



Say their Name:

A Critique of Statistical Norms as a Means of Grappling with Black Death

JASMINE WALLACE

This article is concerned with the unintended consequences that result from relying upon statistics in lieu of a normative theory when discussing the murders of Black people at the hands of the state. I examine how the recitation of statistics treats an individual's death as ontologically equivalent to the rate of death of a group. In so doing, the individual life that has been lost to State violence is stripped of its singularity. By speaking of Black life primarily in terms of Black death, we neglect the unique precarity of Black life as it exists (persists) between recorded deaths.

Say their Name



We often call upon statistics in our collective efforts to critique and grapple with the reality that Black people are disproportionately murdered at the hands of the State. We say that x number of Black men have been murdered by police officers; we say that x number of trans people of color have been murdered either by the State or by members of our own community. This article is concerned with the unintended consequences that result from relying upon statistics in lieu of a normative theory when discussing the murders of Black people at the hands of the State. Specifically, I am concerned with how the recitation of statistics treats an individual's death as ontologically equivalent to the rate of death of a group. In so doing, the individual life that has been lost to State violence is stripped of its singularity. Additionally, I am concerned that the recitation of statistics related to Black death creates new forms of normalization—an element of regulatory power—which renders Black life doubly precarious. The declaration that every 28 hours another Black person has been murdered by the State functions as a specter that haunts Black life. By speaking of Black life primarily in terms of Black death, we lose sight of the unique precariousness of Black life as it exists (*persists*) between each 28-hour mark of time.

I begin with a description of Michel Foucault's theory of regulatory power, which is explicitly concerned with tracking populations through, for example, statistics-tracking. Drawing upon Mary Beth Mader's 2011 text, *Sleights of Reason: Norm, Bisexuality, Development*, I demonstrate that the use of statistics to describe State violence targeting Black people is itself inherently bound up with the processes of normalization that reify and reproduce regulatory power. Therefore, I argue that the uncritical adoption of statistics in the analysis of Black death by critics of police violence and mass-incarceration transforms and strengthens the same regulatory power against which these statistics are deployed. Specifically, statistics subsume the individual death into an average rate of death, which eclipses the singularity of

individual loss of life. Furthermore, statistical recitation of Black death(s) renders Black life doubly precarious: our lives are already uniquely precarious in the United States because of the historical institutionalization of anti-Blackness and our lives are precarious because they become primarily represented in our death. The ‘rate’ of Black death functions as a specter that haunts Black life.

The purpose of this article is not to dismiss the relevance of statistics in either political conversations or critique tout court. Rather, I am specifically concerned with the uncritical adoption of statistics as the primary form of analyzing, critiquing, and grappling with the murders of Black people at the hands of the State. I believe that, in a very real and everyday sense, learning just how many Black people have been murdered in the span of one week, six months, or a year can and should be very striking to a person. One should be disturbed when they hear the running tally of the number of trans people, often trans people of color, who have been murdered ‘since the beginning of the year.’ Naming the rate of Black death can generate an affective response in an individual, and this affective response can be powerful both for acknowledging the scale of violence and, possibly, creating disturbances that could result in praxis. However, creating an affective response is not, in and of itself, a critique. If we rely upon statistics and the affective responses it engenders, if we confuse the use of statistics with a critique of anti-Blackness and State violence, then we risk strengthening the same structures we are purporting to *critique*. The question is not whether or not we should use statistics, but rather how can we critically make use of statistics in the process of developing a political critique?

Statistics and Biopower

“Operation Ghetto Storm,” a research project sponsored by Malcolm X Grassroots Movement (MXGM) in 2012, is the source for the oft-cited statistic that every 28 hours someone employed or protected by the U.S. Government, the majority of whom are police officers, kills a black woman, man, or child. (1) Gathering statistics and naming rates of death have been tools deployed to challenge State power and to highlight the disproportionate violent and deadly encounters between people of color and the State. After “Operation Ghetto Storm,” there emerged more and more practices of ‘record-keeping’ by organizations based primarily in communities of color. (2) We count the number of Black men killed by the police; we count the number of Black children killed by the police; we record the names of Black women killed by the police; we track the number of trans persons of color who are murdered,

either by the police or members of our own community who are never tracked down and ‘brought to justice.’ Keeping track of these statistics has become something of a political tactic.

The particular use of statistics by prison and police abolitionists and others concerned with the spectrum of carceral institutions highlights the precarity of Black life in the United States. Through the production and re-production of this statistical data, Black life is rendered doubly precarious. On the one hand, every 28 hours means that the social and political institutions on which we must depend consistently fail to provide security for Black life. On the other hand, every 28 hours also means that Black life is represented primarily in death. Whether or not we remember Freddie Gray’s name or which number Breonna Taylor is on the list of Black murders this year, their lives get subsumed within a group statistic that eclipses individual identity. By drawing upon Foucault’s theory of biopower, we can better understand just how such an eclipse occurs.

Michel Foucault’s theory of biopower identifies a distinction between disciplinary and regulatory power. Disciplinary power, a concept discussed at length in his text *Discipline and Punish: The Birth of the Prison*, highlights the various ways that bodies are rendered docile under modern power. The anatomo-physical comportment of bodies is disciplined through multiple *dispositifs*: schools (e.g., raising one’s hand to speak), the military (e.g., saluting to signal respect), and factories (e.g., each movement is timed in order to achieve peak efficiency). The second mode of biopower, regulatory power, primarily concerns populations. The management and control of populations according to rates of death, life, birth, disease, etc. relies upon statistic-keeping in order to identify a norm. These statistics are used in the processes of normalization that aims to reduce deviation from the normal curve identified within a given population. In his 1978 lecture series, *Security, Territory, Population*, Foucault explains how statistical norms function as a technique of regulatory power:

One will get the ‘normal’ distribution; of cases of and deaths due to smallpox [...] Thus one will have the normal curve, overall curve, and different curves considered to be normal. [...] Regulatory techniques will] try to reduce the most unfavorable, deviant normalities in relation to the normal, general curve, to bring them in line with this normal, general curve. (3)

Thus, statistical norms that describe a normal curve within a population determine what constitutes statistical deviation from the norm and, in turn, how regulatory power can work to minimize this deviation.

Importantly, the identification of statistical deviation is neither purely descriptive nor is it purely prescriptive. As Mary Beth Mader argues in her 2007 article “Foucault and Social Measure,” modern power requires that the descriptive and the prescriptive cannot be de-coupled. Statistics perform the double-task of description and normalization. Mader writes: “the continuities posited or created in statistical measurement are a source and support of the social continuities imposed in social standardization.” (4) Description and standardization (i.e., normalization) are co-constituted in the statistical mapping of populations. The descriptive function of statistics is already beholden to a logic of normalization—a logic that is shaped by statistical descriptions. Importantly, the statistical norm treats the individual and the group rate as ontologically equivalent, which eclipses the ontological singularity of the individual. The

In *Sleights of Reason*, Mader describes the subtle shift that occurs when the traits of individuals become ratio-ized and used to predict risk or probability. Exploring suicide rates of a given population, Mader identifies three separate scopes of analysis: “(i) single individual, (ii) group of suicides, (iii) total possible suicides.” (5) Mader demonstrates that the probabilistic analysis captured by the third scope (i.e., total possible suicides) mistakes a relation between two measures (the individual and the group) for a numerical calculation *within* a group. The move from individual to rate, by way of the group, amounts to a radical shift of ontological register. This ontological slide—from a single ‘case’ of suicide to a total figure for the group of all ‘cases’ of suicide to the numerical expression of the relation between two groups, the group of actual suicides and the group of possible suicides, one of which contains the other—is significant. (6)

Individual suicides are counted and then ratio-ized into a rate of possible suicides within a population. What this shift overlooks, however, is that there is no such thing as an “average suicide rate” no more than there is an “average height” of a population. (7) The term suicide, as Mader points out, means something radically different depending on whether one refers to an individual or to a rate. An individual has committed suicide (past tense). A suicide *rate* is no longer about suicide; “it is a relation between numbers or quantities alone.” (8) For our purposes, we should say that the *rate* of Black murders at the hands of the State is not about an individual murder; it is a relation between numbers and quantities.

Before turning to the specific context of the uncritical adoption of statistics to criticize anti-Black and State violence, we should first consider statistics that are used to calculate risk and probability. Risk and probability are future-oriented measures, which means that

project descriptive and prescriptive norms into the future. This will carry consequences for how Black life is lived under the specter that is the risk of Black death. Staying with Mader's example of suicide, we can set the scene for understanding and anticipating these consequences. Mader argues that the rate of actual suicides is used to predict a future of possible suicides, which treats the living individual—the one who has not yet committed suicide—as resembling the dead:

[I]n sharing out the relation between the relevant groups to each member and to all members of the society, the spectral nature of the set of suicides is given new and continuing life. The set of suicides is spectral because it denotes a collection of the dead; its members are no longer, at least when compared to the potential suicides that comprise the denominator in the ratio of actual suicides to potential suicides. But the suicide rate distributed over the remaining individuals legates to each a vital parcel of the set of actual suicides; they leave behind the risk of resembling them. (9)

Those who have committed suicide leave behind the risk of others resembling them. By projecting a group rate into the future as a means of determining individual risk and probability, the individual is reduced to their resemblance to a group. Not only have we conflated the ontological status of the individual with the group, as was previously described, but we have introduced a new kind of ontological existence: resemblance. One is neither strictly an individual nor a group. In the case of resemblance, all Black people share (though not equally) the risk of being murdered by the State. Furthermore, the individual is regarded as resembling the risk of being murdered. Living this resemblance to a rate of death compounds the social and existential precarity of Black life.

Counting our Dead

This section extends Mader's critique of statistics and social measure within the Foucaultian paradigm, to analyze the limitations and unintended consequences for using statistics to critique the murders of Black people at the hands of the State. I examine how statistics are used in lieu of a normative theory to critique, for example, mass incarceration. Normative claims are understood as implicit in the citation of group rates and/or risks. However, theorists all too often avoid making the shift from the affective response in the face of statistics, to the normative critique of the State and power. I will also consider how statistical norms related to the murders of Black people at the hands of the State treat the Black individual as 'group rate,'

which has the effect of treating Black life as if it resembles the rate of Black death.

It is my view that critics of anti-Black violence utilize statistics in part for the implicit normative power that undergirds the more explicitly stated descriptive power. When, for example, Ruthie Wilson Gilmore begins her text, *Golden Gulag: Prisons, Surplus, Crisis, and Opposition in Globalizing California*, with the staggering fact that between 1982 and 2000 the California state prison population grew by nearly 500 percent, and that “African-Americans and Latinos comprise two-thirds of the state’s 160,000 prisoners,” we are meant to make the leap from the descriptive to the normative. (10) We are meant to understand that, given the disproportionate rates of Black and Latinx individuals imprisoned in comparison to the white population, there must exist social and political structures that directly and negatively target Black and Latinx populations. Gilmore follows through on this logic by mapping the field of social institutions that “break down” such that Latinx and Black populations are funneled into prisons at higher rates. The connections that Gilmore continues to make, however, are primarily descriptive. Gilmore identifies statistical patterns and concludes from these a normative claim that capitalism and white supremacy work hand-in-hand to incarcerate Black and Latinx populations at a higher rate than white populations. What does not get acknowledged, however, is that the statistics used to describe patterns within or related to populations creates yet another level of normalization. These statistics do not simply describe a normative field to which we are passively subjected. By citing and re-citing statistics, critics of both anti-Black and State violence produce fields of normalization that overdetermine forms of Black life.

The statistic that every 28 hours a Black or Brown person is murdered by people employed by the State, is not, in fact, about individual Black or Brown people. The rate of every 28 hours refers to a relation between quantities, and it is not, therefore, about the murder of each individual. The arithmetic relation between quantities is re-deployed to describe individuals. In other words, the individual is replaced with its portion of a ratio. The relation between quantities, a relation built on the measure of an individual, attempts to stand in for the individual who necessarily exceeds its descriptive power. The demand to remember specific names, remember times and places, remember the number of deaths thus far, speaks to an underlying anxiety about our inability to retrieve singularity through a group rate. We must ask ourselves whether our collective socio-political memory of, for example, Eric Garner is a memory of an individual, or a group rate given a name.

Prima facie, my concern about the dialectic of description and normativity underlying statistics may seem purely academic. It might, and *should*, be argued that Black people were already killed at a rate of every 28 hours even before MXGM commissioned the survey that gave us concrete numbers to which we can point. I do not deny that, at one level, this is true. I also do not intend to deny the affective potential that citing statistics has for those who lack a critical analysis or awareness of anti-Black racist violence. Instead, my concern is that those who cite these statistics in an effort to engage in critique, overlook the multiple vectors of regulatory power at work. Normalization is not something that can merely be described. In its very description, normalization is reproduced and transformed. In this case, Black murders at the hands of cops are “normal” so long as they remain within the statistical average of every 28 hours. If there is deviation from this norm, if there are too few deaths, mechanism of biopower will be deployed in an effort to minimize this deviation. We should, thus, not be surprised that the rate of Black murders by the police has continued even during the Covid-19 pandemic. Biopower is about maintaining normalization, irrespective of the norm’s content. That is, so long as Black death represents a norm, Black populations will continue to be normalized by regulatory power to guarantee the statistical norm.

In addition to the dangers of reproducing and reifying regulatory power through the uncritical adoption of statistics, I am also concerned about the existential impact of the recitation of statistics related to Black death. By treating an individual as ontologically equivalent to her risk of death, we create a new level of Black precarity, which conditions how she lives in the world. The Black individual comes to resemble the risk of Black death, and this resemblance to death haunts her life. We can understand the existential impact of statistics related to risk and probability by drawing upon Judith Butler’s notion of precarity.

All life is precarious. Life will cease for us all at one point or another no matter how well we resist. This does not mean, however, that the precarity of life is evenly distributed. Where precariousness describes a biological fact, precarity is a socio-political phenomenon. In her text, *Frames of War*, Judith Butler makes this distinction accordingly: “precariousness [is] a shared condition, and precarity [is] the politically induced condition that would deny equal exposure through the radically unequal distribution of wealth and the differential ways of exposing certain populations, racially and nationally conceptualized, to greater violence.” (11) Claiming that the precarity of Black life is more severe than white life, for example, is similar to arguing for the importance of claiming that Black lives matter against those who would argue that all lives matter. It is possible that our social

and political institutions could fail us all, thus rendering us equally precarious; however, the current state of affairs has led to a precarity of Black existence not experienced in equal measure by non-Black populations. I take it that this is not an altogether controversial claim and I dismiss the grounds upon which All Lives Matter claims are made. The more nuanced claim that I am concerned with is how Black life is rendered doubly precarious through the transformations of regulatory power, which result from our reliance on statistics. Black life is lived under the constant threat of Black death. In the 28 hours between Black death, Black life is on hold. Every 28 hours we hold our breath in wait of another name to memorize and another number to count. In so doing, we eclipse the precarity lived in-between these hours and we, therefore, emphasize the doubly precarious life of Black people.

When an individual Black life is subsumed by a group rate of a Black population wherein the point of measure is death, the living are treated as resembling the dead. They are treated as either lucky for beating the odds of their deaths, or as a potential next victim in the order of Black deaths. Parents of Black children try to prepare their kids for surviving in an anti-Black society that gives police officers *carte blanche* to murder them. Parents have ‘the talk’ with their Black kids. These parents provide lists of instructions concerning what to do not *if*, but *when*, their Black child is confronted by the police: Keep your hands where the officer can see them; don’t wear your hood up while inside a building or while in a white neighborhood; make sure you have your ID with you when you leave the house; and never argue with the police. Rather than critically use statistics in the development of a political praxis, many have uncritically recited the rates of Black murders by the State in a way that compounds the need for Black people to self-surveil when they are out in the world. In an effort to avoid being the next Black person killed by police, we remain vigilant about how we move and how we are perceived. We also live knowing that our individual murder will be treated as just part of a group rate; and our deaths will not be a deviation from the norm, but a consolidation of the norm.

One may recognize a similar production of precarity in Foucault’s description of the invention of the criminal. In the shift from penal to disciplinary power, there emerged a series of mechanisms that, on the one hand, challenged the binary logic of terms legality-illegality, and on the other hand, provided measures for increased precision for what counted as delinquency. Foucault stresses that the target of carceral networks of power was no longer the body, as was the case with sovereign power, but rather the soul. In the domain of criminality and delinquency, this meant the creation of disciplinary regimes that could identify not simply *who* violated the law, but *what type of person* has or could possibly violate the law:

A zoology of sub-species and an ethnology of the civilization of malefactors, with their own rites and language, was beginning to emerge in a parody form. But an attempt was also being made to constitute a new objectivity in which the criminal belongs to a typology that is both natural and deviant. [...] [I]t reveals quite clearly the principle that delinquency must be specified in terms not so much of the law as of the norm. (12)

The criminal is characterized by a norm, which is either constructed through disciplinary means (*normation*) or which is determined through a statistical analysis of a population (*normalization*). In the case of normalization, the concern with criminality has far less to do with a crime than it does with the criminal—the one who, assigned certain statistical probabilities, is deemed a criminal.

I highlight this passage from Foucault concerning the creation of the criminal because it is a clear example of the convergence of description and prescription in relation to a norm. By attempting to refine a descriptive account of delinquency, disciplinary regimes produced something new, namely, ‘the criminal.’ The gradation of criminality meant that those who were already targets of the carceral system (e.g., former slaves in the United States) became doubly precarious. Escaping the logic of incarceration was no longer a matter of avoiding illegal activities, nor was it a matter of avoiding the law altogether. Instead, one was forced to actively pursue a norm; a norm that remained elusive.

Foucault’s account of the invention of the criminal is reflected in our current situation concerning how we discuss, conceptualize, and ultimately, grapple with, Black murders at the hands of the State. What new character(s) are we helping to create by specifying and announcing the norm of Black death resulting from police violence? Given the doubly precarious state of Black life as it already stands, how does our descriptive-prescriptive analysis of Black death render that life even more precarious? And finally, I ask, what specters do we produce by naming and numbering our dead?

JASMINE WALLACE

Jasmine Wallace is a PhD candidate in the Philosophy Department at the University of Memphis. Her areas of research include 20th- and 21st-century social and political philosophy with special emphasis in issues of race, gender, and sexuality. Her current project, *Fugitive Gestures: An Account of Anti-Black Racist Violence in Proximal Encounters*, draws upon performance studies and phenomenologies of embodiment to analyze how and why the gestures of Black subjects are surveilled by white supremacist systems of power in the US

NOTES

1. Arlene Eisen and Kali Akuno, "Operation Ghetto Storm," *Operation Ghetto Storm*, November 4, 2014 edition, <http://www.operationghettostorm.org/>
2. See Shanelle Matthews and Miski Noor, "Black Lives Matter 4 Year Anniversary Report," Black Lives Matter, date accessed July 29, 2020, <https://drive.google.com/file/d/0B0pJEXffvSOuOHdJREJnZ2JJYTA/view>; see also "End the War on Black Communities," *Movement for Black Lives* (M4BL), date accessed July 29, 2020, <https://m4bl.org/policy-platforms/end-the-war-on-black-communities/>.
3. Michel Foucault, *Security, Territory, Population: Lectures at the Collège de France 1977-1978*, trans. Graham Burchell (New York: Palgrave Macmillan, 2007), 62.
4. Mary Beth Mader, "Foucault and Social Measure," in *Journal of French Philosophy* 17:1 (2007): 2-3.
5. Mary Beth Mader, *Sleights of Reason: Norm, Bisexuality, Development* (New York: State University of New York Press: 2011), 56.
6. Ibid.
7. Ibid.
8. Ibid.
9. Ibid., 17
10. Ruthie Wilson Gilmore, *Golden Gulag: Prisons, Surplus, Crisis, and Opposition in Globalizing California*, (Berkeley and Los Angeles, California: University of California Press, 2007), 7.
11. Judith Butler, *Frames of War: When is Life Grievable?* (New York: Verso Books, 2009), 28
12. Michel Foucault, *Discipline and Punish: The Birth of the Prison*, trans. Alan Sheridan (New York: Random House, Inc., 1995), 253.