AGAINST INNOCENCE

RACE, GENDER, & THE POLITICS OF SAFETY

JACKIE WANG

"Against Innocence - Race, Gender, and the Politics of Safety" first appeared in *LIES: A Journal of Materialist Feminism*, Vol. 1 (2012).

Available online at liesjournal.info

Text layout: LIES;
Cover: IWE, May 2014.

ill-will-editions.tumblr.com
illwill@riseup.net

JACKIE WANG

AGAINST INNOCENCE

RACE, GENDER, AND THE POLITICS OF SAFETY

Saidiya V. Hartman: *I think that gets at one of the fundamental ethical questions/problems/crises for the West: the status of difference and the status of the other. It's as though in order to come to any recognition of common humanity, the other must be assimilated, meaning in this case, utterly displaced and effaced: "Only if I can see myself in that position can I understand the crisis of that position." That is the logic of the moral and political discourses we see every day — the need for the innocent black subject to be victimized by a racist state in order to see the racism of the racist state. You have to be exemplary in your goodness, as opposed to ...*

Frank Wilderson: [*laughter*] *A nigga on the warpath!*

While I was reading the local newspaper I came across a story that caught my attention. The article was about a 17 year-old boy from Baltimore named Isaiah Simmons who died in a juvenile facility in 2007 when five to seven counselors suffocated him while restraining him for hours. After he stopped responding they dumped his body in the snow and did not call for medical assistance for over 40 minutes. In late March 2012, the case was thrown out completely and none of the counselors involved in his murder were charged with anything. The article I found online about the case was titled "Charges Dropped Against 5 In Juvenile Offender's Death." By emphasizing that it was a juvenile *offender* who died, the article is quick to flag Isaiah as a criminal, as if to signal to readers that his death is not worthy of sympathy or being taken up by civil rights activists. Every comment left on the article was crude and contemptuous — the general sentiment was that his death was no big loss to society. The news about the case being thrown out barely registered at all. There was no public outcry, no call to action, no discussion of the many issues bound up with the case — youth incarceration, racism, the privatization of prisons and jails (he died at a private facility), medical neglect, state violence, and so forth — though to be fair, there was a critical response when the case initially broke.

For weeks after reading the article I kept contemplating the question: *What is the difference between Trayvon Martin and Isaiah Simmons?* Which cases galvanize activists into action, and which are ignored completely? In the wake of the Jena 6, Troy Davis, Oscar Grant, Trayvon Martin, and other high profile cases,[1] I have taken note of

---

1 This article assumes some knowledge of race-related cases that received substantial media attention in the last several years. For those who are unfamiliar with the cases:

The Jena 6 were 6 Black teenagers convicted for beating a white student at Jena High School in Jena, Louisiana, on December 4, 2006, after mounting racial tensions including the hanging of a noose on tree. 5 of the teens were initially charged with attempted murder.

Troy Davis was a Black man who was executed on September 21, 2011 for allegedly murdering police officer Mark MacPhail in Savannah, Georgia, though there was little evidence to support the conviction.

the patterns that structure political appeals, particularly the way *innocence* becomes a necessary precondition for the launching of anti-racist political campaigns. These campaigns often center on prosecuting and harshly punishing the individuals responsible for overt and locatable acts of racist violence, thus positioning the State and the criminal justice system as an *ally and protector of the oppressed*. If the "innocence" of a Black victim is not established, he or she will not become a suitable spokesperson for the cause. If you are Black, have a drug felony, and are attempting to file a complaint with the ACLU regarding habitual police harassment — you are probably not going to be legally represented by them or any other civil rights organization anytime soon.[2] An empathetic structure of feeling based on appeals to innocence has come to ground contemporary anti-racist politics. Within this framework, empathy can only be established when a person meets the standards of authentic victimhood and moral purity, which requires Black people, in the words of Frank Wilderson, to be shaken free of "niggerization." Social, political, cultural, and legal *recognition* only happens when a person is thoroughly whitewashed, neutralized, and made non-threatening. The "spokesperson" model of doing activism (isolating specific exemplary cases) also tends to emphasize the individual, rather than the collective nature of the injury. Framing oppression in terms of individual actors is a liberal tactic that dismantles collective responses to oppression and diverts attention from the larger picture.

Oscar Grant was a Black man who was shot and killed by BART police officer Johannes Mehserle in Oakland, California on January 1, 2009.

Trayvon Martin was a 17 year-old Black youth who was murdered by George Zimmerman, a volunteer neighborhood watchman, on February 26, 2012, in Sanford, Florida.

2 This was a real situation that I heard described by Michelle Alexander when I saw her speak at Morgan State University. While she was working as a civil rights lawyer at the ACLU, a young Black man brought a stack of papers to her after hearing about their campaign against racial profiling. The papers documented instances of police harassment in detail (including names, dates, badges numbers, descriptions), but the ACLU refused to represent him because he had a drug felony, even though he claimed that the drugs were planted on him. Later, a scandal broke about the Oakland police, particularly an officer he identified, planting drugs on POC.

Using "innocence" as the foundation to address anti-Black violence is an *appeal to the white imaginary*, though these arguments are certainly made by people of color as well. Relying on this framework re-entrenches a logic that criminalizes race and constructs subjects as docile. A liberal politics of recognition can only reproduce a guilt-innocence schematization that fails to grapple with the fact that there is an *a priori* association of Blackness with guilt (criminality). Perhaps *association* is too generous — there is a flat-out conflation of the terms. As Frank Wilderson noted in "Gramsci's Black Marx," the cop's answer to the Black subject's question — *why did you shoot me?* — follows a tautology: "I shot you because you are Black; you are Black because I shot you."[3] In the words of Fanon, the cause is the consequence.[4] Not only are Black men assumed guilty until proven innocent, Blackness itself is considered synonymous with guilt. Authentic victimhood, passivity, moral purity, and the adoption of a whitewashed position are necessary for recognition in the eyes of the State. Wilderson, quoting N.W.A, notes that "a nigga on the warpath" cannot be a proper subject of empathy.[5] The desire for recognition compels us to be allies with, rather than enemies of the State, to sacrifice ourselves in order to meet the standards of victimhood, to throw our bodies into traffic to prove that the car will hit us rather than calling for the execution of all motorists. This is also the logic of rape revenge narratives — only after a woman is thoroughly degraded can we begin to tolerate her rage (but outside of films and books, violent women are not tolerated even when they have the "moral" grounds to fight back, as exemplified by the high rates of women who are imprisoned or sentenced to death for murdering or assaulting abusive partners).

We may fall back on such appeals for strategic reasons — to win a case or to get the public on our side — but there is a problem when

3 Frank Wilderson, "Gramsci's Black Marx: Whither the Slave in Civil Society?" *Social Identities* 9.2 (2003): 225-240.

4 Frantz Fanon, *The Wretched of the Earth,* Uniform Title: Damnés De La Terre (New York: Grove Press, 1965).

5 Saidiya V. Hartman and Frank B. Wilderson, III, "The Position of the Unthought," *Qui Parle* 13.2 (2003): 183-201.

our strategies reinforce a framework in which revolutionary and insurgent politics are unimaginable. I also want to argue that a politics founded on appeals to innocence is *anachronistic* because it does not address the transformation and re-organization of racist strategies in the post-civil rights era. A politics of innocence is only capable of acknowledging examples of direct, individualized acts of racist violence while obscuring the racism of a putatively color blind liberalism that operates on a structural level. Posing the issue in terms of personal prejudice feeds the fallacy of racism as an individual intention, feeling or personal prejudice, though there is certain a psychological and affective dimension of racism that exceeds the individual in that it is shaped by social norms and media representations. The liberal color blind paradigm of racism submerges race beneath the "commonsense" logic of crime and punishment. This effectively conceals racism, because it is not considered racist to be against crime. Cases like the execution of Troy Davis, where the courts come under scrutiny for racial bias, also legitimize state violence by treating such cases as exceptional. The political response to the murder of Troy Davis does not challenge the assumption that communities need to clean up their streets by rounding up criminals, for it relies on the claim that Davis is not one of those feared criminals, but *an innocent Black man*. Innocence, however, is just code for *nonthreatening to white civil society*. Troy Davis is differentiated from other Black men — the *bad* ones — and the legal system is diagnosed as being *infected* with racism, masking the fact that the legal system is the constituent mechanism through which racial violence is carried out (wishful last-minute appeals to the right to a *fair* trial reveal this — as if trials were ever intended to be fair!). The State is imagined to be deviating from its intended role as protector of the people, rather than being the primary perpetrator. H. Rap Brown provides a sobering reminder that, "Justice means 'just-us-white-folks.' There is no redress of grievance for Blacks in this country."[6]

---

6 H. Rap Brown, Jamil Al-Amin, *Die, Nigger, Die! : A Political Autobiography* (Chicago: Lawrence Hill Books, 2002).

While there are countless examples of overt racism, Black social (and physical) death is primarily achieved via a coded discourse of "criminality" and a mediated forms of state violence carried out by a impersonal carceral apparatus (the matrix of police, prisons, the legal system, prosecutors, parole boards, prison guards, probation officers, etc). In other words — incidents where a biased individual fucks with or murders a person of color can be identified as racism to "conscientious persons," but the racism underlying the systematic imprisonment of Black Americans under the pretense of the War on Drugs is more difficult to locate and generally remains invisible because it is spatially confined. When it is visible, it fails to arouse public sympathy, even among the Black leadership. As Loïc Wacquant, scholar of the carceral state, asks, "What is the chance that white Americans will identify with Black convicts when even the Black leadership has turned its back on them?"[7] The abandonment of Black convicts by civil rights organizations is reflected in the history of these organizations. From 1975-86, the NAACP and the Urban League identified imprisonment as a central issue, and the disproportionate incarceration of Black Americans was understood as a problem that was structural and political. Spokespersons from the civil rights organizations related imprisonment to the general confinement of Black Americans. Imprisoned Black men were, as Wacquant notes, portrayed inclusively as "brothers, uncles, neighbors, friends."[8] Between 1986-90 there was a dramatic shift in the rhetoric and official policy of the NAACP and the Urban League that is exemplary of the turn to a politics of innocence. By the early 1990s, the NAACP had dissolved its prison program and stopped publishing articles about rehabilitation and post-imprisonment issues. Meanwhile these organizations began to embrace the rhetoric of individual responsibility and a tough-on-crime stance that encouraged Blacks to collaborate with police to get drugs out of their neighborhoods, even going as far as endorsing harsher sentences for minors and recidivists.

---

7 Loïc Wacquant, "Social Identity and the Ethics of Punishment," Center for Ethics in Society, Stanford University, 2007. Conference presentation.
8 Ibid.

Black convicts, initially a part of the "we" articulated by civil rights groups, became *them*. Wacquant writes, "This reticence [to advocate for Black convicts] is further reinforced by the fact, noted long ago by W.E.B. DuBois, that the tenuous position of the black bourgeoisie in the socioracial hierarchy rests critically on its ability to distance itself from its unruly lower-class brethren: to offset the symbolic disability of blackness, middle-class African Americans must forcefully communicate to whites that they have 'absolutely no sympathy and no known connections with any black man who has committed a crime.'"[9] When the Black leadership and middle-class Blacks differentiate themselves from poorer Blacks, they feed into a notion of Black exceptionalism that is used to dismantle anti-racist struggles. This class of exceptional Blacks (Barack Obama, Condoleeza Rice, Colin Powell) supports the collective delusion of a post-race society.

The shift in the rhetoric and policy of civil rights organizations is perhaps rooted in a fear of affirming the conflation of Blackness and criminality by advocating for prisoners. However, not only have these organizations abandoned Black prisoners — they shore up and extend the Penal State by individualizing, depoliticizing, and decontextualizing the issue of "crime and punishment" and vilifying those most likely to be subjected to racialized state violence. The dis-identification with poor, urban Black Americans is not limited to Black men, but also Black women who are vilified via the figure of the Welfare Queen: a lazy, sexually irresponsible burden on society (particularly hard-working white Americans). The Welfare State and the Penal State complement one another, as Clinton's 1998 statements denouncing prisoners and ex-prisoners who receive welfare or social security reveal: he condemns former prisoners receiving welfare assistance for deviously committing "fraud and abuse" against "working families" who "play by the rules."[10] Furthermore, this complementarity is gendered. Black women are the shock absorbers of

9 Loïc Wacquant, "Deadly Symbiosis: When Ghetto and Prison Meet and Mesh," *Punishment & Society* 3.1 (2001): 95-134.

10 Ibid.

the social crisis created by the Penal State: the incarceration of Black men profoundly increases the burden put on Black women, who are force to perform more waged and unwaged (caring) labor, raise children alone, and are punished by the State when their husbands or family members are convicted of crimes (for example, a family cannot receive housing assistance if someone in the household has been convicted of a drug felony). The re-configuration of the Welfare State under the Clinton Administration (which imposed stricter regulations on welfare recipients) further intensified the backlash against poor Black women. On this view, the Welfare State is the apparatus used to regulate poor Black women who are not subjected to regulation, directed chiefly at Black men, by the Penal State — though it is important to note that the feminization of poverty and the punitive turn in non-violent crime policy led to an 400% increase in the female prison population between 1980 and the late 1990s.[11] Racialized patterns of incarceration and the assault on the urban poor are not seen as a form of racist state violence because, in the eyes of the public, convicts (along with their families and associates) deserve such treatment. The politics of innocence directly fosters this culture of vilification, even when it is used by civil rights organizations.

WHITE SPACE

> *[C]rime porn often presents a view of prisons and urban ghettoes as "alternate universes" where the social order is drastically different, and the links between social structures and the production of these environments is conveniently ignored. In particular, although they are public institutions, prisons are removed from everyday US experience.*[12]

---

11 Cassandra Shaylor, "'It's Like Living in a Black Hole': Women of Color and Solitary Confinement in the Prison Industrial Complex," *New England Journal on Criminal and Civil Confinement* 24.2 (1998).

12 Jessi Lee Jackson and Erica R. Meiners, "Fear and Loathing: Public Feelings in Antiprison Work," *Women's Studies Quarterly* 39.1: (2011) 270-290.

The spatial politics of safety organizes the urban landscape. Bodies that arouse feelings of fear, disgust, rage, guilt, or even discomfort must be made disposable and targeted for removal in order to secure a sense of safety for whites. In other words, the space that white people occupy must be *cleansed*. The visibility of poor Black bodies (as well as certain non-Black POC, trans people, homeless people, differently-abled people, and so forth) induces anxiety, so these bodies must be contained, controlled, and removed. Prisons and urban ghettoes prevent Black and brown bodies from contaminating white space. Historically, appeals to the safety of women have sanctioned the expansion of the police and prison regimes while conjuring the racist image of the Black male rapist. With the rise of the Women's Liberation Movement in the 1970s came an increase in public awareness about sexual violence. Self-defense manuals and classes, as well as Take Back the Night marches and rallies, rapidly spread across the country. The 1970s and 1980s saw a surge in public campaigns targeted at women in urban areas warning of the dangers of appearing in public spaces alone. The New York City rape squad declared that "[s]ingle women should avoid being alone in any part of the city, at any time."[13] In *The Rational Woman's Guide to Self-Defense* (1975), women were told, "a little paranoia is really good for every woman."[14] At the same time that the State was asserting itself as the protector of (white) women, the US saw the massive expansion of prisons and the criminalization of Blackness. It could be argued that the State and the media opportunistically seized on the energy of the feminist movement and appropriated feminist rhetoric to establish the racialized Penal State while simultaneously controlling the movement of women (by promoting the idea that public space was inherently threatening to women). People of this perspective might hold that the media frenzy about the safety of women was a backlash to the gains made by the feminist movement that sought to discipline women and promote the idea that, as Georgina Hickey

13 Georgina Hickey, "From Civility to Self-Defense: Modern Advice to Women on the Privileges and Dangers of Public Space," *WSQ: Women's Studies Quarterly* 39.1 (2011): 77-94.

14 Mary Conroy, *The Rational Woman's Guide to Self-Defense* (New York: Grosset & Dunlap, 1975).

wrote, "individual women were ultimately responsible for what happened to them in public space."[15] However, in *In an Abusive State: How Neoliberalism Appropriated the Feminist Movement Against Sexual Violence*, Kristin Bumiller argues that the feminist movement was actually "a partner in the unforeseen growth of a criminalized society": by insisting on "aggressive sex crime prosecution and activism," feminists assisted in the creation of a tough-on-crime model of policing and punishment.[16]

Regardless of what perspective we agree with, the alignment of racialized incarceration and the proliferation of campaigns warning women about the dangers of the lurking rapist was *not* a coincidence. If the safety of women was a genuine concern, the campaigns would not have been focused on anonymous rapes in public spaces, since statistically it is more common for a woman to be raped by someone she knows. Instead, women's safety provided a convenient pretext for the escalation of the Penal State, which was needed to regulate and dispose of certain surplus populations (mostly poor Blacks) before they became a threat to the US social order. For Wacquant, this new regime of racialized social control became necessary after the crisis of the urban ghetto (provoked by the massive loss of jobs and resources attending deindustrialization) and the looming threat of Black radical movements.[17] The torrent of uprisings that took place in Black ghettoes between 1963-1968, particularly following the murder of Martin Luther King in 1968, were followed by a wave of prison upheavals (including Attica, Solidad, San Quentin, and facilities across Michigan, Tennessee, Oklahoma, Illinois, West Virginia, and Pennsylvania). Of course, these upheavals were easier to contain and shield from public view because they were cloaked and muffled by the walls of the penitentiary.

---

15 Hickey, "From Civility to Self-Defense."

16 Kristin Bumiller, *In an Abusive State: How Neoliberalism Appropriated the Feminist Movement against Sexual Violence* (Durham: Duke University Press, 2008).

17 Wacquant, "Deadly Symbiosis."

The engineering and management of urban space also demarcates the limits of our political imagination by determining which narratives and experiences are even thinkable. The media construction of urban ghettoes and prisons as "alternate universes" marks them as zones of unintelligibility, faraway places that are removed from the everyday white experience. Native American reservations are another example of a "void" zone that white people can only access through the fantasy of media representations. What happens in these zones of abjection and vulnerability does not typically register in the white imaginary. In the instance that an "injustice" does register, it will have to be translated into more comprehensible terms.

When I think of the public responses to Oscar Grant and Trayvon Martin, it seems significant that these murders took place in spaces that the white imaginary has access to, which allows white people to narrativize the incidents in terms that are familiar to them. Trayvon was gunned down while visiting family in a gated neighborhood; Oscar was murdered by a police officer in an Oakland commuter rail station. These spaces are not "alternate universes" or void-zones that lie outside white experience and comprehension. To what extent is the attention these cases have received attributable to the encroachment of violence on spaces that white people occupy? What about cases of racialized violence that occur outside white comfort zones? When describing the spatialization of settler colonies, Frantz Fanon writes about "a zone of non-being, an extraordinary sterile and arid region," where "Black is not a man."[18] In the regions where Black is not man, there is no story to be told. Or rather, there are no subjects seen as worthy of having a story of their own.

TRANSLATION

When an instance of racist violence takes place on white turf, as in the cases of Trayvon Martin and Oscar Grant, there is still the problem of *translation*. I contend that the politics of innocence renders such violence comprehensible *only if one is capable of seeing themselves*

18 Frantz Fanon, *Black Skin, White Masks* (New York: Grove Press, 1967).

in that position. This framework often requires that a white narrative (posed as the neutral, universal perspective) be grafted onto the incidents that conflict with this narrative. I was baffled when a call for a protest march for Trayvon Martin made on the Occupy Baltimore website said, "The case of Trayvon Martin – is symbolic of the war on youth in general and the devaluing of young people everywhere." I doubt George Zimmerman was thinking, *I gotta shoot that boy because he's young!* No mention of race or anti-Blackness could be found in the statement; race had been translated to *youth*, a condition that white people can imaginatively access. At the march, speakers declared that the case of "Trayvon Martin is not a race issue — it's a 99% issue!" As Saidiya Hartman has asserted in a conversation with Frank Wilderson, "the other must be assimilated, meaning in this case, utterly displaced and effaced."[19]

In late 2011, riots exploded across London and the UK after Mark Duggan, a Black man, was murdered by the police. Many leftist and liberals were unable to grapple with the unruly expression of rage among largely poor and unemployed people of color, and refused to support the passionate outburst they saw as disorderly and delinquent. Even leftists fell into the trap of framing the State and property owners (including small business owners) as victims while criticizing rioters for being politically incoherent and opportunistic. Slavoj Žižek, for instance, responded by dismissing the riots as a "meaningless outburst" in an article cynically titled "Shoplifters of the World Unite." Well-meaning leftists who felt obligated to affirm the riots often did so by imposing a narrative of political consciousness and coherence onto the amorphous eruption, sometimes recasting the participants as "the proletariat" (*an unemployed person is just a worker without a job*, I was once told) or dissatisfied consumers whose acts of theft and looting shed light on capitalist ideology.[20] These leftists

19 Hartman and Wilderson, "The Position of the Unthought."

20 Zygmunt Bauman described the rioters as "defective and disqualified consumers." Žižek wrote that "they were a manifestation of a consumerist desire violently enacted when unable to realize itself in the 'proper' way – by shopping. As such, they also contain a moment of genuine protest, in the form of an ironic response to consumerist ideology: 'You call on us to

were quick to purge and re-articulate the anti-social and delinquent elements of the riots rather than integrate them into their analysis, insisting on figuring the rioter-subject as "a sovereign deliberate consciousness," to borrow a phrase from Gayatri Chakravorty Spivak.[21]

Following the 1992 LA riots,[22] leftist commentators often opted to define the event as a *rebellion* rather than a *riot* as a way to highlight the political nature of people's actions. This attempt to reframe the public discourse is borne of "good intentions" (the desire to combat the conservative media's portrayal of the riots as "pure criminality"), but it also reflects the an impulse to contain, consolidate, appropriate, and accommodate events that do not fit political models grounded in white, Euro-American traditions. When the mainstream media portrays social disruptions as apolitical, criminal, and devoid of meaning, leftists often respond by describing them as *politically reasoned*. Here, the confluence of political and anti-social tendencies in a riot/rebellion are neither recognized nor embraced. Certainly some who participated in the London riots were armed with sharp analyses of structural violence and explicitly political messages — the rioters were obviously not politically or demographically homogenous. However, sympathetic radicals tend to privilege the voices of those who are educated and politically astute, rather than listening to those who know viscerally that they are fucked and act without first seeking moral approval. Some leftists and radicals were reluctant to affirm the purely disruptive perspectives, like those expressed by a woman from Hackney, London who said, "We're not all gathering together for a cause, we're running

consume while simultaneously depriving us of the means to do it properly – so here we are doing it the only way we can!' The riots are a demonstration of the material force of ideology – so much, perhaps, for the 'post-ideological society'. From a revolutionary point of view, the problem with the riots is not the violence as such, but the fact that the violence is not truly self-assertive."

21 Gayatri Chakravorty Spivak and Harasym Sarah, *The Post-Colonial Critic: Interviews, Strategies, Dialogues* (New York: Routledge, 1990).

22 Riots erupted in LA on April 29, 1992 after 3 white and 1 Hispanic LAPD officers were acquitted for beating Rodney King, a Black man, following a high-speed chase.

down Foot Locker."[23] Or the excitement of two girls stopped by the BBC while drinking looted wine. When asked what they were doing, they spoke of the giddy "madness" of it all, the "good fun" they were having, and said that they were showing the police and the rich that "we can do what we want."[24] Translating riots into morally palatable terms is another manifestation of the appeal to innocence — rioters, looters, criminals, thieves, and disruptors are not proper victims and hence, not legitimate political actors. Morally ennobled victimization has become the necessary precondition for determining which grievances we are willing to acknowledge and authorize.

With that being said, my reluctance to jam Black rage into a white framework is not an assertion of the political viability of a pure politics of refusal. *White anarchists, ultra-leftists, post-Marxists, and insurrectionists who adhere to and fetishize the position of being "for nothing and against everything" are equally eager to appropriate events like the 2011 London riots for their (non)agenda*. They insist on an analysis focused on the crisis of capitalism, which downplays anti-Blackness and ignores forms of gratuitous violence that cannot be attributed solely to economic forces. Like liberals, post-left and anti-social interpretive frameworks generate political narratives structured by white assumptions, which delimits which questions are posed which categories are the most analytically useful. Tiqqun explore the ways in which we are enmeshed in power through our identities, but tend to focus on forms of power that operate by *an investment in life* (sometimes called "biopolitics") rather than, as Achille Mbembe writes, "the power and the capacity to decide who may live and who must die" (sometimes called "necropolitics").[25] This framework is

23 Zoe Williams, "The UK Riots: The Psychology of Looting," *The Guardian*, 2011.

24 "London Rioters: 'Showing the Rich We Do What We Want,'" *BBC News*, 2011 (Video).

25 Biopolitics and necropolitics are not mutually exclusive. While the two forms of power coexist and constitute each other, necropolitics "regulates life through the perspective of death, therefore transforming life in a mere existence bellow every life minimum" (Marina Grzinic). Writing about Mbembe's conceptualization of necropower, Grzinic notes that

decidedly white, for it asserts that power is *not* enacted by direct relations of force or violence, and that the capitalism reproduces itself by inducing us to produces ourselves, to express our identities through consumer choices, to base our politics on the affirmation of our marginalized identities. This configuration of power as purely generative and dispersed completely eclipses the realities of policing, the militarization of the carceral system, the terrorization of people of color, the institutional violence of the Welfare State and the Penal State, and of Black and Native social death. While prisons certainly "produce" race, a generative configuration of power that minimizes direct relations of force can only be theorized from a white subject position. Among ultra-left tendencies, communization theory notably looks beyond the wage relation in its attempt to grasp the dynamics of late-capitalism. Writing about Théorie Communiste (TC), Maya Andrea Gonzalez notes that "TC focus on the *reproduction of the capital-labor relation*, rather than on *the production of value*. This change of focus allows them to bring within their purview the set of relations that actually construct capitalist social life – beyond the walls of the factory or office."[26] However, while this reframing may shed light on relations that constitute *social life* outside the workplace, it does not shed light on social death, for relations defined by social death are not reducible to the capital-labor relation.

Rather than oppose class to race, Frank Wilderson draws our attention to the difference between being exploited under capitalism (the worker) and being marked as disposable or superfluous to capitalism (the slave, the prisoner). He writes, "The absence of Black subjectivity from the crux of radical discourse is symptomatic of [an] inability

---

necropower requires the "maximum destruction of persons and the creation of deathscapes that are unique forms of social existence in which vast populations are subjected to conditions of life conferring upon them the status of living dead." Though Mbembe focuses primarily on Africa, other examples of these deathscapes may include prisons, New Orleans in the wake of Hurricane Katrina, Palestine, and so forth.

26 Maya Andrea Gonzalez, "Communization and the Abolition of Gender," *Communization and Its Discontents: Contestation, Critique, and Contemporary Struggles* (New York: Autonomedia, 2012).

to cope with the possibility that the generative subject of capitalism, the Black body of the 15th and 16th centuries, and the generative subject that resolves late capital's over-accumulation crisis, the Black (incarcerated) body of the 20th and 21st centuries, do not reify the basic categories that structure conflict within civil society: the categories of work and exploitation."[27] Historian Orlando Patterson similarly insists on understanding slavery in terms of social death rather than labor or exploitation.[28] Forced labor is undoubtedly a part of the slave's experience, but it is not what defines the *slave relation*. Economic exploitation does not explain the phenomena of racialized incarceration; an analysis of capitalism that fails to address anti-Blackness, or only addresses it as a by-product of capitalism, is deficient.

SAFE SPACE

The discursive strategy of appealing to safety and innocence is also enacted on a micro-level when white radicals manipulate "safe space" language to maintain their power in political spaces. They do this by silencing the criticisms of POC under the pretense that it makes them feel "unsafe."[29] This use of safe space language conflates discomfort and actual imminent danger — which is not to say that white people are entitled to feel safe anyway. The phrase "I don't feel safe" is easy to manipulate because it frames the situation in terms of the speaker's *personal feelings,* making it difficult to respond critically (even when the person is, say, being racist) because it will injure their personal sense of security. Conversation often ends when people politicize their feelings of discomfort by using safe space language. The most ludicrous example of this that comes to mind was when a woman from Occupy Baltimore manipulated feminist language to

27 Frank B. Wilderson, "The Prison Slave as Hegemony's (Silent) Scandal," *Social Justice: A Journal of Crime, Conflict & World Order* 30.2 (2003): 18-28.

28 Orlando Patterson, *Slavery and Social Death: A Comparative Study* (Cambridge: Harvard University Press, 1982).

29 This tactic is also used to silence and delegitimize other people, such as femmes who are too loud, or queers who engage in illegal actions.

defend the police after an "occupier" called the cops on a homeless man. When the police arrived to the encampment they were verbally confronted by a group of protesters. During the confrontation the woman made an effort to protect the police by inserting herself between the police and the protesters, telling those who were angry about the cops that it was unjustified to exclude the police. In the Baltimore City Paper she was quoted saying, "they were violating, I thought, the cops' space."

The invocation of personal security and safety presses on our affective and emotional registers and can thus be manipulated to justify everything from racial profiling to war.[30] When people use safe space language to call out people in activist spaces, the one wielding the language is framed as innocent, and may even amplify or politicize their presumed innocence. After the woman from Occupy Baltimore came out as a survivor of violence and said she was traumatized by being yelled at *while defending the cops*, I noticed that many people became unwilling to take a critical stance on her blatantly pro-cop, classist, and homeless-phobic actions and comments, which included statements like, "There are so many homeless drunks down there — suffering from a nasty disease of addiction — what do I care if they are there or not? I would rather see them in treatment — that is for sure — but where they pass out is irrelevant to me." *Let it be known that anyone who puts their body between the cops and my comrades to protect the State's monopoly on violence is a collaborator of the State*. Surviving gendered violence does not mean you are incapable of perpetuating

30 In "Fear and Loathing: Public Feelings in Antiprison Work," Jessi Lee Jackson and Erica R. Meiners offer the following definition of affect: "Affect is the body's response to the world — amorphous, outside conscious awareness, non-directional, undefined, full of possibility. In this framing, affect is distinct from emotion, which is understood as the product of affect being marshaled into personal expressions of feeling, as shaped by social conventions." Affect is useful to think of the way 'the criminal' and 'the terrorist' become linked to certain racialized bodies, and how people viscerally respond to the presence of those bodies even when they consciously reject racism. Jackson and Meiners, "Fear and Loathing."

other forms of violence. Likewise, people can also mobilize their experiences with racism, transphobia, or classism to purify themselves. When people identify with their victimization, we need to critically consider whether it is being used as a tactical maneuver to construct themselves as innocent and exert power without being questioned. *That does not mean delegitimizing the claims made by survivors* — but rather, rejecting the framework of innocence, examining each situation closely, and being conscientious of the multiple power struggles at play in different conflicts.

On the flip side of this is a radical queer critique that has recently been leveled against the "safe space" model. In a statement from the Copenhagen Queer Festival titled "No safer spaces this year," festival organizers wrote regarding their decision to remove the safer-space guidelines of the festival, offering in its place an appeal to "individual reflection and responsibility." (In other words, 'The safe space is impossible, therefore, fend for yourself.') I see this rejection of collective forms of organizing, and unwillingness to think beyond the individual as the foundational political unit, as part of a historical shift from queer liberation to queer performativity that coincides with the advent of neoliberalism and the "Care of the Self"-style "politics" of choice).[31] By reacting against the failure of safe space with a suspi-

31 Post-leftists, perhaps responding to the way we are fragmented and atomized under late-capitalism, also adamantly reject a collectivist model of political mobilization. In "Communization and the Abolition of Gender," Maya Andrea Gonzalez advocates "inaugurating relations between individuals defined in their singularity." In "theses on the terrible community: 3. AFFECTIVITY," the idea that the human "community" is an aggregate of monad-like singularities is further elaborated: "The terrible community is a human agglomerate, not a group of comrades. The members of the terrible community encounter each other and aggregate together by accident more than by choice. *They do not accompany one another,* they do not know one another." To what extent does the idea that the singularist (read, individualist) or rhizomatic (non)-strategy is the only option reinforce liberal individualism? In *The One Dimensional Woman*, Nina Power discusses how individual choice, flexibility, and freedom are used to atomize and pit workers against each other. While acknowledging the current dynamics of waged labor, she shows how using the "individual" as the primary political unit is unable to

cion of articulated/explicit politics and collectivism, we flatten the issues and miss an opportunity to ask critical questions about the distribution of power, vulnerability, and violence, questions about how and why certain people co-opt language and infrastructure that is meant to respond to internally oppressive dynamics to perpetuate racial domination. As a Fanonian, I agree that removing all elements of risk and danger reinforces a politics of reformism that just reproduces the existing social order. Militancy is undermined by the politics of safety. It becomes impossible to do anything that involves risk when people habitually block such actions on the grounds that it makes them feel unsafe. People of color who use privilege theory to argue that white people have the privilege to engage in risky actions while POC cannot because they are the most vulnerable (most likely to be targeted by the police, not have the resources to get out of jail, etc) make a correct assessment of power differentials between white and non-white political actors, but ultimately erase POC from the history of militant struggle by falsely associating militancy with whiteness and privilege. When an analysis of privilege is turned into a political program that asserts that the most vulnerable should not take risks, the only politically correct politics becomes a politics of reformism and retreat, a politics that necessarily capitulates to the status quo while erasing the legacy of Black Power groups like the Black Panthers and the Black Liberation Army. For Fanon, it is precisely the element of risk that makes militant action more urgent — liberation can only be won by risking one's life. Militancy is not just tactically necessary — its dual objective is to transform people and "fundamentally alter" their being by emboldening them, removing

---

grapple with issues like the discrimination of pregnant women in the workplace. She asserts that thinking through the lens of the individual cannot resolve the exploitation of women's caring labor because the individualized nature of this form of labor is a barrier to undoing the burden placed on women, who are the primary bearers of childcare responsibilities. She also discusses how the transition from a feminism of liberation to a feminism of choice makes it so that "any general social responsibility for motherhood, or move towards the equal sharing of childcare responsibilities is immediately blocked off." Gonzalez, "Communization and the Abolition of Gender." Nina Power, *One-Dimensional Woman*. (Winchester: Zero Books, 2009).

their passivity and cleansing them of "the core of despair" crystallized in their bodies.[32]

Another troublesome manifestation of the politics of safety is an emphasis on personal comfort that supports police behavior in consensus-based groups or spaces. For instance, when people at Occupy Baltimore confronted sexual assaulters, I witnessed a general assembly become so bogged down by consensus procedure that the only decision made about the assaulters in the space was to stage a 10 minute presentation about safer spaces at the next GA. No one in the group wanted to ban the assaulters from Occupy (as Stokely Carmichael said, "The liberal is afraid to alienate anyone, and therefore he is incapable of presenting any clear alternative.")[33] Prioritizing personal comfort is unproductive, reformist, and can bring the energy and momentum of bodies in motion to a standstill. The politics of innocence and the politics of safety and comfort are related in that both strategies reinforce passivity. Comfort and innocence produce each other when people base their demand for comfort on the innocence of their location or subject-position.

The ethicality of our locations and identities (as people within the US living under global capitalism) is an utter joke when you consider that we live on stolen lands in a country built on slavery and genocide. Even though I am a queer woman of color, my existence as a person living in the US is built on violence. As a non-incarcerated person, my "freedom" is only understood through the captivity of people like my brother, who was sentenced to life behind bars at the age of 17. When considering safety, we fail to ask critical questions about the co-constitutive relationship between safety and violence. We need to consider the extent to which racial violence is the unspoken and necessary underside of security, particularly white security. Safety requires the removal and containment of people deemed to be threats. White civil society has a psychic investment in the erasure and abjection of bodies that they project hostile feelings onto, which allows

32 Fanon, *The Wretched of the Earth*.

33 Stokely Carmichael, *Stokely Speaks: Black Power Back to Pan-Africanism* (New York: Random House, 1971).

them peace of mind amidst the state of perpetual violence. The precarious founding of the US required the disappearance of Native American people, which was justified by associating the Native body with filth. Andrea Smith wrote, "This 'absence' is effected through the metaphorical transformation of native bodies into pollution of which the colonial body must constantly purify itself."[34] The violent foundation of US freedom and white safety often goes unnoticed because our lives are mediated in such a way that the violence is invisible or is considered legitimate and fails to register as violence (such as the violence carried out by police and prisons). The connections between our lives and the generalized atmosphere of violence is submerged in a complex web of institutions, structures, and economic relations that legalize, normalize, legitimize, and — above all — are constituted by this repetition of violence.

SEXUAL VIOLENCE

When we use innocence to select the proper subjects of empathetic identification on which to base our politics, we simultaneously regulate the ability for people to respond to other forms of violence, such as rape and sexual assault. When a woman is raped, her sexual past is inevitably used against her, and chastity is used to gauge the validity of a woman's claim. "Promiscuous" women, sex workers, women of color, women experiencing homelessness, and addicts are not seen as legitimate victims of rape — their moral character is always called into question (they are always-already *asking for it*). In southern California during the 1980s and 1990s, police officers would close all reports of rape and violence made by sex workers, gang members, and addicts by placing them in a file stamped "NHI": *No Human Involved*.[35] This police practice draws attention to the way that rap-

34 Andrea Smith, *Conquest: Sexual Violence and American Indian Genocide* (Cambridge: South End Press, 2005).

35 See Amy Scholder, Editor, *Critical Condition: Women on the Edge of Violence*, (San Francisco: City Lights Books, 1993) and Elizabeth Sisco, "NHI—No Humans Involved," paper delivered at the symposium "Critical Condition - Women on the edge of violence," San Francisco Cameraworks, 1993.

ability is also simultaneously unrapability in that *the rape of someone who is not considered human does not register as rape*. Only those considered "human" can be raped. Rape is often conventionally defined[36] as "sexual intercourse" without "consent," and consent requires the participation of subjects in possession of full personhood. *Those considered not-human cannot give consent*. Which is to say, there is no recognized subject-position from which one can state their desires. This is not to say that bodies constructed as rapable cannot express consent or refusal to engage in sexual activity — but that their demands will be unintelligible because they are made from a position outside of proper white femininity.

Women of color are seen as sexually uninhibited by nature and thus are unable to access the sexual *purity* at the core of white femininity. As Smith writes in *Conquest: Sexual Violence and American Indian Genocide*, Native American women are more likely to be raped than any other group of women, yet the media and courts consistently tend to only pay attention to rapes that involve the rape of a white woman by a person of color.[37] Undocumented immigrant women are vulnerable to sexual violence — not only by because they cannot leave or report abusive partners because of the risk of deportation, but also because police and border patrol officers routinely manipulate their position of power over undocumented women by raping and assaulting them, using the threat of deportation to get them to submit and remain silent. A Mexican sociologist once told me that women crossing the border often take contraceptives because the rape of women crossing the border is so normalized. Black women are also systematically ignored by the media and criminal justice system. According to Kimberlé Crenshaw, "Black women are less likely to report their rapes, less likely to have their cases come to trial, less likely to have their trials result in convictions, and, most disturb-

36 New Oxford American Dictionary gives a peculiar definition: "the crime, committed by a man, of forcing another person to have sexual intercourse with him without their consent and against their will, esp. by the threat or use of violence against them." To what extent does this definition normalize male violence by defining rape as inherently male?

37 Smith, *Conquest.*

ingly, less likely to seek counseling and other support services."[38] One reason why Black women may be less likely to report their rapes is because seeking assistance from the police often backfires: poor women of color who call the police during domestic disputes are often sexually assaulted by police, criminalized themselves, or have their children taken away. Given that the infrastructure that exists to support survivors (counseling, shelters, etc) often caters to white women and neglects to reach out to poor communities of color, it's no surprise that women of color are less likely to utilize survivor resources. But we should be careful when noting the widespread neglect of the most vulnerable populations by police, the legal system, and social institutions — to assume that the primary problem is "neglect" implies that these apparatuses are neutral, that their role is to protect us, and that they are merely doing a bad job. On the contrary, their purpose is to maintain the social order, protect white people, and defend private property. If these intuitions are violent themselves, then expanding their jurisdiction will not help us, especially while racism and patriarchy endures.

Ultimately, our appeals to innocence demarcate who is killable and rapable, even if we are trying to strategically use such appeals to protest violence committed against one of our comrades. When we challenge sexual violence with appeals to innocence, we set a trap for ourselves by feeding into the assumption that white cis women's bodies are the only ones that cannot be violated because only white femininity is sanctified.[39] As Kimberlé Crenshaw writes, "The early emphasis in rape law on the property-like aspect of women's chastity resulted in less solicitude for rape victims whose chastity had been in some way devalued."[40] Once she 'gives away' her chastity she no

38 Kimberlé Crenshaw, "Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color," *Stanford Law Review* 43.6 (1991): 1241-99.

39 Because the sexuality of white women derives its value from its ability to differentiate itself from "deviant" sexuality, such as the sexuality of women of color.

40 Crenshaw, "Mapping the Margins."

longer 'owns' it and so no one can 'steal' it. However, the association of women of color with sexual deviance bars them from possessing this "valued" chastity.[41]

AGAINST INNOCENCE

The insistence on innocence results in a refusal to hear those labeled guilty or defined by the State as "criminals." When we rely on appeals to innocence, we foreclose a form of resistance that is outside the limits of law, and instead ally ourselves with the State. This ignores that the "enemies" in the War on Drugs and the War on Terror are racially defined, that gender and class delimit who is worthy of legal recognition. When the Occupy movement was in full swing in the US, I often read countless articles and encountered participants who were eager to police the politics and tactics of those who did

41 Early rape laws focused on the "property-like" aspects of women's sexuality that liberal feminists are today attempting to reclaim. Liberal feminists frame debates about women's health, abortion, and rape around a notion of *female bodies as property*. But using bodily self-ownership to make our claims is counter-productive because certain bodies are more valued than others. Liberal feminists also echo arguments for free markets when they demand that the State not intervene in affairs relating to our private property (our bodies), because as *owners* we should be free to do what we want with the things we own. In order to be owners of our bodies, we first have to turn our bodies into property — into a commodity — which is a conceptualization of our corporeality that makes our bodies subject to conquest and appropriation in the first place. Pro-choice discourse that focuses on the right for women to *do what they want with their property* substitutes a choice-oriented strategy founded on liberal individualism for a collectivist, liberationist one. (Foregrounding the question of choice in politics ignores the forced sterilization of women color and the unequal access to medical resources between middle class women and poor women.) While white men make their claims for recognition as *subjects*, women and people of color are required to make their claims as objects, as *property* (or if they are to make their claims as subjects, they must translate themselves into a masculine white discourse). In the US, juridical recognition was initially only extended to white men and their property. These are the terms of recognition that operate today, which we must vehemently refuse. Liberal feminists try to write themselves in by framing themselves as both the property and the owners.

not fit into a non-violent model of resistance. The tendency was to construct a politics from the position of the disenfranchised white middle-class and to remove, deny, and differentiate the Occupy movement from the "delinquent" or radical elements by condemning property destruction, confrontations with cops, and — in cases like Baltimore — anti-capitalist and anarchist analyses. When Amy Goodman asked Maria Lewis from Occupy Oakland about the "violent" protestors after the over 400 arrests made following an attempt to occupy the vacant Henry J. Kaiser Convention Center in Oakland, I was pleased that Maria affirmed rather than excised people's anger:

> **AMY GOODMAN:** *Maria Lewis, what about some of the reports that said that the protesters were violent?*
>
> **MARIA LEWIS:** *Absolutely. There was a lot of anger this weekend, and I think that the anger that the protesters showed in the streets this weekend and the fighting back that did take place was reflective of a larger anger in Oakland that is boiling over at the betrayal of the system. I think that people, day by day, are realizing, as the economy gets worse and worse, as unemployment gets worse and worse, as homelessness gets worse and worse, that the economic system, that capitalism in Oakland, is failing us. And people are really angry about that, and they're beginning to fight back. And I think that that's a really inspiring thing.*

While the comment still frames the issue in terms of capitalist crisis, the response skillfully rearticulates the terms of the discussion by a) affirming the actions immediately, b) refusing to purify the movement by integrating rather than excluding the "violent" elements, c) legitimizing the anger and desires of the protestors, d) shifting the attention to the structural nature of the problem rather than getting hung up on making moral judgments about individual actors. In other words, by rejecting a politics of innocence that reproduces the "good," compliant citizen. Stokely Carmichael put it well when he said, "The way the oppressor tries to stop the oppressed from using violence as a means to attain liberation is to raise ethical or moral questions about violence. I want to state emphatically here that violence in any society is neither moral nor is it ethical. It is

neither right, nor is it wrong. It is just simply a question of who has the power to legalize violence."[42]

The practice of isolating morally agreeable cases in order to highlight racist violence requires passively suffered Black death and panders to a framework that strengthens and conceals current paradigms of racism. While it may be factually true to state that Trayvon Martin was unarmed, we should not state this with a righteous sense of satisfaction. What *if* Trayvon Martin were armed? Maybe then he could have defended himself by fighting back. But if the situation had resulted in the death of George Zimmerman rather than of Trayvon Martin, I doubt the public would have been as outraged and galvanized into action to the same extent.

It is ridiculous to say that there will be justice for Trayvon when he is already dead — no amount of prison time for Zimmerman can compensate. When we build politics around standards of legitimate victimhood that requires passive sacrifice, we will build a politics that requires a dead Black boy to make its point. It's not surprising that the nation or even the Black leadership have failed to rally behind CeCe McDonald, a Black trans woman who was recently convicted of second degree manslaughter after a group of racist, transphobic white people attacked her and her friends, cutting CeCe's cheek with a glass bottle and provoking an altercation that led to the death of a white man who had a swastika tattoo. Trans women of color who are involved in confrontations that result in the death of their attackers are criminalized for their survival. When Akira Jackson, a Black trans woman, stabbed and killed her boyfriend after he beat her with a baseball bat, she was given a four-year sentence for manslaughter.

Cases that involve an "innocent" (passive), victimized Black person also provide an opportunity for the liberal white conscience to purify and morally ennoble itself by taking a position against racism. We need to challenge the status of certain raced and gendered subjects as instruments of emotional relief for white civil society, or as bodies

42 Carmichael, *Stokely Speaks.*

that can be displaced for the sake of providing analogies to amplify white suffering ("slavery" being the favored analogy). Although we must emphasize that Troy Davis did not kill police officer Mark MacPhail, maybe we also should question why killing a cop is considered morally deplorable when the cops, in the last few months alone, have murdered 29 Black people. Talking about these murders will not undo them. Having the "right line" cannot alter reality if we do not put our bodies where our mouths are. As Spivak says, "it can't become our goal to keep watching our language."[43] Rejecting the politics of innocence is not about assuming a certain theoretical posture or adopting a certain perspective — it is a lived position.

43 Spivak and Harasym, *The Post-Colonial Critic*.

"Ultimately, our appeals to innocence demarcate who is killable and rapable, even if we are trying to strategically use such appeals to protest violence committed against one of our comrades. [...] When we rely on appeals to innocence, we foreclose a form of resistance that is outside the limits of law, and instead ally ourselves with the State."