

Normalcy: An Illusion of Expected Certainty

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Abstract

This paper reflects on the quiet violence of "normalcy", how the criminal justice system in India, built on the promise of public safety, ends up policing identity as much as it polices crime. Drawing from CeCe McDonald's talk *I Use My Love to Guide Me*, the paper traces how race, gender and queerness intersect inside prison systems that were never designed to hold them safely in the first place. Margaret Burroughs' poetry frames the discussion, sitting alongside Angela Davis' writing on the gendered structure of incarceration and the Combahee River Collective's insistence that freeing the most marginalised is what frees everyone else. Rather than arguing for abolition outright, the paper leans toward repair asking what it would take for law to become a space of recognition instead of surveillance. It closes on the idea that real safety looks less like control and more like the freedom to exist without being watched for it.

Keywords: policing and discrimination, prison abolition, black queer and trans identity, intersectionality, legal reform, safe space, normalcy

1. Introduction

The criminal justice system of India is a hierarchical structure which ensures public well-being on the outset, but does it really care about the wellbeing of the individuals? The answer which only people who get policed, discriminated and punished can answer. The division of functionaries into three categories – Legislature, Executive and the Judiciary was to ensure the equal distribution of work and management, but as every wise thing has its vices, the system set up for the disposal of safety and justice comes with its own fallacies. From lacking an inclusive safe space, to providing measures in times of policing, India fails to establish a ground where individuals feel liberated as their freedom is curtailed. The relationship between legal aid, crimes, and policing is a parallel dichotomy which fails to fulfill its purpose of ensuring public safety but exist in irony as it has masked the people with fear, paranoia and doubt of being policed or attaining justice in a rightful manner.

'I use my love to guide me' – a talk by CeCe McDonald, reflects on the struggles of Black African American Trans woman who was courageous enough to step up and raise voice against the derogatory treatment towards her. Her approach towards discrimination is grounded on the act of standing up and abolishing the unjust behavior. This approach rubbed off its effects on the Black Queer community who came together to stand in solidarity against the ill treatment of black offenders in prison systems. CeCe reflects on how the prejudice faced by black trans women ostracize them from the realm of recognition. One of the speakers in the video talks about how black race is disregarded and dehumanized from existence, which is why proving and opposing the discrimination against the non-recognized race becomes close to impossible.

The paper reflects on the relationship of policing, and discrimination formed on the anvil of abolition and law which flourishes under the garbs of normalcy. This relationship stems from the hierarchy structure of

power and subordination and envisage the governable humanity.

“The Beauty of Black”¹

“When we look at ourselves

We see ourselves through eyes

Which have been schooled

To see comely only the opaque,

Comely to us skin that is fair”

The opening lines of a poetry written by a female black poet, narrating her experience of subjugation and discrimination by white men. This reminds me of a dark joke I came across on the internet mocking why Americans were so good at solving rubix cube? The answer to which a person gave was because they are great in separating colours. A joke as dark and sensitive as it is, couldn't describe the concept of racism in a better phrase.² The long running discrimination based on prejudice of race pursued white police to criminalize and dehumanize black individuals without regarding their life. This continuous form of oppression made a collective group of people stand in solidarity and risk their being and freedom to help each other and be at the disposal of each other. CeCe Mc Donald was of the view that the cis-heteronormativity, trans-misogyny and transphobia, black phobia with multiple other stereotypes attached to the white approach and thinking curtailed the police to ensure public safety of the individuals and to do their job in an orderly manner. The clouding of one's rationale approach and judgement is due to the boiling effect of stigmas and stereotypes. The lack of a 'safe space' for black trans women includes prisons in its definition for neither male nor female is a safe space for black queer/trans women to survive in. As Angela Davis talks about how prisons revoke memories of violence and intersection of race and gender, it shows the hyper sexualization of women of colour in prison systems.³ The gendered differences in perception of prisoners are a play of gender and race stereotypes. This hypothesis is confirmed by CeCe as she mentions how black women are either seen as sex objects or mugs in the prison system.

Democratic structures: Structures of repair.⁴

The idea to reform and rethink the system of law and space as inclusive and safe one for the abandoned people, would be to accomplish the goal of democracy. Discrimination needs well established coordinates, which makes it extremely hard to prove discrimination against an identity which does not have social recognition. But the process of locating those identities and voicing against their mistreatment will not only bring them recognition but will also include them in a space where they can feel more humane without any policing. The beauty of letting something unexpected happen creates an ideal 'safe space' for everyone to experience and access space without being governed and policed. The policing of identities through an institutionalized power structure subjugates people and put them way behind the line of equality. The law thus, is expected to attain the democratic structure to repair the hurt and broken cracks in the society which abandon identities and suppress them beneath all other hierarchical identities. The promise of safety is a promise of open interactions and not policing who is invited and who isn't.

¹ Poem Title by Margaret Burroughs.

² Through an Instagram reel by https://www.instagram.com/reel/DAYmCfwKY9R/?utm_source=ig_web_copy_link

³ Angela Y. Davis, 'How Gender structures the prison system' (Chapter 3) in Are Prisons Obsolete? (Seven Stories Press, 2003) pp.60-83

⁴ By Professor Vikram Aditya Sahai, in an interview conversation on September 28, Friday.

The Combahee River collective, a black feminists lesbian socialists organization found in 1970s say that the project of liberation is to seek the freedom of black queer women. In the process of disposing freedom to the black queer women placed at the lowest you will end up making everyone else free. The idea of law should be like this one which would eradicate the base of discrimination and dispense justice to the most deprived identity in pursuance to make everyone else the recipient of the same. The ending of slavery and discrimination needs attending, regards and care. Law making should tend to the vices and eradicate the social stigma giving rise to the discrimination rather than abolishing the whole system at hand.

“Thus, we have rejected our image.

But this is not as it should be

We black people must be born again.

Know that the black people like other races

Have their own distinct beauty,

Know that the Stygian night too is beautiful.”⁵

Conclusion

To be free, is to transform in whatever you want to become, to wherever you ought to fly. The paper does justice in defining the lack of a free and a safe space and how law can play a significant role in strengthening the relationship between the individual and the state rather than developing much more animosity within them. The ending lines of the poem ‘The Black Beauty’ communicate the narrator yearning for recognition and existing without any stigmas. The beauty in expressing the uncertainty and doing something which is not supposed to be done is the beauty of existence in the most normative sense. Hence to develop a relationship of change and learning between law and discrimination would act as an anvil to transform the definition of freedom and identity.

Reference List.

1. Poem Title by Margaret Burroughs.
2. Through an Instagram reel by https://www.instagram.com/reel/DAYmCfwKY9R/?utm_source=ig_web_copy_link
3. Angela Y. Davis, ‘How Gender structures the prison system’ (Chapter 3) in Are Prisons Obsolete? (Seven Stories Press, 2003) pp.60-83
4. By Professor Vikram Aditya Sahai, in an interview conversation on September 28, Friday.
5. The poem – ‘The Black Beauty’ by Margaret Burroughs”.

⁵ The last stanza of the poem – ‘The Black Beauty’ by Margaret Burroughs”