

# CLASH OF CIVILIZATION'S

A Thesis by

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## CLASH OF CIVILIZATION'S

The following faculty members have examined the final copy of this thesis for form and content and recommend that it be accepted in partial fulfillment of the requirement for the degree of Master of Arts with a major in communications.

Lisa Parcell, Committee Chair

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## DEDICATION

My mama, she love me  
her first baby, I'm the one  
I'm more than an artist  
that done made it  
I'm her son

-42 Dugg, World On My Shoulder

For Celice

## ABSTRACT

This study explores the dynamic nature of Black life as it is lived in social death. Dwelling specifically on the (im)possibility of progress and reform for black people via the Breathe Act proposed by the Black Lives Matter movement. The Breathe Act is evaluated using a discourse analysis centered around Afro-pessimism. Afro-pessimist theory curated by Frank B. Wilderson, identifies the Black body as a socially dead slave, under the constant siege of gratuitous violence. This thesis ultimately serves to intervene in the communication centered around police reform to suggest that the Breathe Act is designed to sustained Black Death by extension of civil society.

Key Words: Afro-pessimism, Social death, Civil Society, Ontology, Anti-Blackness

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## **INTRODUCTION**

2020 has been dominated by COVID-19 and police brutality. The nationwide lockdown was supplemented by numerous deaths of unarmed Black people at the hands of police. The streets were set ablaze after George Floyd died while in the custody of the Minnesota police. The aftermath resembled the Ferguson rebellion of 2014, leading to the destruction of a Minnesota police station. These events have commanded to a nationwide discussion about police reform, largely led by the sociopolitical group Black Lives Matter (BLM).

2020 has also been huge for politics because elections happened this year amid the pandemic. Both presidential candidates in this year's election have participated in discussions about prison reform. Donald Trump's 2020 political campaign championed his 2018 First Step Act which eliminated the infamous 3 strikes law which required that any person receiving 3 felonies be sentenced to life in jail. Sentencing reform and back-end release policies have been promised by Joe Biden's campaign ([joebiden.com](https://joebiden.com), 2020).

Even with the previous reforms and promises via presidential campaigns, liberals and conservatives are more divided than ever. The entire country has been split on questions of opening/closing the country during a pandemic (COVID-19), the supreme court, and racial injustice (Enten, 2021). Only history will be able to make sense of this. However, it is worth investigating the longer political history of these candidates, particularly their relationship to racial policing and the prison system.

In 1989 the Central Park 5 case took place, resulting in 5 Black males being falsely imprisoned for the rape of a white women in Central Park. During the investigation of this case the 45<sup>th</sup> president Donald J. Trump took out ads in the news totaling \$85,000 stating “BRING BACK THE DEATH PENALTY. BRING BACK OUR POLICE!” These ads played a role in the arrest of the 5 Black men who were eventually found innocent decades later (Waxman 2019).

This year the Democrats received a huge turnout from the Black population across the nation. This can be partially attributed to Black Lives Matter’s endorsement of the 2020 Democratic ticket (Tensely, 2020). However, there is some discrepancy between policies supported by Biden and Harris and the federal prison reform Black Lives Matter advocated for earlier in 2020. Biden has actively contributed to racial injustices by way of criminal and segregation policies that BLM seeks to fight against. For example, Biden is responsible for The Violent Crime Control and Law Enforcement Act of 1994 which gave rise to the mass incarceration of Black men (Kessler, 2019). This bill was so catastrophic it created a modern racial caste system called the prison industrial complex which Michelle Alexander describes in her book entitled, “The New Jim Crow” (2010). Aside from Biden’s contribution to mass incarceration during the 90s, he actively promoted segregation in 1975 (Ross 2019). As a freshman senator he advocated a bill that would limit the state’s ability to integrate schools. If one wants to understand his more current stance on policing, one can look to his running mate Kamala Harris, a former prosecutor who has been associated with the false imprisonment of innocent Black men like Jamal Trulove (Demby 2020).

This thesis will use the psychoanalytic theory of Afro-pessimism to explore how humans react to Black beings and how those reactions are structured by a racial calculus (Anti-blackness) created during slavery. This racial calculus is embedded within every existing American institution today from the health care, education and criminal justice system.

## **Chapter 1: LITERATURE REVIEW**

In order to understand the core tenements of Afro-Pessimism we must start with a review of the Trans-Atlantic Slave Trade. Afro-pessimism makes a bold claim about the history of slavery (and the parts that are still present). Traditionally slavery is understood as an event where people work for free during a period of time. This understanding is very much in line with the Marxist thought that informs a substantial amount of revolutionary work to this day. Afro-pessimism rejects this analysis of history. The theory adamantly argues that slavery was not an event and that free labor is not an essential aspect (Wilderson III, 2003, 2010). The Marxist understanding of slavery as free labor is reductionist thus mystifying the actual relationship that slaves have to the world during the present day. The implications for this misdiagnosis have unfortunately carried over into Black liberation movements of the past and present day. Afro-pessimism provides an analytical corrective to this Marxist understanding of slavery, with the hopes of inspiring the most radical revolution know to date, a program of complete disorder rejecting all American place and space (Wilderson III, 2011).

In order to understand the totality of slavery, Afro-Pessimism relies heavily on the first massive comparative study on slavery across 66 societies. This study conducted by Orlando Patterson gives birth to the essential concept of “*social death*” (Patterson, 1982). Social death is used to describe the socio-relational dynamics of slavery. Patterson articulates the uniqueness of chattel slavery. Unlike all other forms of slavery, chattel slavery was generational, meaning if your parents were slaves than you were automatically born a slave (Patterson 1982). Thus,

the African American slave is born with zero social relation due to their chattel legal status.

An important distinction about slavery is made here which includes a fixation on the ontological components to the nature of slavery, natal alienation. As Orlando Patterson points out, slavery was not just about work, but about completely reorienting the native status of the African to become the ultimate tool. Social death is the process by which the African subject was turned into an object for use value, a commodity.

This interpretation is crucial for Afro-pessimist argument about 21<sup>st</sup> century race relations. Afro-pessimist have used social death to create a new paradigm for the investigation of Blackness. Jared Sexton explains that instead of simply focusing on the empirical suffering that black people have faced whether it be job or housing discrimination, Afro-pessimism suggest that we should focus on the condition that creates the ability for Black people to suffer in the first place (Sexton 2016). It is from this point that we can see how Black life is bound to suffering.

For Afro-pessimists social death is a metaphysical construct creating what it means to be human. On the flip side, it also tells the long history of violence that has created the position of the Black in an anti-black world. Afro-pessimism reads Blackness as an ontological imposition, a negative identity formation antagonistic to human beings.

Other theories in Black Studies make claim to a different history which usually does not focus on western political ontology as much as Afro-pessimism.

Popular figures in Black Studies like Fred Moten have taken up a different history of being Black in the world. Moten's history moves away from the social death of (western) political ontology, in order to trace a different understanding/origin of Blackness (which he claims to be paraontological to western ontology) (Warren, 2017). Moten rejects Afro-pessimist reading of history, arguing that it is too reliant on racist Western metaphysics to explain Black existence, which inevitably leaves no room for Black agency (2003, 2008, 2013). Even more recently, scholars argue that Afro-pessimism relies too much on ontology which destroys the ability to recognize the progress that Black people have made in the fight against Anti-Blackness (Kline, 2017). Moten believes that creating a distinction between Blackness and social death will provide Blacks with a way to operate in an anti-black world (2008). Fugitivity/fugitive planning is a term Black optimist use to describe this process.

Moten isolates the Black Radical Tradition as a movement that expressed Black life outside of western rationality. Ebony Rose suggests that the crux of the movement entails creating new ways of being (religions, languages, and cultures) which were not influenced by the racial logic of anti-blackness (2016). The ability for Black people to create relationality with one another via cultural practices is something that Moten takes seriously. The cultural practices created during the Black Radical Tradition are viewed by Moten as expressions of Black life.

While Moten feels that it is important to recognize the potential expressions of a Blackness that is not bound up in western ontology, Afro-pessimism questions the possibility for these cultural practices to resolve anti-black violence. Afro-

pessimism does not let us forget that anti-black violence via political ontology exists in Black life alongside the cultural ways of being that Moten names. Sexton describes this intersection as “the paradigmatic analysis of afro-pessimism and the black optimism of performance studies relate through a set-theoretic difference rather than dialectical opposition or deconstruction...” (2011, p.32). This is a sophisticated version of saying that Black culture cannot be free of anti-Black discrimination. Black people having culture does not change the fact that Black people are still positioned as slaves in society. Furthermore Afro-pessimism argues that Black inventions like Jazz, Blues, & Hip-Hop where in fact born out of the conditions of social death and for this reason ill equipped to overcome structural inequalities. Hip-Hop was birthed in a poverty-stricken Black community of New York during the late 1970s. Focusing on the positive capabilities of Black people do no not shield them from violence. If we only study the way Black people can create life for themselves, we can easily forget the way slavery intervenes in Black life.

Afro-pessimism has never (although optimist would suggest otherwise) denied the fact that Black people have their own ontological practices. Rather Afro-pessimism warns us that focusing on the miraculous practices of Blackness will blindside us from the fact that anti-blackness exists. This is a significant point to note because Afro-pessimism identifies the political structure of America as a problem, and not Black people or their ways of life. Pointing out the mere fact that anti-blackness limits Black relationality is conflated by cultural studies as the denial of Black life altogether. Maybe if Black studies where to adopt a paradigmatic

analysis of American political ontology, they would problematize American institutions instead of Afro-pessimism.

#### *AFRO-PESSIMISM & POLICING*

The theory of Afro-pessimism offers an analysis of American prison systems. Before Afro-pessimism, Black scholars realized that American prisons are disproportionately filled with Black people (Muhammad, 2010; Shakur 2020; Alexander, 2010; Du Bois, 1899; Davis, 2011). These scholars also went on to challenge the prison system's ability to rehabilitate criminals.

Afro-pessimism suggest that not only are prisons disproportionately filled with Blacks, but that anti-blackness created the concept of policing. Frank Wilderson says, "both slavery and the modern prison-industrial matrix target the black body and are constructed on relations of direct force and terror" (James, pg.19). Afro-pessimism traces the origins of policing all the way back to the event of slavery during the 1700s. Policing was invented as a way to target and enforce social death against Black people.

Once the 13<sup>th</sup> amendment was ratified to end the event of slavery, the question became where would former slaves fit in the country? The only way whites could place Black people back into legal slavery was if a Black person committed a crime. To account for the formally enslaved people's contingent freedom, whites decided to double down on the policing of Blacks. The domination of Blacks became professionalized through government policing, for the sake of protecting white political, economic and social privileges (Sexton 2007). The instantiation of governmental policing created a slew of problems for Black people

such as convict leasing and racist court (Du Bois 1899). Whites adjusted to the emancipation of Blacks by incarcerating the formally enslaved.

Eventually crime became associated with race so much so that criminality became an ontological marker of Black being. During the 1890s white sociologists described patterns of crime through Black pathology. When it comes to Black people committing crime it is never understood by society as an act committed at the individual level. Sociologist suggested that the Black race was more susceptible to committing crime because of their inability to adapt to the evolution of humanity. By directly applying Darwin's animal evolution theory to Blacks, white analysts explained criminality as an inferior trait inherent in Blacks, directly resulting from slavery (Muhammad 2010). Anti-blackness structures the discourse on crime to the point where crime committed by whites were thought of contingently, while crimes committed by Black people were understood to be ontological. This understanding of crime became reflective of Black people as a race as opposed to crime as individual responses. Crimes committed by white people were simply understood as the result of a choice (an expression of human agency), whereas crime committed by Black people could only be recognized as the inability to express humanity. Thus, in a current warfare state against crime the Black body is the primary target.

Two major strategies deployed by the warfare state was "War on Drugs" and the "War on Crime". Both plans were created to resolve social issues particularly in urban America. As a result of these policies "African Americans among

admissions to federal and state penitentiaries have nearly doubled” (Wacquant 2005, p.19).

Drugs and crime laws were influenced by anti-black sentiment leading to the disproportionate incarceration of Blacks. These laws do not mention race but somehow Blacks quickly found themselves most incarcerated. On top of the disproportionate implementation of these laws, there were structural issues with these policies. For example, federal drug laws carry longer sentences for drugs found in predominantly Black communities than in non-Black communities (Alexander 2011). The anti-black application of warfare policies produced a criminal ontology for blackness.

Afro-pessimism supplements social criticisms of prisons by highlighting the anti-black calculus that drives carcerality today. The theory goes the extra length to explain how policing is a forum of anti-black violence against Blacks, which provides security for the rest of the world (Warren,2018; Wilderson,2002; Sexton,2007,2010). Afro-pessimism understands that the police are a direct extension of the slave master. While the police are supposed to serve and protect citizens, Black people have a fundamentally different relationship with the police altogether. Khalil Muhammad describes the relationship in-depth:

The consequence of this apparent paradox was that black communities were subjected to a hostile form of daily policing that was contrary to the criminal laws on which it was based and destructive to the communities it was supposed to serve and protect (2010, p.250).

It became evident that the same rights that were protected for white people were not extended to Black bodies. A paradigmatic analysis of Black life in relationship to police in fact show no history of rights to be exercised or protected. Charles Linscott outlines the ontological position of Blacks today by suggesting “white lives, police lives, property, and (white) public safety take precedence over black lives” (2017, p.105). Today there are global movements across the country in attempt to challenge the ontological status of Blacks.

*BLM PRISON REFORM*

Black Lives Matter (BLM) is one of the most popular racial justice movement’s in over a decade. The global organization was created in response to the death of Travon Martin, as a means to counteract state violence in Black life (“Black Lives Matter:About”).The grassroots organization was founded by three Black women: Alicia Garza, Opal Tometi, and Patrisse Cullors, along with other notable activists like Sean King and DeRay McKesson (Linscott 2017). Although the movement started in response to police brutality, the organization “promotes feminism, trans\* issues, LGBTQ activism, immigration reform, economic justice, and so on” (Linscott p.108). Black Lives Matter has built coalitions across various intersections of Black identity including class, gender, sexuality, etc. Due to the intersectional focus of the movement, BLM engages in activism on multiple fronts.

BLM has supported various policies and street protest. In order to politically make the statement Black Lives Matter, members of the organization use their bodies to interrupt the flow of commerce by shutting down malls, highways, and business districts. Black Lives Matter creates a sight of Black optimism by

disrupting the American way of life, which BLM identifies as the root cause of anti-Black violence (Linscott 2017). With the help of social media, BLM is able to make a huge presence in the streets across the world. Engaging in protests on the ground allows the movement to shed light on the racial injustices that Black people must endure on an everyday basis. BLM demands that the human rights of Blacks be upheld so that they are provided security like humans as opposed to subjected to violence (Yancy & Butler, 2003). Given that Blacks are slaves, the production of capital and white life come before Black existence. Anti-blackness has been the template for America for so long that it is difficult to recognize Black suffering (Yancy & Butler, 2003). The movement/statement Black Lives Matter has garnered so much attention that other social movements have come to organize against BLM.

“All lives matter” & “blue lives matter” are a couple of popular movements aimed at challenging Black Lives Matter. These movements use the hashtag #BlueLivesMatter or #AllLivesMatter instead of #BlackLivesMatter. This is done in line with the group’s criticism of BLM’s hyper-focus on Black people. In plenty of instances Black Lives Matter art has been defamed and resprayed with #AllLivesMatter (Linscott, 2017). “All lives matter” is a race-blind approach to social issues (Yancy & Butler, 2015), affirming a universal ethic of life where all lives matter. These groups have had plenty of standoffs where non-black people chant “AllLivesMatter” and “BlueLivesMatter” in the face of BLM activist.

The problem with these recent modification to Black Lives Matter is that these movements/statements actually ignore Black life. Supporters of

“AllLivesMatter” and “BlueLivesMatter” completely miss the boat when it comes to racial injustices. Black Lives Matter does not disagree with the statement that “all lives matter.” Rather BLM uses its hashtags and activism to highlight that, “In America, Black people and white people are not the same nor are people of different genders” (Linscott 2017, p.105). To say that “All Lives Matter” is to ignore the way that anti-blackness produces unequal life chances for Black people even across gender lines. The entire point of Black Lives Matter is to highlight how anti-blackness has structured society in a way where all lives matter except Black ones. To be more specific Black Lives Matter is an attempt to disrupt the institutional practices that produce white lives over Black lives.

Black Lives Matter has directed most of its attention toward reforming American prison systems. The death of Travon Martin signifies a larger problem with the policing of Black people in America. The death of Travon Martin shows that policing is a huge threat to Black life (although Travon Martin was murdered by a neighborhood watchman and not an official officer). Last year, the murder of George Floyd sparked another look into race relations and policing. Unlike Travon Martin, George Floyd died in the custody of the Minnesota state police. In response, people in predominantly Black communities in Chicago, Los Angeles, Minnesota, Philadelphia and Oregon “took to the streets to protest the latest acts of violence in a centuries-long war against Black people” (Springer, 2020). This unified protest against police brutality has forced American citizens to deal with the way unarmed Black people are murdered, by the same state apparatus that is sworn to protect human life. In order to produce criticism of anti-black murders,

Blacks and non-blacks come together to express that these deaths at the hands of police produce more terror than safety (Butler & Yancy, 2015).

Unfortunately, Black death has been attached to the status quo for so long that it is hard to draw attention to the suffering of Blacks. Black Lives Matter protests shut down the flow of commerce in order to force Americans to confront Black death.

Black Lives Matter has called for legal policy changes alongside of protest and demonstrations. BLM has worked closely with democratic candidates like Joe Biden & Kamala Harris. One of the most popular political demands that Black Lives Matter has called for is the abolition of police and prisons (Phillips, 2020). Due to the large number of Blacks that are incarcerated, eliminating prisons would alleviate a large portion of structural violence. Not only does BLM advocate for the end of policing, but the movement is also interested in the relocation of funds into social services for Blacks and other minorities. The budget for policing in America is the third largest budget after social services and education (NPR, 2020). Although these demands have not become legislation yet, it is important to discuss the implications of these policies on crime.

While these policy discussions are in their early stages, Americans are burning to know how these reforms will be enforced. Everyone's interpretation of prison abolition is completely different. Some people believe this means simply scaling back on prisons until they are obsolete, while others understand it to be the elimination of the entire policing apparatus.

Right now, the House Congressional Black Caucus is advocating for the George Floyd Justice in Policing Act. The Justice for Policing Act has passed through the House and is now caught in the Senate as a partisan plan. The Justice in Policing Act focuses on banning certain police practices like no knock warrants used in the murder of Breonna Taylor, and chokeholds used in the Murder of Eric Garner (PBS.org, 2021). However, a critical component of the Act includes a 900 million budget for policing and incarceration (NPR.org, 2021). Black Lives Matter has proposed the Breathe Act as a corrective to the currently proposed Justice in Policing Act.

The Breathe Act is divided into four sections, all attempting to deal with policing in the Black community. The first section is the closest section to defunding the police. This section specifically attempts to demilitarize police presence in the Black community. This section proposes the end to the Department of Defense programs 1033 & 1122. These two programs allow local police departments to access the surplus of military equipment to than be used on the streets of local communities (Jackman, 2017; Johnson & Johnson, 2020). On top of curtailing the circulation of military weapons, the Breathe Act also seeks to eliminate tear gas, rubber bullets, pepper bullets, pepper spray, and flash bangs. Aside from weapons, the Act also eliminates all tools for biometric data which contributes to racial profiling/ surveillance of Black and brown bodies. This section also restrains police presence entirely from schools, medical facilities, and public offices.

Section 2 of the Breathe Act includes the transfer of federal and local funds from prison systems to neighborhood safety programs. 50% of the proceeds from

prison divestment will go into creating non-punitive intervention programs (Johnson & Johnson, 2020). These programs would be accessible to all citizens, undocumented ones as well. These new programs would not only grant citizens safety but also create adequate health care and housing. The redistribution of funding would also create new educational justice programs outlined in section 3.

The last section of the Bill focuses on community self-determination as well as political accountability for officials. This accountability measure includes annual reports on homicides, assault, and sexual harassment, as well as visual, body and strip searches. All local and state governments must create a police accountability grant program that provides reparations to all victims of mass incarceration. To ensure that the Black community has political representation, the Act would allow formally incarcerated individuals to participate in federal, state and local elections (Johnson & Johnson, 2020).

## **Chapter 2: METHOD**

Policy discourse analysis is a specific subset of critical discourse analysis. Policy discourse analysis can be defined as a critical social analysis centered around discourse (Fairclough, 2014).

A policy discourse analysis was conducted on the Breathe Act, a proposal created by the Movement for Black Lives. This political discourse analysis was conducted from an Afro-pessimist perspective, seeking to explore the power relations between the (Black) slave and the Human (Wilderson III, 2010). This study analyzed different parts of the Breathe Act that specifically attempts to address police brutality and prison reform. The goal of this analysis was to discover how this reform will situate Black people inside of civil society. Furthermore, this study compared the structural position the Breathe Act places Black people into the historical structural position of Black people.

Policy discourse analysis is necessary for tracking government reforms. Policy discourse reflects actions of the government which then allows for citizens to question the legitimacy of certain actions (Hewitt, 2009). This is crucial because practices that are legitimized through rules/law versus ones that are not is a material manifestation of policing and power. When dealing with policies, language is the source of data (Yanow, 2014). Tracking changes in policy discourse is key to presenting contingencies in government. This policy discourse analysis attempted to determine if the Breathe Act proposed by Black Lives Matter can actually redress the social death of Blacks, which has created the possibility for police brutality in the first place. Can Afro-pessimism theorization of social death

contribute to the relationship between Blacks and the police that the Breathe Act seeks to reform?

### **Chapter 3: FINDINGS**

The Breathe Act is the Prison slaves' reentrance back into civil society. The same society in which the Black has no ontological standing (Sexton 2010). Afro-pessimism forewarns us about the structural adjustments made to the slave that "fortify and extend the interlocutory life" of anti-blackness (Wilderson, 2003). Neither prison nor police reform can extend Black life. At best it may extend Black life to the position of social death by which the world is structured on. The deaths of George Floyd, Daunte Wright, Breonna Taylor, Pamela Turner, Alteria Woods, Michael Brown, Sandra Bland, Korryn Gaines, Geraldine Townsend, and Decynthia Clements show that in leu of current prison reform, more Black people are being lynched before making it to jail.

What does it take to recognize the Breathe Act as political reform? One must equate society with freedom instead of society as the cause of Black death (Wilderson, 2016). The reason why Black people must emphasize police brutality is so that "we don't present the world with the totality of our relation to the police, which is that we are policed all the time, and everywhere" (Wilderson,2016). In order for the violence that happens to Blacks to become politically legible to whites we must break down Black suffering to contingent instances to suggest that there is simply a malfunction with the way society operates as opposed to presenting the world as a problem for the Black. This is why anti-Black brutality is spectacularized by media, however, this spectacularized coverage masks the existence of everyday racial discrimination (Martinot & Sexton, 2003). This is what allows white people to say "we have never seen anything like this before," although Black death has been a constant in civil society since its origin. The focus on contingent

instances of police brutality allows liberal whites to feel like less of a racist (Ziyad, 2017). White liberals can focus on the fact that they have not physically assaulted a Black person while ignoring the fact that their entire existence is structured by white privilege.

The defunding of police and prisons as a progressive step in society eclipses the master slave relation that dominates the outside of prison. Afro-pessimism shows us that Blackness can never be consistent with humanity since the time of slavery (Ziyad, 2017). The structural position of Black people is the same inside and outside of prison. A return to civil society cannot reconcile the fact that there is no place in the world for the Black body. The idea that Black lives can matter because penal institutions do not exist is only a failure to recognize that the antagonism Black people have is not with the police but humanity. To remove Black people from one institution (the prison industrial complex) to participate in other state institutions would only be a forum of “borrowed institutionality” where Blacks may be discriminated against in political and social institutions (Wilderson, 2010). In order to understand a divestment from the institution of policing as progressive, one must disregard the state apparatus and all of its other institutions function. The idea of the prison slave returning to society to join America’s “melting pot” is only a fantasy that does not take the condition of social death seriously.

If we are to take the liberation of Black life seriously than we must reject the attempt to sanitize Black death. The Breathe Act’s focus on the removal of military weapons via the 1033 program is only an attempt to focus on the extreme instances of violence which mask the way in which police can reproduce anti-Black

death without weapons. The execution of Aiyana Stanley-Jones by way of an MP5 machine gun is an unfortunate event, but the focus on the style of weapon used to execute a 5-year-old girl while executing a warrant begs the question of why Black people are executed by police in the first place. This can only be understood as a form of justice if it is acceptable to murder Black children with a basic pistol. The focus on military weapons cannot represent the spectrum of police brutality (Martinot & Sexton, 2003). Furthermore, this focus on military grade equipment creates an inability to deal with the execution of Black people without weapons. For example, cases similar to Eric Garner's and George Floyd's, which included a chokehold and a knee, did not involve military equipment. The more focus that is placed on Department of Defense's militarization program the more we accept the death of George Floyd and Eric Garner as a normal part of police conduct.

Policing has become so ingrained in civil society that the Breathe Act proposes the creation of civilian safety and review programs as an alternative to policing. This logic of reform relies on the illusory idea that it is the power of a badge that incentivizes police to kill Black people. Outside of this, one must ignore the way in which there is little to no repercussions for police officers when Black death occurs. The death of Travon Martin (the catalyst for the Black Lives Matter movement) was not caused by a police officer with a badge, but rather a non-Black civilian claiming to act in the name of community safety (Alcindor, 2013). Although George Zimmerman was not a part of a police department and did not carry a badge, he felt as though he was keeping his community safe. This was not Zimmerman's first time policing Black males, given that he has reported several

other encounters with Black boys prior to the death of Travon Martin (Alcindor, 2013). By prescription of the Breathe Act's reform, policing cannot happen without a police department, thus leaving Blacks to be executed in the name of public safety. It was precisely George Zimmerman's mere association with a citizen's patrol program that allowed him to be acquitted for his murder of a Black boy. Blackness is absolute dereliction leaving no room for Blacks to occupy the position of citizenship (Fanon;1961,1970). Being a non-Black citizen is enough to police Black bodies regardless of if they are law enforcement.

It also does not require non-Blacks to be a part of law enforcement to surveil Black bodies. The Breathe Act's attempt to reform government surveillance relies heavily on the ability to curtail technology. This reform relies on a color-blind approach to assume progression can come from a decrease in biometric tools like aerial surveillance and facial recognition. This logic equates eliminating the physical ability to see Black people with an elimination of surveillance. To make anti-Black discrimination synonymous with the ability to see Black people misrepresents the fact that anti-Blackness is a way of seeing Black people and not a result of seeing actual Black bodies (Beutin, 2017). It is not technology that determines how we see Black people it rather it is anti-Blackness that determines what we see and who we use technology to surveil. Travon Martin was surveilled by George Zimmerman's physical eyes and anti-Black understanding of Blackness. In Switzerland even well-known Black people like Oprah Winfrey are racially profiled by store employees while shopping (Brown, 2013). These incidents do not just happen to Black billionaires out of the country but to all Black people in

America at local mom and pop stores. This colorblind reform does its best to not understand the way anti-Blackness creates a difference in the way non-Blacks see Black bodies vs the way society views humans.

Anti-Blackness not only controls how we see Black people, but how we interpret the documentation of this violence. The most blatant denial of anti-Black realities is the Breathe Act's call for democratic accountability via annual reports on police activity. This is nothing more than a process of sanitizing Black death through official documentation, operating under the assumption that Black death at the hands of the police is less of an injustice to those Black deaths not documented in black and white. This idea can only constitute reform under the assumption that there has not always been proof of police brutality without a penalty (Ziyad, 2017). If Black lives mattered, we may be able to remember the assault (recorded on camera) that Rodney King endured by the Los Angeles Police Department 30 years ago (Anderson et al., 2021). The status quo already requires certain police departments to use body cameras. Unfortunately, more proof of police brutality means an increase in the criminalization of Black bodies that cannot provide such evidence similar to the case of Michael Brown (Ziyad, 2017). This reform relies on empathetic identification on behalf of the state and non-Blacks, which is not possible for Black bodies given that these bodies have been excluded from the category of humanity relegating them in the position of the unthought (Hartman & Wilderson, 2003). The Jim Crow era represented the height of crime statics and how they were interpreted by non-Blacks. Reports and statistics about Black people's encounter with the police could only be interpreted by white crime

analysts as proof of criminal ontology amongst Black bodies as opposed to a failure on behalf of society (Beutin,2017; Muhammad, 2010). Anti-Blackness determines how we see Black people alongside of how we view statistics about them.

The only way to deal with police brutality is to address why the police and the prison industrial complex exist in the first place. One of Afro-pessimism's goals is to challenge the practice of police as opposed to focusing on police brutality (Martinot & Sexton, 2003; Wilderson,2016, 2003). If we follow Afro-pessimism's investigation of Black ontology, we may be able to account for all Black people's interaction with police. The criminal ontology of Blackness is at the root of why it is that police officers mistake Black people holding a wallet or a phone for a gun (Martinot & Sexton, 2003). The inquiry into the master slave relation allows us to recognize the context in which policing developed. There is no time in history where the Black body is protected (Sexton, 2007). The concept of organized policing did not exist prior to the end of the Trans-Atlantic Slave Trade. During the event of slavery all white people were allowed to police Black bodies (Sexton,2007). These historical facts allow us to wrestle with what it is that organized policing attempts to protect. The refusal of Black social formations after the antebellum period is what lead to the Jim Crow era known as the start of mass incarceration (Alexander, 2010; Warren, 2018; Muhammad, 2010). It is this understanding of the policing apparatus that allows us to understand the murdering of Black bodies as an effect of the state's antagonism to Black social formation. The only way to resist this state antagonism is if civil society sacrifices its protection

from Black social formations as opposed to trying to include Blacks bodies under the protection of the state (Wilderson, 2003). Blackness can never be included in the same society that it has been barred from. For this reason, Afro-pessimism is not against police brutality but against the police (Wilderson, 2018). From this perspective one can be against the entire policing apparatus that has created the phenomena of Black death and incarceration.

## **CONCLUSION**

As time accumulates the number of Black death at the hands of police has increased in succession. The antagonism between the master and the slave have caused Black bodies to rebel, leading to the riots that took place in the 1960s across Black geographies including Watts, California, and Detroit, Michigan. The brutality against Rodney King kick-started the Los Angeles riots. More recently the death of Michael Brown ignited a riot in Ferguson, Missouri, while the Death of George Floyd had the same effect in Minneapolis, Minnesota. The difference between these events have only been mere contingencies of time, place and police tactics. The aftermath of these police encounters has driven political advocacy groups like Black Lives Matter to attempt to seek justice within and from the same institution that contract these police.

The legislative focus that has come as a result of these deaths unfortunately do not actually attempt to address police brutality. At best they have been aimed at eliminating the contingencies surrounding Black death. This looks like eliminating the ability to use the chokehold that caused Eric Garners death, or the removal of military grade weapons used to inflict terror on Black people. Post rebellion legislation generates no actual focus on police or the reason why they reproduce Black death at a rate that is increasing with time. There has never been legislation to redress the cause of Black death but only the way in which it transpires. This forum of linear progression still includes Black death.

Civil societies' interpretation of progression involves structurally adjusting Black bodies to state institutions. Black people must accept death under different circumstances. Blacks must be ok with being executed with a pistol or by way of a

white knee. Blacks must also consent to death as long as it is documented in annual police reports. Being murdered by non-Black civilians as part of neighborhood watch programs is also a condition for Black people to participate in civil society.

The recognition of Black death by civil society can only happen via spectacularizing the excess components of death. This approach reproduces color-blindness, creating a façade against the anti-blackness that has created an accumulation of Black death. This spectacularization of Black death by the media allows civil society to act as though each sight of Black death is a tabula rasa event. This dissonance allows for movements like Black Lives Matter to address Black death as a contingent error within policing as opposed to a paradigmatic function of policing. It is in this way that civil society can rally around the Black death that is captured on camera while simultaneously criminalizing Black bodies for being murdered without video footage.

The Breathe Act's focus on contingencies of policing tactlessly speaks to particulars of policing while leaving out the anti-Black spectrum that structures the master/slave relation as well as the policing of Black bodies. The Breathe Act's focus on mass incarceration generates a mask over the Black death that happens in the streets on the other side of the prison industrial complex. In order to enjoy the reform that the Breathe Act produces, Black bodies must affirm the borrowed institutionality on behalf of the master to participate in civil society.

Black bodies must not hold back from ontological investigations that question humanity. Black people must be ready to present the world with the

totality of their suffering. Blacks must not choose between forums of contingent violence via dying in jail or on the street, between dying on or off camera, and between dying at the hands of the master with or without a badge. There must be a focus on why it is that Black death is a necessary condition to exist in the world. If Black bodies only have the capacity to choose the contingency of their death, then there is no room for Black life within civil society. Afro-pessimism can help us bring Black suffering together in its paradigmatic totality in order to formulate an ethical stance against non-Black civilians and police, against police and police brutality, along with Black incarceration and social incapacitation. Afro-pessimism stands alongside the ontological suffering of Blacks against the entire modern world.

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