

Tyre Nichols's killing is not an exception

Police violence against Black citizens is written into the script of American culture.

by [Reggie Williams](#) in the [April 2023](#) issue



Demonstrators gather during a protest in Times Square on Saturday, January 28, 2023, in New York, in response to the death of Tyre Nichols, who died after being beaten by Memphis police during a traffic stop. (AP Photo / Yuki Iwamura)

Here we are again in an old and familiar place. There is nothing new about lethal police brutality against Black civilians, except that this time it was the life of 29-year-old Tyre Nichols that was taken. We keep arriving in this place because too many people want to see deaths like Tyre's as unfortunate exceptions of an impartial institution that otherwise upholds its mandate to protect and serve communities. Plenty of officers take their role to be exactly that—and still, we face a recurring catastrophe.

Nichols's death is not an inconsistency. The conversations about it have often implied that it is, emphasizing the absurdity of state violence against the kind of

person Tyre was known to be. He was simply trying to get home after taking pictures of the sunset; he was obviously not a criminal. But that shouldn't matter. Nor should it matter that he was rail thin as a result of Crohn's disease, a mere 150 lbs at 6'3" tall, or that he was unarmed when he was confronted by at least five much larger, armed men. It shouldn't matter that he was no threat, that he was a father to a 4-year-old son, that he was a skateboarder, that he was beloved by people who knew him. People point out that he had a tattoo of his mother on his arm and that he cried out loudly for her as the police beat the life out of him within 100 yards of her house.

All of this is true, and it is also beside the point. These deadly encounters that make the news are typically between White officers and unarmed Black citizens, and there are always absurdities to name, absurdities that are not themselves the problem.

Yet Nichols's killers were Black policemen. Their race, however, matters much less than their role as representatives of the state who have a mandate to protect and serve. This mandate, as the news so often demonstrates, is followed inconsistently: in some cases, when all other indications point to the need to protect and serve, officers instead follow an impulse toward disproportionately violent actions of containment and control. This is a pattern of behavior for people of whatever race who wear the badge, and it is based in deeper, underlying issues. What is guiding this gratuitously violent police impulse?

Angela Davis offers some clarity in *Freedom is a Constant Struggle*. Commenting on the phenomenon of violence by Black representatives of the state against Black citizens, Davis brings up the 2012 Marikana massacre in South Africa, in which police officers killed 34 miners while they were on strike at their workplace. The massacre happened nearly 20 years after the end of the apartheid regime, at a time when Black South Africans held important leadership roles in the country—including in the police force. Davis explains: "The miners were black, the police force was black, the provincial head of the police force was a black woman, and the national head of the police force was a black woman."

How is it that a moment of Black self-governance, ushered in by the fall of apartheid, could give rise to yet another moment of apartheid-like racial terror against Black people? As Davis explains, Marikana was "in many important respects, a reenactment of Sharpeville," the 1960 massacre of Black South Africans by apartheid government officials. At Sharpeville, as Black people protested laws meant to restrict their movement within the country, the government opened fire using live

rounds. Nearly 300 Black people were gunned down, including 29 children.

The similarities between Marikana and Sharpeville are not coincidental, and Marikana is no contradiction. They are both symptoms of an inherent yet unnamed influence: institutional racism. To say that racism is inherent is to say that it is an inseparable quality of the body. It is more than a possession or a randomly occurring phenomenon; it is a fixed and permanent trait of the institution itself. Davis explains:

Racism is so dangerous because it does not necessarily depend on individual actors, but rather is deeply imbedded in the apparatus. . . . It does not matter that a black woman heads the national police. The technology, the regimes, the targets are still the same.

The targets of racism remain unchanged when the police are Black because they are members of an institution organized by an ideological apparatus that is bigger than the sum of its parts. Racism so profoundly impacts the perception of the mandate to protect and serve that it instinctually provokes its corollary, the targeted impulse to contain and control.

We can see this phenomenon at work in people's vastly different interpretations of the role of race in state violence in the United States. To be Black or Brown here is to face a much greater statistical risk of death at the hands of the police. Last year, police officers killed 1,176 people in the United States—the highest number in a decade. And despite making up just 13 percent of the population, Black people accounted for 24 percent of them. Why are Black people being killed in such high numbers?

One perspective sees in these numbers an indictment of Black criminality—one that functions as biological justification for the state use of violence. The effort to serve and protect a community leads to Black deaths because a supposed innate predisposition for malfeasance makes Black people enemies of good community. The numbers show that Black people must be contained and controlled by law enforcement, neighborhood watchmen, or any concerned citizen with a gun or cell phone.

From this perspective, it's hard to account for cases like Tyre Nichols. Viewed as a Black man who happened to encounter an institution that otherwise engages justifiable practices of protecting and serving, he becomes an acceptable loss in a

war on crime that employs an obvious and necessary biopolitical strategy of containment. Collateral damage is seen as unfortunate, but it rarely rises to the level of moral concern in a society where longing for Mayberry is also a political strategy. Mayberry—that fictional all-American town of the Andy Griffith Show, where the police department serves as nothing more than the setting for a heartwarming sitcom—had no recognizable Black residents and was thus able to focus attention on the beauty of family values in the maintenance of a wholesome community. This is one way of interpreting the high numbers of Black deaths at the hands of the police.

A different perspective on the same statistics sees in them the lethal outcome of a history of dysphemistic representation of Black people. It recognizes that racial aesthetics—the social and political interpretations assigned to visible body traits commonly associated with race—are performative: they prompt action from and toward bodies. Along with signaling the presence or absence of virtue, they indicate the type of contact one should employ and expect to receive. Race is a historical code for our life together, written on our bodies in a nation that reflexively depends on its message to determine quality of life outcomes. The history that is written on Black American bodies is a moral code for interaction that is not the same for White Americans.

Hence, Black deaths are no coincidence; they are scripted. They are expected. The statistics about Black death at the hands of police illustrate that the state apparatus is acting upon signals from a historically lethal race-based code. Thus, they illustrate how vastly different messages are spoken (or even acted out in sitcoms) by racial aesthetics, regulating the sort of mandate that the protectors of community will render in their service of securing the community that we're all supposed to want.

This code is not only a problem in policing. It is a political strategy, as philosopher Charles Mills argues in *The Racial Contract*. Mills analyzes social contract theory—the means by which philosophers and ethicists analyze the moral development of social, economic, and political institutions. Social contract theory provides explanations for how the concept of “liberty and justice for all” is built by agreed-upon compromises that give birth to the common liberties that are necessary to build and sustain a moral society.

According to Mills, social contract theorists have historically neglected a singularly important variable as they do their work of describing the development of the ideal

community: they regularly lack a racial analysis. “The world of mainstream (i.e., white) ethics and political philosophy” preoccupies itself “with discussions of justice and rights in the abstract,” writes Mills, while

the world of Native American, African American, and Third and Fourth World political thought, historically focused on issues of conquest, imperialism, colonialism, white settlement, land rights, race and racism, slavery, jim crow, reparations, apartheid, cultural authenticity, national identity, indigenismo, Afrocentrism, etc. . . . These issues hardly appear in mainstream political philosophy, but they have been central to the political struggles of the majority of the world’s population. Their absence from what is considered serious philosophy is a reflection not of their lack of seriousness but of the color of the vast majority of Western academic philosophers (and perhaps their lack of seriousness).

The absence of a racial analysis in the study of the moral development of society betrays the presence of another, unnamed contract that Mills identifies as “the racial contract,” or more explicitly, White racial hierarchy.

At this point, it is important to consider the connection between Black Americans’ disproportionate experience of state violence and the current culture war battles over “woke indoctrination.” The racial contract that Mills exposes is a political theory, indeed the most operative one in this country for over 200 years, which makes the practice of domination and authoritarianism appear as innocent as Mayberry. It does this by selectively describing the assembly and maintenance of a moral society—which is to say, the history of “liberty and justice for all”—while omitting the struggles for justice of significant demographics within the population.

This society that is moralized in theory (and on television) gives little attention to the political matters that are central for many people negatively affected by that society. Indeed, their concerns are even maligned as woke politics, reverse racism, and indoctrination—because their concerns are related to the experiences of people whose bodies make them targets and unrecognizable members of the ideal community. This is an ideological performance of exclusion that presages the violent and lethal exchange between the state and Black people. Death is performed at the conceptual level first, in targeted practices of exclusion.

Only when we are able to recognize this truth will we be able to see that Nichols's killing is no exception. When we can see it, we can interrupt the harmful messaging and perhaps even offer a healthier one.

We need to stop coming back to these tragic places of gratuitous state violence against Black people like Nichols. It helps to rightly remember the stories of struggle. We can't gloss over the ugliness with synthetic nostalgia. We have to let it remain the raw evil that it has always been, or we will continue returning to its performance. We need to acknowledge, regularly, the historical struggle for Black and Brown freedom within the hope of liberty and justice for all, to disrupt the misleading messages that dominate the narrative of community. Tell the whole truth, and let it set us free.