

**Black Politics after Ferguson:
From Democratic Sacrifice/Suffering to Abolition Democracy**

by

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On August 9, 2014 when Michael Brown lay dying in the street, and Ferguson erupted in protests over yet another killing of an unarmed black youth and a much larger pattern of systematic state looting and criminalization of daily black life in the area, I was in my hometown of Bluefields, on the Caribbean coast of Nicaragua, which is simultaneously the country's most impoverished region and the one most associated with blackness. After avoiding problems related to drug trafficking in the 1980s as a result of the multiple civil wars, Central America today has become a prime route for U.S.-bound illegal drugs. In Nicaragua counter-narcotics efforts driven by the U.S. war on drugs have resulted in the increasing criminalization of the Caribbean coast in general, and black youth in particular, even though drug trafficking and its associated ills are a national problem. In the days that followed Brown's murder and the eruption of the Ferguson protests, I continued to lead a study abroad program that exposes US students to these diasporic patterns of racialization, repression, and resistance. At night I would return to obsessively following the news coverage of the protests in Ferguson and the violent repression with which they were met. As I watched events in Ferguson unfold from afar, a disorienting split-screen effect appeared in my social media feeds, between the anger, pain, and disbelief of my black friends (and of people of color generally), and the mostly uninterrupted daily routine of jokes, quizzes, and cute offspring photos of many of my white friends.¹

¹ It is interesting to revisit Danielle Allen's argument that the practices of friendship can serve as a model for political solidarity in light of the contemporary ubiquity of social media and its ability to enable certain kinds of digital "friendships." In the age of Facebook "friends" and twitter followers, who is the political friend? During his fateful speech on race in Philadelphia, then-candidate Barack Obama observed that certain conversations about race take place only among members of the same racial group, but social media now allows these previously closed-door conversations about race to be

The cognitive dissonance between those who were experiencing a defining moment of racial terror in the twenty-first century, versus those for whom the polity continued to function as usual, raised questions for me (as it did for many others) about U.S. democracy, about the absence of cross-racial political solidarity, the lack of empathy for black suffering that characterized the official state response to the protests, and the costs of enacting ‘appropriate’ democratic politics in the face of racial violence. As Melvin Rogers observed in the introduction to the excellent issue of *Theory & Event* on Ferguson that he assembled: “Allegiance and respect in any civic community is based on reciprocity—the idea of mutual exchange for mutual benefit. Where blacks are concerned the exchange has historically been one-sided—a fact that continues to dog the integrity of democratic life...Two ideas mingle together in Ferguson, Missouri: the absence of reciprocity where Blacks are concerned and the disposability of Black lives...[Blacks] are perpetually losers in American democracy.”² Taking up Rogers’ striking formulation, this essay explores (in preliminary fashion) a question raised by blacks’ status as perpetual losers in U.S. democracy: is the display of exemplary citizenship by blacks in the face of such unequal bargains an immoral form of democratic suffering? Is there a

overheard by others (as in the case of black twitter, for example), with often-unpredictable effects. The kinds of conversations that have been taking place on social media following Ferguson also raise questions about the limits of democratic dialogue, however. The arguments on twitter about the use of the #blacklivesmatter vs. #alllivesmatter hashtags and de-friendings following Facebook comments on posts related to police violence suggest, contrary to what I have argued elsewhere (Hooker 2009), that rather than functioning as sites for the production of political solidarity, public debates about rights are instead so polarized today that they are having the opposite effect.

² Melvin Rogers, "Introduction: Disposable Lives," *Theory & Event* 17, no. 3, supplement (2014).

conceptual and political trap contained within the formulation of black political losses as instances of democratic exemplarity?

Ferguson also raised concrete questions about the forms that black politics should take, and the limits of liberal democracy's ability as an institution to deal with certain types of injustice. In other words, Ferguson forces us to consider not only whether, echoing James Baldwin, inclusion into existing polities organized on the basis of white supremacy is worth 'the price of the ticket,' but also what the alternatives are, and how we might conceive 'insurrectionary' forms of politics that enact more radical democratic subjectivities. Since slavery, black thinkers have grappled with the problem that the struggle for black life and black freedom often requires acting outside the strictly legal, beginning with those fugitive slaves who gained their freedom by committing the crime of 'stealing' themselves. Black political thought thus provides resources that can point us away from democratic suffering and toward other forms of citizenship (that we might conceive as fugitive?) that blacks can productively enact in the face of racial terror.

I. Black Sacrifice, Democratic Suffering, and Political Exemplarity

As I have noted elsewhere, because democratic politics depend on consent they require the production of solidarity, but race has historically impeded the recognition that fellow citizens who are racial others deserve our care and concern and are equally deserving of respect and attention by the state. Instead of political solidarity, racialized solidarity has been the norm in existing liberal democracies. Indeed, "denial of the fact that political life has been organized on the basis of racial hierarchy has led to the development of conceptions of political obligation that are anything but universal in most

contemporary Western liberal democracies.”³ Yet democratic theory tells us that the losses inevitably associated with democracy are mitigated by the fact that they befall citizens arbitrarily (i.e. that all can be winners or losers on any given public policy debate, and that there are no systematic winners or losers). Danielle Allen has characterized this as the problem of managing democratic loss. She argues that democratic politics is characterized by loss. Because citizens have conflicting preferences, all policy decisions generate winners and losers. Democracies are thus faced with the challenge of managing the experience of loss; citizens have to learn to reconcile themselves to the fact that they will inevitably lose a public policy debate at some point. Drawing on the Aristotelian formulation of politics as the practice of ruling and being ruled, Allen contends that: “democracies inspire in citizens an aspiration to rule and yet require citizens constantly to live with the fact that they do not. Democracies must find methods to help citizens deal with the conflict between their politically inspired desires for total agency and the frustrating reality of their experience.”⁴ There are two striking elements of Allen’s meditation on the problem of democratic loss, neither of which is coincidental: one is that the discussion of loss pivots into a discussion of sacrifice, and the other is that the paradigmatic example she offers of citizens coping with democratic loss in an exemplary fashion is African-Americans during the civil rights-era struggles of the 1960s.

Drawing on Ralph Ellison’s response to Hannah Arendt’s controversial critique of African-American struggles for school desegregation, Allen’s analysis of the problem of

³ Juliet Hooker, *Race and the Politics of Solidarity* (New York: Oxford University Press, 2009), p. 53.

⁴ Danielle S. Allen, *Talking to Strangers: Anxieties of Citizenship after Brown v. Board of Education* (Chicago: University of Chicago Press, 2004), p. 22-23.

democratic loss turns into a meditation on the virtues of democratic sacrifice. “In her essay on Little Rock, Arendt opposed federally ordered desegregation for three reasons: 1) it asked children to take on political activities that were the province of adults; 2) it confused the social and the political...[and] 3) it violated states’ rights.”⁵ Much of the discussion of Arendt’s critique of the NAACP and the black parents struggling against school segregation has focused on how her problematic distinction between the social and the political led her to tragically misunderstand the character of U.S. racism, and even to appear to accept it in certain private, non-political contexts. In his response to Arendt’s essay Ellison argued that she failed to recognize the political heroism of ordinary African-Americans; she failed to understand their peaceful endurance of violence as a form of sacrifice.⁶ African-Americans in the South, he argued, “learned about violence...about forbearance and forgiveness...and about hope too. So today we sacrifice, as we sacrificed yesterday, the pleasure of personal retaliation in the interest of the common good.”⁷ In Ellison’s view, because African-Americans (as a subordinated racial group) understood the reality of U.S. democracy better than their white fellow-citizens, this conferred upon them a special duty: “while still pressing for their freedom, they have the obligation to themselves of giving up some of their need for revenge.”⁸ It is

⁵ Meili Steele, "Arendt Versus Ellison on Little Rock: The Role of Language in Political Judgment," *Constellations* 9, no. 2 (2002): p. 186.

⁶ Allen, *Talking to Strangers: Anxieties of Citizenship after Brown v. Board of Education*, p. 27.

⁷ Interview with Ralph Ellison in Robert Penn Warren, *Who Speaks for the Negro?* (New Haven: Yale University Press, 1965), p. 342.

⁸ *Ibid.*, p. 343.

noteworthy that Ellison formulates African-American sacrifice as an act on behalf of the common good and also as a duty to the self.⁹

Allen extrapolates Ellison's analysis of African-American sacrifice to the functioning of democracy as a whole, and argues that sacrifice is in fact a central political virtue and enabling condition of democracy:

Of all the rituals of democracy, sacrifice is preeminent. No democratic citizen, adult or child, escapes the necessity of losing out at some point in a public decision...An honest account of collective democratic action must begin by acknowledging that communal decisions inevitably benefit some citizens at the expense of others, even when the whole community generally benefits. Since democracy claims to secure the good of all citizens, those people who benefit less than others from particular political decisions, but nonetheless accede to those decisions, preserve the stability of political institutions. Their sacrifice makes collective democratic action possible...The hard truth of democracy is that some citizens are always giving things up for others.¹⁰

In her view, "Ellison's intuition that sacrifice is fundamental to democratic citizenship was absolutely accurate."¹¹ For such sacrifice to be legitimate, however, the burden of it would have to be evenly distributed among citizens, and historically this has not been the case in U.S. democracy.

There is something seductive about Ellison and Allen's designation of African-Americans responding to racial terror and systematic racial subordination with non-violence and within the parameters of the rule of law and the norms of liberal politics as a form of democratic sacrifice. In this reading undue democratic suffering is transformed into democratic exemplarity. But what are the dangers of this understanding of

⁹ Because external and internal obligations operate according to very different logics, it would be important to try to figure out how much weight Ellison places on each in order to evaluate the ethical import of his arguments about sacrifice.

¹⁰ Allen, *Talking to Strangers: Anxieties of Citizenship after Brown v. Board of Education*, p. 28-29.

¹¹ *Ibid.*, p. 37.

democratic loss and political virtue for those that have been the paradigmatic “losers” in U.S. democracy, who have disproportionately shouldered the burden of democratic sacrifice? For, as Allen recognizes: “For a long time, in this country, the solution to this paradoxical fact that most democratic citizens are, at the end of the day, relatively powerless sovereigns was the two-pronged citizenship of domination and acquiescence. These old bad habits dealt with the inevitable fact of loss in political life by assigning to one group all the work of being sovereign [whites], and to another group [blacks] most of the work of accepting the significant losses that kept the polity stable.” Allen follows this acknowledgement of radical injustice by arguing that “this approach to the place of loss in politics is a breeding ground of distrust.”¹² But to move immediately to a discussion of how the unequal distribution of the burden of democratic sacrifice leads to lack of trust is to bypass certain crucial questions: What is the price of such acquiescence for the struggle to achieve racial justice? Is this a self-defeating form of political heroism? And at what point does it become unjust, unethical, or indeed un-democratic, to expect citizens to continue to peacefully acquiesce this kind of democratic loss?

Allen acknowledges some of these dangers when she identifies three pre-conditions that render democratic sacrifice illegitimate: if it is not made voluntarily, if it is not equally shared (i.e. if it is routinely expected of one party), and if other citizens fail to honor it.¹³ Drawing on Ellison’s *Invisible Man*,¹³ and reflecting the dominant historical narrative about the reasons for the success of the civil rights movement of the 1960s, Allen argues that “those who agree, in the face of violence and domination, cast aggressive acts into the starkest relief by allowing them to expend their full force. Those

¹² Ibid., p. 41.

¹³ Ibid., p. 110.

who are agreeable in this way show up violent citizens for what they are, and force witnesses to the spectacle to make a choice about whether to embrace or disavow the violence.”¹⁴ On this reading, there are “fundamentally healthy elements of the citizenship of subordination—the ability to agree, to sacrifice, to bear burdens in order to force contradictions in the citizenship of the dominated, until this citizenship caves in upon the rottenness of its inherent ills.”¹⁵ According to Ellison and Allen, then, democratic citizenship demands of racially subordinated groups that they pursue political projects aimed at making the whole political community more just and free, but is this possibly at the expense of their own interests or claims to justice? It is also important to consider whether the calculus that undergirds Allen’s characterization of the democratic sacrifice of racially subordinated groups as a “healthy” political strategy, i.e. that dominant groups can be shamed into renouncing racial privilege, is as plausible today as it was in the 1960s.

Another problem with the ideal of acquiescence as a form of democratic sacrifice, has to do with the response of other citizens to such ‘gifts.’ In what appears to be a reference to the position of members of dominant groups relative to democratic giving (which Allen appears to equate with sacrifice), but that is equally applicable to the “gift” of acquiescence by subordinated groups, Allen acknowledges that such acts of altruism may not be acknowledged as such by one’s fellow citizens. She observes that:

citizens who give often and generously to other citizens may be distrusted... Precisely because they are in a position to give more to other citizens than others give to them, they also often have the power to avoid making themselves vulnerable before strangers. They may be willing to give money or recognition to other citizens, and may do so frequently, but without giving them real power.

¹⁴ *Ibid.*, p. 115.

¹⁵ *Ibid.*, p. 116.

They may have laid claim to a moral high ground, on account of their gifts, and to immunity from criticism that in itself provokes distrust.¹⁶

Similar dynamics could apply to the democratic sacrifices of members of subordinated groups, who may be resented precisely because their acquiescence is a reminder of the polity's most unjust moments and failure to live up to its own ideals. This dynamic might partly explain the current climate of white racial resentment that quickly followed the post-racial euphoria occasioned by Obama's election in 2008.

Ellison and Allen are not alone in reading the democratic suffering of African-Americans, particularly the willingness to confront racial terror, as an exemplary display of citizenship. In his thoughtful essay on the Ferguson protests, for example, Steven Johnston argues that they are an example of "American democracy at its best...[because] Democracy presupposes that citizens respond to questionable exercises of state power, especially the use of deadly violence."¹⁷ Johnston's laudable attempt to recover the Ferguson protesters as democratic citizens rather than looters, thugs, or criminals is a more nuanced account of African-American democratic exemplarity because he places it within a tradition of "democratic politics as forceful, militant resistance." Johnston persuasively argues that violence can be "democratically contributive. This kind of democratic militancy recognizes the state...can convert itself into an antagonist and enemy of democracy. Citizens who have no official outlet for redress of grievances need to be self-reliant and self-reliance can be enacted in non-violent and violent forms." As he observes, the appropriate democratic reaction to state violence against its citizens (or to illegitimate restrictions on basic rights of citizenship, such as the right to assembly,

¹⁶ Ibid., p. 134.

¹⁷ Steven Johnson, "Two Cheers for Ferguson's Democratic Citizens," *Theory & Event* 17, no. 3, supplement (2014).

free speech, and protest) is resistance, and that resistance does not necessarily have to be non-violent to be considered legitimate. At the end of the essay Johnston seems to revert to the more problematic notion of democratic sacrifice articulated by Allen and Ellison, however, when he observes that: “These citizens [the Ferguson protesters] put their lives and fortunes on the line in precisely the way democracies desire and supposedly respect. They were badly outgunned and held their ground. In the face of a Frankensteinian police force...they didn’t flinch. There is one group of democratic exemplars to emerge from Ferguson: the citizens who took to the street and called the police bluff—and paid a price for it.” Here we see again a return of the notion of exemplary democratic citizenship, not as militant resistance, but as vulnerability. Indeed, Johnston ends the essay with a call for equal vulnerability: “The police must be as naked as democratic citizens. Some may suggest this is tantamount to rendering democracy a suicide pact. Well, in many respects democracy is a suicide pact. Democracy’s enactment, as in Ferguson, does leave us vulnerable.” But of course the problem is precisely that we are all not equally vulnerable, and in the case of subordinated groups facing racial terror and violence, as was the case in Ferguson, the question is whether this account of their political activities in terms of democratic exemplarity represents a political and ethical trap that demands extraordinary sacrifices from those who are least positioned to make such “gifts” in a polity. In other words, according to this logic are there any limits to the democratic suffering that this notion of political virtue demands of already-subordinated groups in a polity?

The issue of what would militate against expectations of unequal sacrifice is one that Allen does not address, other than to say that sacrifices must be undertaken voluntarily and honored by other citizens. But it seems to me that there is a very real

danger that the notion of democratic suffering as political exemplarity demands a kind of civic sacrifice of blacks that is not expected of other citizens. It is telling, for example, that the power of the state to compel the (mostly) white parents that are opposed to routine vaccinations for their children is rather limited, and that the mere suggestion that vaccination should be mandatory has been met with outrage by many parents. In this case the issues are not dissimilar to Arendt's argument that the white parents opposed to school desegregation had a right to shape the beliefs of their children. The wide zone of deference afforded to white parents against 'undue' state interference stands in stark contrast to the routine criminalization of black children (such as the well-documented phenomenon of disproportionate school punishments) and concomitant intrusion visited on black families that are viewed as justified. The problem here is twofold. On the one hand, the expanded sphere of (white) individual liberty that has been a consistent feature of U.S. democracy means that demands that whites renounce racism are viewed as an infringement of their personal freedom and a devaluing of their status as citizens. This is particularly true because, as Joel Olson has argued, "White citizenship is the enjoyment of racial standing in a democratic polity." As a result: "The democratic problem of the white citizen is that the tension between the desire for equality and the desire to maintain one's racial standing results in a narrow political imagination that constrains the way white citizens understanding citizenship (as status rather than participation), freedom (as negative liberty), and equality (as opportunity rather than social equality)."¹⁸ On the other hand, in our current supposedly post-racial era, it is ironically almost impossible for any public action to be acknowledged as racist because those who carry them out invariably

¹⁸ Joel Olson, *The Abolition of White Democracy* (Minneapolis: University of Minnesota Press, 2004), p. xix, xxi.

assert that their private beliefs are non-racist. It has thus become routine to hear avowals of non-racism from individuals who have been caught professing obviously racist sentiments, as was the case with the fraternity brothers from the SAE chapter of OSU singing a song about lynching or the San Francisco police officers texting messages about blacks as ‘monkeys’ and ‘savages,’ etc. The point is that the public discussion of overt racist acts quickly shifts into a discussion of whether or not the perpetrators consider themselves to be racist.

Beyond the issue of unequal expectations of civic sacrifice, however, in my view the move to transmute undue democratic sacrifice by subordinated groups into political exemplarity is also misguided because its efficacy as a strategy for achieving racial justice is overstated. Ellison and Arendt’s dispute over how to understand the actions of the black parents who sent their children to the front lines of school desegregation battles in the South illuminates some of the key reasons why the notion of black sacrifice as political exemplarity might impede the dismantling of white supremacy in the long run. In “A Reply to Critics,” Arendt criticized the actions of the black parents on the following grounds: “My first question was: what would I do were I a Negro mother? The answer: under no circumstances would I expose my child to conditions which made it appear as though it wanted to push its way into a group where it was not wanted...If I were a Negro mother in the South, I would feel that the Supreme Court ruling, unwillingly but unavoidably, has put my child into a more humiliating position than it had been in before.”¹⁹ As Ellison observed in his response to Arendt, this reading of the motivations of the black parents was an act of profound misrecognition on her part. Her

¹⁹ Hannah Arendt, "A Reply to Critics," *Dissent* 6 (1959): p. 179.

argument about the greater psychological harm of challenging racial segregation failed to take into account what Du Bois called 'double-consciousness,' the fact that in a racist society racially subordinated groups cannot avoid being aware of their status as second-class citizens. Arendt viewed the actions of the black parents as motivated by material self-interest, rather than as heroic and public-spirited. According to Ellison, she failed to grasp the ethical implications of living in a racist society for members of subordinated racial groups: "This places a big moral strain upon the individual, and it requires self-confidence, self-consciousness, self-mastery, insight and compassion."²⁰ Ellison rightly observed that contrary to Arendt's claims, the black parents were not asking their children to take up burdens that they themselves were unwilling to bear, and that they viewed such sacrifices as necessary lessons in survival within a hostile world.

But what if, despite all the problems with her critique, Arendt was right and Ellison was wrong about the advisability of sacrifice as a form of political heroism, albeit for different reasons than those she articulated? In her original essay on the school desegregation battles in the South, commenting on one of the widely circulated photographs of African-American young women (in this case Dorothy Counts in North Carolina) facing abuse by racist mobs as they tried to integrate all-white public schools, Arendt observed that: "The girl, obviously, was asked to be a hero."²¹ Arendt's critique centered on the fact that it was children who were being asked to display political courage, but what if we were to reframe her criticism to the civil rights movement as a whole? In the struggle for racial justice African-Americans were being asked to be heroes, despite the fact that they were those least responsible for the fact that the U.S.

²⁰ Ellison in Warren, *Who Speaks for the Negro?*, p. 343.

²¹ Hannah Arendt, "Reflections on Little Rock," 6 (1956): p. 50.

polity did not live up to its stated commitments to all its citizens where race was concerned. One important ethical question raised by the debate between Arendt and Ellison is thus: who is responsible for the work of repairing democratic wrongs? How can democracy's commitment to equally distributing the burdens of citizenship be squared with the fact that racially subordinated groups are asked to be political heroes in struggles for racial justice? Ellison's answer is that democratic sacrifice is a duty African-Americans owe to both the polity and to themselves. According to Ellison, African-Americans learn to meet racial terror with non-violence for two practical reasons: because of the need to preserve their own lives within an arbitrary system in which responding in kind to any insult or harm could lead to sudden death, and also because doing so exposes the reality of white violence to other whites who might be persuaded to support the cause of racial justice. Here is Ellison on the first point:

I am talking about the old necessity of having to stay alive during periods when violence was loose in the land and when many were being casually killed. Violence has been so ever-present and so often unleashed through incidents of such pettiness and capriciousness, that for us personal courage had either to take another form or be negated, become meaningless. Often the individual's personal courage had to be held in check, since not only could his exaction of satisfaction from the white man lead to the destruction of other innocent Negroes...the most inconsequential gesture could become imbued with power over life or death."²²

As we have seen, elsewhere in the interview with Robert Penn Warren Ellison suggested that African-Americans who met racial terror with non-violence were engaging in acts of sacrifice on behalf of "the common good." He thus described African-American political heroism as both a public sacrifice on behalf of the polity, and as an ethical duty to the self. The relative weight of these distinct motivations is of crucial importance in evaluating the ethics of notions of democratic sacrifice as political exemplarity.

²² Ellison in Warren, *Who Speaks for the Negro?*, p. 341.

But perhaps the most often-adduced reason that peaceful acquiescence to racial terror is viewed as an exemplary act of citizenship is, as Allen argues, the assumed capacity of this act of democratic sacrifice to sway the moral orientations of members of the dominant racial group who, upon observing such naked displays of violence, are shamed into renouncing racial injustice. Arendt's reflections on the effect of school desegregation battles in the 1960s are once again instructive, however, because they demonstrate that this is not the only possible outcome. In "A Reply to Critics," for example, she offered a further reason to oppose federal intervention to enforce school integration: "The series of events in the South that followed the court rulings...impresses one with a sense of futility and needless embitterment."²³ As Arendt's critique of the motivations of the NAACP and the black parents of children involved in school integration battles reveals, it was certainly possible for Northern observers of black acquiescence to racial violence to miss its heroic character and to interpret it as something quite different from sacrifice on behalf of the common good. This is an important point because one of the most common critiques of the Ferguson protesters, by white and (some) black commentators alike, has been their failure to emulate the political exemplarity of the civil rights movement, namely its (supposed) disciplined adherence to non-violence, emphasis on black respectability, visible leadership structure, clearly stated goals, ideological coherence, etc.²⁴ On this reading white public opinion has not become uniformly mobilized in support of the Ferguson protests against police violence (and the #blacklivesmatter movement as a whole?) because of the failures of the protesters to

²³ Arendt, "A Reply to Critics," p. 181.

²⁴ This critique has been made in particular by many of the members of the black political establishment, such as the Rev. Al Sharpton.

make visible to a white audience the reality of an unjust criminal justice system via the willing sacrifice of their innocent, non-resisting bodies to racial violence.

This critique of contemporary mobilizations for racial justice exemplified by the Ferguson protests depends on two key historical assumptions about how anti-racist change has occurred in the U.S., however, both of which turn out to be rather problematic upon further examination. One assumption is a direct result of what Brandon Terry has persuasively characterized as the romantic narrative of the civil rights movement that predominates in public remembrances of the 1960s.²⁵ Terry makes two key points that are important for disentangling how the civil rights movement has become the paradigmatic instance of what I have been characterizing as the transformation of democratic suffering/sacrifice into the exemplary form that African-American political activism is supposed to follow, and for understanding what is at stake philosophically in this enshrinement. First, Terry draws our attention to the crucial relationship between historiography and political philosophy, because the particular understandings of historical events adopted by political theorists implicitly shape the supposedly abstract arguments that they develop based upon such narratives. Using Rawls' reliance on a particular understanding of the civil rights movement to ground claims about how an overlapping consensus is achieved and when civil disobedience is legitimate that were ostensibly derived from ideal theory as an example, Terry suggests that political theorists need to pay more attention to the way the particular historical narratives they choose to adopt are mobilized to support specific theoretical or philosophical ends. He also

²⁵ Brandon M. Terry, "Which Way to Memphis?: Political Theory, Narrative, and the Politics of Historical Imagination in the Civil Rights Movement" (PhD Dissertation, Yale University, 2012), especially chapters 1, 5, and 8.

demonstrates that the particular understanding of the civil rights movement that has become dominant is a romantic narrative that in turn reinforces a certain view of what racism is and how it has shaped the U.S. polity. Because romance as a genre involves the idea of movement toward a telos or unity, to emplot the civil rights movement in this way is to portray it as the culmination of the United States' inevitable march toward racial equality, a reading of U.S. history that in turn renders racism as epiphenomenal to U.S. democracy.²⁶ Drawing on the work of the 'Long Civil Rights Movement' historians, Terry argues that the romantic narrative of the civil rights movement tends to downplay the more radical aspects of the movement and of Martin Luther King's ideas, and to erase the fact that there was significant disagreement among black activists at the time (as well as before and since) about how to pursue racial justice, the efficacy of non-violence, the primacy of issues of political and legal inclusion vs. economic redistribution, etc. Terry's analysis can thus be extended to plumb the effects of the assumption, based on the romantic narrative of the civil rights movement, that non-violent protest aimed at inclusion into the existing legal and political order is the most efficacious form of black politics, not to mention the only one compatible with liberal democracy. This narrow conception of the civil rights movement thus functions to foreclose and pre-emptively delegitimize other (possibly more radical) forms of black politics. Black politics that doesn't follow the script of the romantic narrative of the civil rights movement, with its implicit expectation of democratic suffering/sacrifice, then comes to be viewed as both illegitimate and un-efficacious.

²⁶ We can see this clearly in the idea, invoked by President Obama in his second inaugural address where he swore the oath of office on Martin Luther King's bible, that the U.S. is continually moving toward a more perfect union; in other words U.S. democracy is constantly being perfected.

Another problematic assumption behind the critique of the Ferguson protests for not following the playbook enshrined in the romantic narrative of the civil rights movement is that such exemplary forms of political activism by racialized minorities induce positive ethical transformations in members of the dominant racial group. According to the romantic historical narrative of the civil rights movement, well-behaved, respectable, middle class protesters engaged in the ‘right’ kind of political activism and were thereby able to provoke empathy for black suffering among white citizens outside the South. While this clearly occurred to a certain extent, the romantic narrative obscures the fact that in the moment events are contested, and there is no guarantee that all observers will read them in the same way. Arendt’s “Reflections on Little Rock” are a perfect case in point: she completely missed the democratic sacrifices of, and tragically misunderstood the motives of the African-American citizens involved in school integration battles. Moreover, the explanation of her own positioning in the preface to “Reflections” points to the problem that different historical and intellectual contexts can change the moral import of acquiescence. She wrote:

I should like to remind the reader that I am writing as an outsider. I have never lived in the South and have even avoided occasional trips to Southern states because they would have brought me into a situation that I personally found unbearable. Like most people of European origin I have difficulty in understanding, let alone sharing, the common prejudices of Americans in this area...I should like to make it clear that as a Jew I take my sympathy for the cause of the Negroes as for all the oppressed or underprivileged peoples for granted and should appreciate it if the reader did likewise.²⁷

Because she could not conceive of herself as someone whose ethical judgments could ever possibly be distorted by racist preconceptions, Arendt felt free to disavow the

²⁷ Arendt, "Reflections on Little Rock," p. 46. There is surely a terrible irony in her recourse to the familiar claim of European moral superiority to the U.S. where racism was concerned only a decade after World War II and the Holocaust.

demand for empathy with black pain that non-violence was supposed to evoke. This points to a problem with assumptions about the universal efficacy of non-violence, which depends on the reaction it can provoke among members of the dominant group, i.e. its ability to induce shame, which will in turn produce political solidarity with members of the oppressed group.²⁸

As the events of Ferguson and other black lives matter protests have demonstrated, however, shaming whites into solidarity with black suffering is far more difficult today, in an era characterized by the belief that the U.S. is now a post-racial society, and also paradoxically by a high degree of white racial resentment against various minority groups, especially blacks and Latinos. As a result the bar for proving the continued existence of anti-black racism is extremely high.²⁹ It is thus almost impossible for blacks to be considered innocent victims even in situations involving police killings of unarmed black children, as in the cases of Aiyana Stanley-Jones and Tamir Rice. The problem is that if white empathy requires black innocence, then the goalposts for racial justice will continually shift because every specific instance of injustice becomes a discussion of whether or not a particular black victim was ‘deserving,’ which displaces the focus away from questions of democratic equality.³⁰

²⁸ Lebron, for example, argues that shame can drive racial justice, but he fails to address the questions about that claim raised here. See Christopher J. Lebron, *The Color of Our Shame: Race and Justice in Our Time* (Oxford, UK: Oxford University Press, 2013).

²⁹ Consider, for example, the claim by certain conservative opinion writers that the devastating DOJ report on the organized state predation carried out against the black citizens of Ferguson was an example not of racism, but of corruption, as if one precluded the other.

³⁰ As *New York Times* columnist Charles Blow has argued, this is an impossible standard to meet: “The argument is that this is not a perfect case, because Brown—and... now Garner—isn’t a perfect victim and the protesters haven’t all been perfectly civil, so therefore any movement to counter black oppression that flows from the case is

In fact, what if rather than being effective because its non-violent tactics elicited white shame, what if the crucial psychological operation that made the civil rights movement successful was rather that it allowed white rage to be vented unopposed, thus providing a cathartic release that made concessions to racial justice emotionally reconcilable for supporters of white supremacy? On this reading of the relationship between non-violent acquiescence by racially subordinated groups and the moral orientations of members of the dominant group, the problem with the events in Ferguson was precisely the active resistance displayed by the protesters. In an insightful reading of the “hands up, don’t shoot” gesture that became a rallying cry for protesters after the killing of Michael Brown, art historian Dora Apel argues that we need to critically interrogate the racialized visual economy that shapes how such images are read:

The submissive hands up gesture of black protesters facing a militarized police force is meant to appeal to liberal sympathies by showing that they are ‘respectful’ and law-abiding, suggesting the opposite of ‘uppity.’ Yet the deference of the act has the paradoxical effect of reinforcing white stereotypes about black people. As Martin Berger demonstrates in his revisionist study of iconic civil rights photos, *Seeing through Race*, white-run newspapers selected civil rights photos showing black passivity in the face of police violence while black-run newspapers selected photos that showed both protesters and police as active agents. Berger suggests that images of blacks offering no resistance to police violence were selected by white editors because it was easier to gain white liberal sympathy by visually defining racism as excessive acts of brutality, from which moderate and liberal whites could distance themselves, while at the same time their racial anxiety could be quelled by the picturing of black nonresistance, which meant that whites were still in charge. Black editors, on the other hand, often preferred to show black agency.

Extending this analysis of the iconic photographs of the civil rights movement to the visual record of Ferguson, Apel suggests that:

inherently flawed. But this is ridiculous and reductive, because it fails to acknowledge that the whole system is imperfect and rife with flaws. We don’t need to identify angels and demons to understand that inequity is hell.” Charles Blow, “The Perfect-Victim Pitfall,” *The New York Times*, December 4 2014.

Both then and now, photos of the militarized police facing black protesters who are non-resistant perform reassuring symbolic work that manages white anxieties about race. Whites are still in control and racism is understood as brutal acts of violence, not as part of the insidious indignities and brutalization of everyday life. Picturing blacks as non-threatening and non-resistant effectively places them in a role of limited power; it does not fundamentally threaten white racial power... whites, not blacks, are constructed as the agents of change while normalizing black passivity and even subtly promoting ongoing black humiliation.³¹

Building on Apel's arguments we might suggest that it was precisely because (aside from the hands up, don't shoot gesture) Ferguson failed to produce the expected visual images of black submission required to elicit white comfort with state intervention on behalf of racial justice, that so many white observers rallied to the defense of the Ferguson police and were prepared to regard the assertion of the democratic right to protest as an illegitimate deployment of violence that threatened law and order. At the same time, precisely because the media coverage of Ferguson was not dominated by images of black passivity, some white observers could still view the militarized police response (however disproportionate) as insufficient, because protesters remained defiant. If the affective price of white acquiescence to demands for racial justice is (imagined) black submission, this might explain why so many white observers not only did not sympathize with the black protesters in Ferguson, but actively supported and lauded Darren Wilson (as they had George Zimmerman) for killing an unarmed teenager. In the tragic political trap created by the transmutation of black suffering into political exemplarity, there is little to no room for blacks to express democratic outrage, as citizens who have suffered injustice are supposed to be able to do. One question that remains in the wake of Ferguson is thus, if U.S. democracy requires black submission as the price of

³¹ Dora Apel, "'Hands up, Don't Shoot': Surrendering to Liberal Illusions," *Theory & Event* 17, no. 3, supplement (2014).

even second-class citizenship, what constitutes appropriate black politics in the face of state looting, the hyper-criminalization of everyday life, and routine racial violence?

II. Black Politics after Ferguson: from Democratic Sacrifice to Abolition Democracy

I want to conclude this essay with a few preliminary reflections on what black politics might look like after Ferguson, and how these political activities can be informed by a broader conception of democracy that is closer to the idea of “abolition-democracy” first articulated by W. E. B. Du Bois and more recently taken up by Angela Davis to draw attention to the ways in which U.S. democracy continues to be informed by practices of subjection that can be traced back to slavery. Davis argues that “slavery as an institution...managed to become a receptacle for all those forms of punishment that were considered to be barbaric by the developing democracy...[that were] too uncivilized to be inflicted on white citizens within a democratic society.”³² Extending this analysis to contemporary forms of mass incarceration and the way the prison has become the new site for the “civic death” that used to be associated with enslavement, she argues that in the U.S. today: “Democratic rights are defined in relation to what is denied to people in prison. So we might ask, what kind of democracy do we currently inhabit?”³³ If Davis’ analysis is correct, one of the reasons that the protesters in Ferguson exercising their constitutional rights could be criminalized is that by virtue of being mostly black they were already viewed as criminals or soon-to-be criminals undeserving of the normal protections of citizens. Additionally, however, Davis wants to suggest that the kind of

³² Angela Y. Davis, *Abolition Democracy: Beyond Empire, Prisons, and Torture/Interviews with Angela Y. Davis* (New York: Seven Stories Press, 2005), p. 36-37.

³³ *Ibid.*, p. 46-47.

leeway afforded to the police and the criminal justice system as a whole in a society defined by mass incarceration inevitably bleed over into “ordinary” interactions between citizens and the state, and lead to a mentality in which security concerns trump the rights of citizens.

Democracies like the U.S. defined by the deployment of ideological strategies such as moral panics around crime to manage dispensable populations (as was the case, for example, with the newly freed black population after emancipation) are uneven democracies, where large populations have only marginal access to the rights of citizenship, and where the standing of those who do is defined precisely in relation to the denial of such rights to others. As Davis observes: “There are multiple figurations of the enemy [or the non-citizen who can be legitimately targeted by state violence] (including the immigrant and the terrorist), but the prisoner, imagined as murderer and rapist, looms large as a menace to security.”³⁴ What the Ferguson protests and other #blacklivesmatter activism has revealed is the way in which the dehumanization of black life that Davis identifies with the prison begins prior to incarceration, and also antecedes fatal encounters with the police, it rather has its origins in the criminalization of entire communities in order to make them subject to predatory looting by corrupt iterations of the state, as was amply documented in the Department of Justice’s scathing report on Ferguson.³⁵ The problems with U.S. democracy revealed by Ferguson thus do not begin (nor do they end) with the quelling of dissent or the militarization of policing, and they will also likely not be resolved by more closely adhering to the script of acceptable black

³⁴ Ibid., p. 42-43.

³⁵ See http://www.justice.gov/sites/default/files/opa/press-releases/attachments/2015/03/04/ferguson_police_department_report.pdf

politics, i.e. the sacrifice of peaceful acquiescence coupled with demands for inclusion into the existing system. In this regard, discussing the limitations of the strategies and discourses associated with the civil rights movement, Davis presciently suggests that: “It is misleading to assume that this success will be enduring, that it will survive all of the changes and mutations of the future...[instead what it does is] create a new terrain for asking new questions and moving in new directions.”³⁶

Indeed, the failure of the civil rights movement’s victories in addressing structural disparities in wealth and the criminal justice system raise important questions about the limits of strategies focused mainly on petitioning the state for inclusion. The existence of a black president and of black representatives in Congress and at all levels of state and local government have not transformed the racialized character of the state. And while part of the problem in Ferguson stems from a predominantly white political structure and administrative apparatus ruling over a predominantly black citizenry, the election of more black office-holders or infusion of more black police officers will not solve the economic shortfalls that have led Ferguson and other municipalities to criminalize the daily lives of their poorest citizens in order to fund their operations. Moreover in a democracy in which whites remain the majority nationally and in general do not share the concern of blacks and other minorities with questions of racial profiling, excessive use of force by the police, disparities in sentencing, lack of accountability of law enforcement in general, etc., the electoral incentives will be squarely on the side of doing nothing or little to

³⁶ Davis, *Abolition Democracy: Beyond Empire, Prisons, and Torture/Interviews with Angela Y. Davis*, p. 29.

address such problems, particularly for white politicians.³⁷ If this is indeed the case then Allen's confidence that the dual citizenship of dominance and acquiescence was dismantled beginning in the 1960s is unduly optimistic. But if blacks are condemned to be perpetual losers in U.S. democracy, how do we theorize this? How would democratic theory have to be reshaped to be able to encompass this specific form of racialized democratic loss? Is it even useful to continue to conceive black politics within the confines of liberal democracy given its abject failure to address systematic racial inequality? In other words, what democratic futures remain after Ferguson?

If formulations of democratic suffering/acquiescence as political exemplarity encourage black passivity rather than resistance and create a trap whereby any deviation from submission, respectability, and non-violence serves to render legitimate grievances illegitimate, what would constitute insurrectionary politics?³⁸ In fact, insurrectionary politics has long tradition in black political thought. Even Frederick Douglass, for example, who is usually viewed as a thinker firmly situated within the assimilationist tradition in African-American thought that remains sanguine about the prospects of U.S. democracy, at times advocated a revolutionary understanding of black freedom and a radically democratic approach to the rule of law. In his famous "What to the Slave is the Fourth of July" speech of 1852, Douglass interpreted the U.S. founding as an anti-colonial, revolutionary event in which the rule of law was flouted in the name of higher

³⁷ Numerous public opinion polls have documented the divide between white and non-white views of the various police killings of unarmed black victims and of the various protest movements organized in response.

³⁸ Michelle Smith has suggested that the looting and other instances of violence by some residents of Ferguson should be conceived as "insurrectionary politics." I also use the term without necessarily adopting her definition. See Michelle Smith, "Affect and Respectability Politics," *Theory & Event* 17, no. 3, supplement (2014).

moral and political principles, suggesting that in the pre-civil war era it was unruly abolitionists and fugitive ex-slaves who were displaying exemplary citizenship. The founding fathers, he argued: “preferred revolution to peaceful submission to bondage...They believed in order; but not in the order of tyranny. With them, nothing was ‘settled’ that was not right...They seized upon eternal principles and set a glorious example in their defence [sic].”³⁹ Similarly, in his autobiography Douglass suggested that slaves were forced to develop a different relationship to the law: “Slaveholders made it almost impossible for the slave to commit any crime, known either to the laws of God or the laws of man. If he stole, he but took his own; if he killed his master, he only imitated the heroes of the revolution.”⁴⁰ This fugitive or insurrectionary tradition within black political thought could thus be reclaimed to reformulate contemporary black politics, to rescue it from the ethical dilemmas and strategic dead-ends produced by the enshrinement of a romantic narrative of the civil rights movement as an exemplary moment when black freedom was achieved as the result of certain forms of democratic sacrifice. As Davis has suggested, this would entail “find[ing] ways of contesting the absolute authority of the law,” by which she means recognizing that the law can and does act to reproduce injustice and inequality.⁴¹ It also means that black politics, electoral or otherwise, must actively resist the reproduction of mass incarceration and the looting of black communities by the state via the criminalization of black lives.

³⁹ Frederick Douglass, "What to the Slave Is the Fourth of July," in *The Oxford Frederick Douglass Reader*, ed. William L. Andrews (New York: Oxford University Press, 1996), p. 113.

⁴⁰ *The Life and Times of Frederick Douglass*, 1892 ed. (Mineola, NY: Dover Publications, 2003), p. 69.

⁴¹ Davis, *Abolition Democracy: Beyond Empire, Prisons, and Torture/Interviews with Angela Y. Davis*, p. 92.

The protests in Ferguson and their aftermath, and the continued list of unarmed black women, men, and children killed by the police since August 2014, make it difficult if not impossible to engage in naïve exercises of democratic hope. Indeed, one painful but useful lesson that we can learn from Ferguson is the imperative to revisit arguments about black suffering as democratic sacrifice and political exemplarity. Turning to certain strands of black political thought can help us to think instead about how a politics of insurrection, fugitivity, and active resistance that does not fit easily within the bounds of liberal democracy might be absolutely crucial to achieving racial justice.⁴² As Davis reminds us this also entails envisioning new and different democratic futures. Referring to the acts of torture carried out by U.S. forces in the Middle East (and especially at Abu Ghraib) as part of the war on terror, Davis has suggested that “these are very frightening signposts of repressive futures that many of us are afraid to imagine. But we must confront this possibility if we feel that we have a stake in the creation of democratic futures for the United States and the world.”⁴³ The same can be said, perhaps even more poignantly, given that it is taking place directly on U.S. soil, about Ferguson and the numerous other instances where it has become necessary to affirm that #blacklivesmatter, even in death.

⁴² Olson makes a similar point about mobilizing insights derived from the black radical tradition and the abolitionist movement to abolish the “white democracy” and problematic “white democratic imagination” that have characterized the U.S. See chapter five in Olson, *The Abolition of White Democracy*.

⁴³ Davis, *Abolition Democracy: Beyond Empire, Prisons, and Torture/Interviews with Angela Y. Davis*, p. 123.

Works Cited

- Allen, Danielle S. *Talking to Strangers: Anxieties of Citizenship after Brown v. Board of Education*. Chicago: University of Chicago Press, 2004.
- Apel, Dora. "'Hands up, Don't Shoot': Surrendering to Liberal Illusions." *Theory & Event* 17, no. 3, supplement (2014).
- Arendt, Hannah. "Reflections on Little Rock." 6 (1956): 45-56.
- . "A Reply to Critics." *Dissent* 6 (1959): 179-81.
- Blow, Charles. "The Perfect-Victim Pitfall." *The New York Times*, December 4 2014.
- Davis, Angela Y. *Abolition Democracy: Beyond Empire, Prisons, and Torture/Interviews with Angela Y. Davis*. New York: Seven Stories Press, 2005.
- Douglass, Frederick. *The Life and Times of Frederick Douglass*. 1892 ed. Mineola, NY: Dover Publications, 2003.
- . "What to the Slave Is the Fourth of July." In *The Oxford Frederick Douglass Reader*, edited by William L. Andrews, 108-30. New York: Oxford University Press, 1996.
- Hooker, Juliet. *Race and the Politics of Solidarity*. New York: Oxford University Press, 2009.
- Johnson, Steven. "Two Cheers for Ferguson's Democratic Citizens." *Theory & Event* 17, no. 3, supplement (2014).
- Olson, Joel. *The Abolition of White Democracy*. Minneapolis: University of Minnesota Press, 2004.
- Rogers, Melvin. "Introduction: Disposable Lives." *Theory & Event* 17, no. 3, supplement (2014).
- Smith, Michelle. "Affect and Respectability Politics." *Theory & Event* 17, no. 3, supplement (2014).
- Steele, Meili. "Arendt Versus Ellison on Little Rock: The Role of Language in Political Judgment." *Constellations* 9, no. 2 (2002): 184-206.
- Terry, Brandon M. "Which Way to Memphis?: Political Theory, Narrative, and the Politics of Historical Imagination in the Civil Rights Movement." PhD Dissertation, Yale University, 2012.
- Warren, Robert Penn. *Who Speaks for the Negro?* New Haven: Yale University Press, 1965.