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July 29, 2013

On Trayvon Martin and the George Zimmerman Verdict

I waited.

My tears waited.

In March 2012 when the story of Trayvon Martin's murder became national news, I waited to comment. Like those who took to the streets in hoodies, I could not understand how George Zimmerman could shoot and kill an unarmed teenager who was simply walking home from the store, be taken into custody by the police, and then go home to sleep in his own bed the same night without being charged with a crime. Zimmerman told the police that he acted in self defense, and that was enough. Trayvon Martin's family had to hire a lawyer and the lawyers had to contact national civil rights leaders before a prosecutor brought charges. I did not comment.

Trayvon Martin's parents said they had faith in the criminal justice system. They wanted a trial. The trial happened and a jury of six women found their son's killer not guilty. When I learned of the verdict on Sunday morning, July 14, my delayed praying tears ended their wait. I wept. I grieved for Trayvon Martin and for all the teenagers whose lives are lost to gun violence, and I grieved for our criminal justice system and for our nation.

Before the trial

The ideological lines were drawn early. Those on the political left tended to see this as a case of racial profiling, of the tragic consequences of stand-your-ground laws and of lax gun regulations. On the other side were people who wanted to portray Trayvon Martin as a young thug who got in trouble at school, smoked marijuana, and who caused his own death when he fought George Zimmerman. Before the trial, we knew that he was on the telephone with a friend as he was walking home. We knew Zimmerman said profane things about Trayvon when he called the Sanford, Florida police non-emergency number. It was clear that when Zimmerman saw Trayvon Martin he did not see him as an individual, rather he saw him as one of a group—punks up to no good.

Nothing happens outside of a context, and the context for this tragedy is race in America. Some people want to say that this event was not a matter of racial profiling, that anyone who says so has fallen under the spell of "race hustlers" who make their living, name, and fame on the problem of race. Those of us who understand the complexities of the racial atmosphere and discourse in America decry the state of denial about race that retards progress on this issue.

The concept of race is not an ancient concept. Race is not nature. It is a construction. It is a way to order the world in ways that allow a particular system of power relations to stay in place. It came into being and remains so to allow people to continue to make money from inequality. Human beings have always defined ourselves in relationship to group identities. In ancient times identity was tribe, nation,

city-state, male, female, slave, free, citizen or not. Greeks considered that any non-Greek was a barbarian. Race understood as a biological classification based on physical characteristics was a way to understand the differences between Europeans and the various other peoples they met in the Americas, Africa, and Asia. When slavery became racialized—the black African could not run away and easily hide among the indigenous people or among the white population—a human hierarchy took hold where the enslaved were thought to be not only different but inferior, even vicious by definition.

In 1798 the *Encyclopaedia Britannica* defined “Negro” in part:

Vices of the most notorious seem to be the portion of this unhappy race: idleness, treachery, revenge, cruelty, impudence, stealing, lying, profanity, debauchery, nastiness and intemperance are said to have extinguished the principles of natural law, and to have silenced the reproofs of conscience. They are strangers to every sentiment of compassion, and are an awful example of the corruption of man when left to himself. (*The Portable Enlightenment Reader* 669)

This definition assigned Africans to a subhuman category. Thus Africans were seen as essentially and inherently ugly and vicious. David Theo Goldberg writing in *Racist Culture: Philosophy and the Politics of Meaning* says: “Inherent nature admits to no exceptions” (31). It became easy to rationalize the enslavement of an entire category of human being if these humans were—without exception— not equally human.

The rationalization of a racialized system of slavery that fueled the economies of Europe and of a nascent United State, north and south, coincides with a discourse on human equality and human rights. Thomas Jefferson, a slave owner, is the author of the Declaration of Independence where he writes of the self-evident truth that “all men are created equal, that they are endowed with certain unalienable rights that among these are Life, Liberty and the pursuit of Happiness.” However, if Africans and Others are inferior human beings then the self-evident truth of human equality does not apply. Thus, they have no rights.

Classical liberalism was the ideological engine driving the concept of unalienable rights, of individual rights that limited the power of the monarchs and of the state over the individual. The social contract of the United States—the Declaration and the Constitution—was written with the idea that the state existed to secure and preserve rights. Yet, in the US Constitution enslaved persons were counted as only 3/5ths of a free person and that devaluation has remained in place in custom if not in law. This devaluation of one group according to the cooked up concept of race means that the group that holds power holds both power and privilege. Over time these relationships are understood as natural, as the way nature and nature’s God planned things. It is the way that it is because it cannot be any other way. It is the natural order of things.

Racial segregation allows for little opportunity for people of various races to get to know one another as individuals. Therefore, it is easy for racial stereotypes to form and to take hold on the imaginations of people of both races. In 1933 African-American poet, literary critic, and educator Sterling Brown identified seven stereotypes of African-American people common in American literature:

contented slave; wretched freeman; comic Negro; brute Negro: tragic mulatto; local color Negro; and exotic primitive. Over time, these stereotypes have changed very little. The young thug is a 21st century variation of the brute Negro. He is young, super-physical, and violent. He is thought to be especially menacing if he is dressed in a particular fashion. He belongs to a marginal group for whom there are no rights. See: (http://testaae.greenwood.com/doc_print.aspx?fileID=GR0210&chapterID=GR0210-46&path=books/greenwood)

Moreover, when we think of the concept of rights, we are thinking of individuals who belong to the dominant group. The disadvantaged group cannot be seen as individuals because the perceived inherent nature of their inferiority allows for no exceptions. All individuals in the group are perceived as the same. Even before Trayvon Martin and George Zimmerman met, they both were caught in a historical web where Zimmerman though of mixed ethnic background—Latina and European American—enjoyed white skin privilege, and Trayvon Martin did not.

The trial

I did not see every moment of the trial. I did watch the opening statements and the closing arguments of both the prosecution and the defense. Assistant State Attorney John Guy started with George Zimmerman's own profane words. "F***ing punks. These a**holes they always get away." Defense attorney Don West started with a knock knock joke. "Knock knock. Who's there? George Zimmerman. George Zimmerman who? Congratulations you are on the jury."

I could not believe my ears. Here is a trial of a man who has killed another human being. If he is convicted he will spend the better part of his adult life in jail. And the defense begins with a joke. This was insulting to the gravity of the moment and to the jurors. We saw in this trial the clash of various worlds. There were also elements of sexism as West continually objected to the judge's rulings. At one point, she walked out while he was still talking. I wondered if he has ever or would ever take such a disrespectful stance with a male judge.

In the closing arguments, the defense painted Trayvon Martin as the aggressor. Mark O'Mara demonstrated the difference in height between Martin, a teenager and Zimmerman, a grown man. He dragged out a block of concrete to argue that the sidewalk was Trayvon Martin's weapon. He played on the myth of the super-physical black man to argue that Zimmerman was in fear of his life so he killed Martin in self defense.

In his closing argument John Guy quoted Voltaire saying: "To the living we owe respect; to the dead we owe the truth." In my thinking regarding just peace theory, I say that just peace rests on three pillars—truth, respect, and security. We owe the living these three. Since the dead have no need for security, we owe both truth and respect to the dead. The question for the jury was how can they know the truth of what happened that night? There was no evidence to show who started the fight between George Zimmerman and Trayvon Martin. In my opinion, the evidence did not support Zimmerman's claim that Trayvon Martin repeatedly bashed his head against the sidewalk. His injuries were minor. He did not go to the hospital the night of the altercation. He may have fallen or been pushed to the ground, but his head was not repeatedly based as the defense wanted us to believe.

Also, Guy made a compelling case that there was no way for George Zimmerman to reach a gun that was holstered behind him if he was on his back on the ground and Trayvon Martin was on top of him. The only way for Zimmerman to have access to the gun was if Martin was getting off of him. We did not get the truth because there was no respect for Trayvon Martin in death just as Zimmerman showed him no respect in life. The jury believed George Zimmerman's claim of self defense and found him not guilty.

After the trial

So, how are we to understand this verdict? The late French philosopher Michel Foucault writing in an essay entitled: "About the Concept of the 'Dangerous Individual' in Nineteenth Century Legal Psychiatry" takes us back in time to the moment where psychiatry, criminal, and civil law came together to shift focus from the crime to the criminal, from act to motive, from fault to risk. Foucault traces a genealogy that takes us to an earlier moment when in thinking of crime and punishment the only question was whether or not an individual committed a criminal act, and if s/he did, s/he suffered the punishment. After psychiatry meets the criminal justice system the actual crime recedes, but the psychology of the criminal becomes the focus. Foucault writes:

In the older systems, the horrors of the punishment had to reflect the enormity of the crime; henceforth, the attempt was made to adapt the modalities of punishment to the nature of the criminal. (In *Power* 187)

This means that now those who will render a judgment want to know whether or not the act was an integrated part of the "global behavior" of the accused, or was it an accident, a one-time freak thing. Foucault writes:

The more clearly visible this integration the more clearly punishable the subject. The less obvious the integration, the more it seems as if the act has erupted in the subject, like a sudden and irrepressible mechanism, and the less punishable the responsible party appears. (188)

When civil law meets criminal law meets psychiatry, the question turns to the relationship between accident and legal responsibility. Who is at fault becomes less important than the cause of the event. Cause is determined by a chain of facts. The import of this chain of facts is determined by an assessment of the creation of risk to the society as a whole. Since risk cannot be completely eliminated, we are left to assess causal probability. This takes us into the realm of criminal anthropology. Is the accused a natural born criminal who presents an unacceptably high risk of further harm to society? Is the accused a dangerous individual? Foucault says:

In the course of the past century, penal law did not evolve from an ethic of freedom to a science of psychic determinism; rather, it enlarged, organized, and codified the suspicion and the locating of dangerous individuals, from the rare and monstrous figure of the monomaniac to the common everyday figure of the degenerate, of the pervert, of the constitutionally unbalanced, of the immature, and so on. (199)

Thus, the criminal justice system no longer judges act and actor, but also judges what the actor is.

In the George Zimmerman trial, at least one juror clearly did not see Zimmerman as a dangerous individual, and she thought that, at least in George Zimmerman's mind, Trayvon Martin was a dangerous individual during their fight. The jury did not hear evidence of Zimmerman's previous encounters with the law that would have changed the narrative of his "global behavior." The story they heard was that Zimmerman was a conscientious neighbor, interested in helping to safeguard his community from crime. They also did not hear much about the character of Trayvon Martin. The defense presented Martin as a young thug who "sucker punched" Zimmerman and who bashed his head repeatedly into the sidewalk, thereby becoming a threat to Zimmerman's life.

In an interview with Anderson Cooper, juror B37 said that she believed that George Zimmerman's "heart was in the right place." She thinks Zimmerman is guilty of using poor judgment by leaving his car and following Trayvon Martin, but that he did nothing unlawful. She cited stand-your-ground law as a reason for the not guilty verdict. It is important to note that four other jurors wrote a note saying that juror B37 does not speak for them. As of this writing, the only juror to show her face and give her first name is juror B39. Her name is Maddie, and she thinks that Zimmerman got away with murder. She said that her vote went from guilty of 2nd degree murder to not guilty because her understanding of the instructions was that Zimmerman was not guilty if he had no intent to kill Trayvon Martin. When we read the jury instruction, we can see how the not guilty verdict is possible. The jury instructions say in part:

In deciding whether George Zimmerman was justified in the use of deadly force, you must judge him by the circumstances by which he was surrounded at the time the force was used. The danger facing George Zimmerman need not have been actual: however to justify the use of deadly force, the appearance of danger must have been real that a reasonably cautious and prudent person under the same circumstances would have believed that the danger could have been avoided through the use of that force. Based on appearances, George Zimmerman must have actually believed that the danger was real.

On stand-your-ground:

If George Zimmerman was not engaged in an unlawful activity and was attacked in any place where he had a right to be, he had no duty to retreat and had a right to stand his ground and meet force with force, including deadly force if he reasonably believed that it was necessary to do so to prevent death or great bodily harm to himself or another or to prevent the commission of a forcible felony.

On self defense:

In considering the issue of self-defense, you may take into account the relative physical abilities and capacities of George Zimmerman and Trayvon Martin.

Further:

If in your consideration of the issue of self-defense you have a reasonable doubt on the question of whether George Zimmerman was justified in the use of deadly force, you should find George Zimmerman not guilty.

On reasonable doubt:

A reasonable doubt as to the guilt of George Zimmerman may arise from the evidence, conflict in the evidence, or the lack of evidence.

(<http://www.scribd.com/doc/153354467/George-Zimmerman-Trial-Final-Jury-Instructions>)

Given these instructions, the jury could find Zimmerman not guilty based on the fact that at the moment he shot Trayvon Martin he thought his life was in danger.

However, the reason that many people see this verdict as unjust is because they see Zimmerman as a dangerous individual, and they see this not guilty verdict as increasing the probability that more young unarmed African-American men will be profiled, followed, and shot dead with the killer able to walk away from responsibility by claiming self-defense. Tracy Martin, Trayvon Martin's father, has called George Zimmerman a monster. The prosecution portrayed him as a person who wanted to be a police officer. He wanted it too much. One could say that the large number of times he called the police about suspicious happenings in his community was evidence of a monomaniacal obsession. And, when he said in an interview with Sean Hannity that he had no regrets and that Trayvon Martin's killing was God's will, I question whether or not he is psychologically unbalanced. This makes him a dangerous individual. My son reminds me that for African-American men, many police officers are dangerous individuals.

Let us consider stranger danger. Talking to a family friend who is raising two young African-American sons, we talked about what we ought to teach our children now. He said that he teaches his sons that if they are followed by a stranger to run and to yell for help. Trayvon Martin did these things, yet he was not safe. Juror B37 thinks that Trayvon Martin was complicit in his own death because he confronted Zimmerman. Why did he not simply go home? For Trayvon Martin Zimmerman was living breathing stranger danger following him. Trayvon thought Zimmerman was "creepy." He was not about to lead a creepy stranger to the home of his 12-year-old soon to be step-brother and his father's fiancé. His confrontation of Zimmerman was his way of protecting his father's fiancé and her son. Yet, if there was any doubt about who started the fight, and if there was any reasonable doubt who was in danger of serious physical harm, the benefit of that doubt, according to the jury instructions, went to George Zimmerman.

Remarks by the President on Trayvon Martin

On July 19, six days after the verdict, President Obama gave more expansive remarks. He again gave his condolences to the Martin family and spoke of the dignity with which members of Trayvon

Martin's family were conducting themselves. He once again urged respect for the jury's verdict. He spoke of his personal experience as an African-American man perceived as a dangerous individual. In his essay on the dangerous individual, Foucault says that a society which "authorizing the law to intervene against individuals because of what they are: a horrifying society could emerge from that" (200). As leader of the nation, this is something that President Obama does not want to see. By giving his personal testimony, he gave legitimacy and gravity to all the experiences of humiliation that African-Americans live every single day in the United States.

President Obama recognized the facts of the disproportionate involvement of African-American men in the criminal justice system, that they are more likely to be victims and perpetrators of crime. He recognized the historic and systemic violence that is the root of the personal violence that we see in African-American communities. He said:

They [black folks] understand that some of the violence that takes place in poor black neighborhoods around the country is born out of a very violent past in this country, and that the poverty and dysfunction that we see in those communities can be traced to a very difficult history.

The systemic, structural violence of unemployment, poor education and health care, and food deserts in poor neighborhoods is not a historical phenomenon living in the distant past, but it is a present reality, a result of public policy decisions that favor the one percent.

However, the president did not only speak of history, he spoke about action steps: 1) a Department of Justice investigation to determine if Trayvon Martin's civil rights were violated by George Zimmerman; 2) better training for police on the state and local level to improve police- community relations; 3) re-examination of stand-your-ground laws; 4) programs to support African-American boys; 5) personal soul-searching. As a community organizer, President Obama understands that power is everywhere, and the problem of race relations will only find a solution when we change the common sense, the shared values and beliefs of this society.

Critics of the president's remarks who say he claimed to be powerless in this situation are incorrect. While he questioned the efficacy of a national conversation on race directed from the White House, he did identify his power to bring together leaders from business, politics, faith communities, athletics and entertainment to think of ways to give support to young black men. In fairness to the president, we ought to wait to see what he proposes before we say that he embraces his own powerlessness. At the same time, we all ought to be willing to institute programs that do not depend upon federal action because those of us who have been paying attention since inauguration night 2009 know that Republicans in Congress will work to block any and all proposals from this president.

I say, the faith community is an especially good place to have this conversation. In my experience in theological education, both seminaries where I worked addressed this issue. At Andover Newton Theological School in Newton, Massachusetts, students were required to take a class entitled "Engaging Oppressions." The class is now called "Justice Matters." I taught a class on race and racism in the 1990s as a part of the undergraduate core curriculum at Temple University. There have been and

continue to be ongoing efforts on the conversation on race at the grassroots level. It is important to keep those efforts going. (See http://justpeacetheory.com/files/On_the_Occasion_of_Barack_Obamas_Inauguration.pdf)

The concept of stereotype threat

There is a concept in social psychology and education theory called stereotype threat. It serves as an explanation for achievement gaps between various groups on standardized tests. When people identify with a group and there exists a stereotype regarding that group's ability regarding a certain skill, and when they are tested on this skill and told that the test is diagnostic, they tend to perform down to the stereotype. This is true for white men in relation to Asians in math, women to men in math, and blacks to whites. This concept tells us that people can internalize the negative aspects of stereotypes. The good news is that studies have shown that when people are given biographical information about in-group members who defy the stereotype, they do better on the tests. And, the results are cumulative; four biographies yield better results than three and three better than two and so on.

Further, when people are told that skills and abilities are not fixed, but that rather they are expandable, they tend to do better over time. While these findings may not look the same in the real world as they do in a classroom, I think this concept can help us think about ways to help young African-American men. The idea that George Zimmerman was justified in profiling Trayvon Martin because there had been an increase of crime in the neighborhood, some of which was perpetrated by young African-American men, leads to a strengthening and justification of the stereotype of the young thug. The late Hip-Hop artist, Tupac Shakur, used thug as an acronym for "the hate you gave." The hate we give to young African-American men arises because of our fear of them.

Perhaps if the society at large, especially the entertainment industry, would produce biographies of young black men who show the stereotype to be untrue, perhaps if there were more stories of African-American men who have lived lives that expanded their horizons beyond the notion of predetermined and fixed potential, more young black men would live up to their possibilities and not live down to the stereotypes.

However, it is important that we are clear-eyed about what we are up against. When Rush Limbaugh says that President Obama and people who oppose this verdict want to change the order of things, he is correct. The order of things leaves the vast proportion of the nation's wealth in the hands of one percent of the population. The rest of us end up divided according to all sorts of categories, chief among them is race. Some poor white people have nothing except white skin privilege to give them a sense of somebodiness, and they hold onto that with a will. Meanwhile, the rich get richer and the poor stay poor and the middle class disappears. Racism is a tool that keeps this inequitable order of things in place. It is time to wake to the con game.

Our personal and societal responsibility

The Trayvon Martin killing was a horrible tragedy. Every killing diminishes us all. However, we are not powerless. We can take matters into our own hands by changing the way we see people. We

ought to see every individual we meet as a human being created in the image and likeness of Divine Love. When we begin to think in stereotypes, we ought to remind ourselves of this particular individual's holiness. We can join forces with the Dream Defenders, the young people who as I write this are occupying Governor Rick Scott's office in Florida, to repeal stand-your-ground laws across the nation. We can work for common sense gun regulations that would address concealed carry gun laws. We can elect congress members who will pass legislation that will bring jobs, beautiful and effective schools, health care, and good quality healthy foods to poor communities, thereby addressing the structural violence that leads to personal violence. We can support the production of arts and entertainment that show us people of color beyond the types identified by Sterling Brown in the first half of the twentieth century. We can work to change the common sense of the society from confrontation to conciliation. This means that in a culture of confrontation, of stand-your-ground, it makes sense for both individuals to face each other and fight it out. If the culture had been one of conciliation, the common sense thing to do would have been to wait on the police, or if George Zimmerman had spoken to Trayvon Martin, to speak to him with respect, to explain his concern to Martin.

Finally, we can love every child-- even and especially teenagers in hoodies-- with a radical love and allow that love to crowd out our fear.

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