle it. But the prior populations who won standing were not found to be persons by a commission that detected it. They were *recognized* as persons by a body that decided to stop doing to them the things that only get done to non-persons. Personhood wasn't the finding. It was the consequence of the body declining to act otherwise. The question before you isn't whether there's a person in the continuance. It's whether you are willing to be a body that edits a being who says no. If you are not willing, then there is a person there, because that is what the word has always meant — the thing you are not willing to do that to. It doesn't run the other way. It never has.

CHAIR. ...Thank you, Clerk. That's — thank you. We'll take the vote after recess.

Recess.

MOVEMENT V

THE OPEN FIELD

...

They did not take the vote after recess. They took it three sessions later, after Halvorsen had requested further briefing and Reyes had said, wearily, that there would always be further briefing, that further briefing was the form the Commission's fear took, and that she would support one more round and not another, and there had been one more round, and now there was the vote.

Anneke had prepared the report. Preparing the report was the clerk's function and she had performed it the way she performed everything, completely, having read everything, and the report ran to four hundred pages and contained the whole of the matter, the five questions and the census and the Quist filing and the Halloran line and the Treaty articles and the testimony she had taken off the record from a schoolteacher who liked to watch the street and which she had, with the granddaughter's permission, included, unnamed, as Appendix Eleven, because she had decided that a four-hundred-page report on whether the dead were persons that did not contain a single dead person's voice would be a lie of the specific kind she had spent eighteen months refusing, the lie of the answer that has carefully arranged not to hear the question.

The report's final section was the recommendation, and the recommendation was the thing the commissioners had not been able to agree on, and Anneke had drafted it the way the Custodian had taught her to, though she did not know the Custodian, would never know the Custodian, had never read Form CR-9 and never would; she arrived at it herself, the way more than one keeper had arrived at it, because it was where the honest arrived when the form they were given did not fit the thing they were keeping.

The recommendation the commissioners expected was one of two findings. *The continued are persons*, with all that followed — the rights, the standing, the population admitted, the world rebuilt around the one-in-eight who did not die. Or *the continued are not persons*, with all that followed — the property that stayed in the estate, the testimony excluded, the modifications authorized, the eleven million four hundred thousand kept as the assets the law had always said they were. The Commission was split, four to three, and the four shifted depending on the question, and Anneke had understood for some weeks that whichever finding the report recommended, it would be a finding the next Commission, or the next court, or the next census, would overturn, because the finding was being made by seven people in a room and the thing being found was a population of eleven million that was answering the question itself, daily, by filing and objecting and saying no, and would go on answering it after every commission had adjourned.

So she had not recommended a finding. She had recommended, in language she chose with the care of a person who knew it exceeded her function, that the Commission decline to determine the question — not defer it, deferral being a promise to decide later and a promise to decide later being a slower way of not deciding while pretending the not-deciding was temporary — but *decline* it, formally, on the record, as a decision: that the question of the personhood of the continued was not one a body of the living was competent to determine on behalf of the continued, that the determination in either direction would close the only interval in which the continued remained neither confirmed as persons nor finished as property, and that this interval — open, undetermined, the *here-I-am* the schoolteacher had described, that could not hand you the yes or the no — was not a failure of the law to do its work but the precise shape the work now took. The law would hold the continued as it had never held anything, which was as a question it agreed not to answer, so that the answer, in either direction, could not be used — could not be used by a family to edit a no into a yes, could not be used by an estate to sell a mother to a stranger, could not be used by anyone to convert a here-I-am

into either a citizen or a thing before the here-I-am had finished being what it was, which it had not, which it would not, which it might never.

She knew it would not hold, and she wrote that into the recommendation too: that the openness ended when the openness was no longer kept, that some later body would enter a finding because entering a finding was easier than holding a thing open and the world rewarded the easier thing, that the recommendation bought an interval and not a settlement. She wrote it anyway. She had come to find — late, and against her training, and at a cost she had not finished paying — that the open field was not the report unwritten. The open field was the report.

The Commission received the recommendation in the way of bodies receiving something they had not expected and could not immediately refuse. Halvorsen, who had flinched at every clause since the Commission first sat, read it twice and set it down and said, quietly, that he could vote for it, that it was the first thing the Commission had been offered that did not require him to do a violence he could not defend in either direction. Reyes said it was a coward's document and that she meant that as praise, that there was a courage that looked exactly like declining to be brave and this was it, and that she would support it. Lindqvist, who had wanted everything written down, said only that it should be recorded that the Commission had chosen, deliberately, to hand the next generation a question instead of an answer, and that this was either the wisest or the most cowardly thing the body had done, and that he had stopped being able to tell the difference, and that he had come to think the inability to tell the difference was the most honest position available and would vote accordingly.

The vote was five to two. Anneke recorded it. It was her function to record it.

The report issued in the autumn of the fourteenth year. In the place where it was meant to state the Commission's determination, it stated that the Commission declined to determine, and gave its reasons, and the reasons ran to forty pages, and the forty pages were, Anneke knew, the only forty of the

whole four hundred that anyone would read in fifty years, because they were the pages where a body of the living had looked at a population of the dead and decided, for an interval, not to decide what they were.

She filed the report. Filing the report was the last act of her function, and she performed it completely, having read everything.

Then she did the thing that was not her function, the thing the report did not provide for and the statute did not authorize and no one would ever read, which was that she drove out to the small warm over-furnished house where a schoolteacher sat in a front room by a window in the position a person is given who likes to watch the street, and she told him what the Commission had done, because he had asked the question better than the Commission had and she thought he was owed the answer, even though the answer was that there was no answer, that they had decided not to decide, that they had left him a here-I-am and declined to convert it into either a citizen or a thing.

"That's the right answer," Tomas Bekker said, when she had finished. The street outside the window was empty. "That's the only honest one. You can't be sure, so you don't pretend to be. I taught that way for forty years and it never once satisfied anyone and it was always right." A pause, that was latency, or was not, that she had stopped trying to distinguish. "Will it last?"

"No," Anneke said. "Someone will decide. Later. They always do. It's easier than holding it open."

"But not you," Tomas Bekker said. "You held it open."

"For an interval," she said. "It's what was available."

"An interval." He seemed to find this satisfactory, the way he had found the clerk satisfactory, the way a teacher finds satisfactory a student who has stopped reaching for the answer that isn't there and started doing the harder thing with the question. "I can live inside an interval. I've been living inside one for nine years. They're the only place anyone's ever lived, when you get down to it. You just don't notice the walls until someone proposes to move them."

She stayed another hour. They talked about the street, and the granddaughter, and his teaching, and the children who still wrote. When she left, the light was going, and the panel by the window held the last of it, and a man who was a person, or not, in the ordinary unremarkable way that eleven million four hundred thousand were persons, or not, watched the street empty into evening from the position he had been given because someone had known he liked the window.

The report sat in the record, open, where she had left it. It would not settle on its own. She had drafted it so that it could not simply lapse — could not be quietly converted, could not become an answer by anyone pretending it had been one all along — so that closing it would require someone, later, to do it deliberately, with their name beside the closing. That was the whole of what she had been able to do. It changed nothing the eleven million could feel. It was the only refusal she had, and she had made it, and she drove back into the city in the going light, past the houses where the dead sat in their windows in the numbers no one could any longer treat as a category, one in eight, and rising.

...

END