Do I Know You?

A Poem by Lori Lobenstine and Judge Timothy J. Wilson

Do I know you?

“The Court believes it is significant that defendant Stockley and Smith did not know each other prior to December 20, 2011”

Do we have any history? Do we have any “prior history”?

“They had no prior history, there was no history between Stockley and members of Smith’s family, and”

I ask, do we have any HISTORY?

“There was no basis in the evidence to suggest any pre-existing animosity by Stockley towards Smith”

Because if I don’t know you, if we have no [American] history—or if we don’t know American history—when will there ever be a “basis in the evidence” to suggest the pre-existing animosity of whiteness?

Where and when exactly does racism show up on my dash-cam? And when it shows up, say, in an audio recording of such pre-existing animosity like

“We’re killing this motherfucker, don’t you know?”

The more important evidence will actually be that I didn’t know you.

“There was also no evidence that Stockley even knew who was being pursued.”

But the most important thing will be that my judge did know you. It turns out, he’s known you for years.

“Finally, the Court observes, based on its nearly 30 years on the bench, that an urban heroin dealer not in possession of a firearm would be an anomaly.”

Which makes me wonder,

Do I know you?

Do we have any history?

I ask, do we have any HISTORY?
DS4SI has broached the endless loop of the white juridical gaze before. Here is a short excerpt from a paper we wrote in 2015 called *Cultural Tactics*:

In the most talked about cases of late — Trayvon Martin, Michael Brown, Eric Garner and Tamir Rice—the white gaze upon the black body is distorted to a point of irrationality. This particularly deadly distortion of rationality exists on two levels: one having to do with what is true versus what is seen/assumed—for example, the white gaze often assuming young black men are older than they really are (and therefore in their minds more dangerous), and the second having to do with the complex history and current status of how the white gaze equals the juridical gaze. (The irony here, is that with its white, juridical gaze, the state is far more dangerous to the black body than vice versa.) As the New York Times reported on FBI Director James B. Comey’s address to students at Georgetown University in February, 2015: “Mr. Comey said that some officers scrutinize African-Americans more closely using a mental shortcut that ‘becomes almost irresistible and maybe even rational by some lights’ because black men are arrested at much higher rates than white men.”5 With circular logic like this, the white gaze reinforces itself as synonymous with the law, truth and power, while reinforcing blackness as synonymous with danger, menace and criminality. Let’s look at American philosopher Judith Butler’s treatment of the white gaze in excerpts from a January, 2015 interview in the New York Times:

“The police see a threat when there is no gun to see, or someone is subdued and crying out for his life, when they are moving away or cannot move. These figures are perceived as threats even when they do not threaten, when they have no weapon, and the video footage that shows precisely this is taken to be a ratification of the police’s perception. The perception is then ratified as a public perception at which point we not only must insist on the dignity of black lives, but name the racism that has become ratified as public perception.”6

What we hear in Butler’s treatment is a perversion of the visual: in the eyes of the white juridical gaze, the black body is always already guilty. Which begs the question of the trial in the first place. The black body exists on the outskirts of the law where beliefs, mumbo jumbo and the phantasmal are as likely to take hold of a court (or grand jury) as the summoning of sanctioned and rational techniques like presenting evidence, interviewing witnesses and expecting fair judgment based on these.

So what can be done about this? We see here a perversion of the visual...a perversion that both reinforces and is reinforced by the status quo. If the white gaze is always the juridical gaze and if the black body is always the criminalized body...how do we interrupt this cultural conundrum?