White Property, Black Trespass: A Theological-Political Account of Criminalization

By

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For Lindsey,

for all those who have endured criminalization,

and for all those building toward a world without it.

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To those I have not explicitly thanked here, but who have walked with me at various critical points along the path I took to get here, thank you.

PREFACE

The late theologian of black liberation James Cone argued that "one's social and historical context decides not only the questions we address to God but also the mode or form of the answers given to the questions."[1] The questions that drive this project and the answers it articulates emerge out of a decade of concurrent engagement with black and economically dispossessed peoples experiencing criminalization,[2] on the one hand, and theological study, on the other. As such, my project dwells at the nexus of the "theological" and the "political": it seeks to discern how, in Cone's words, "theology is political language,"[3] first, in the context of the dehumanizing and death-dealing criminalization of black and economically dispossessed peoples, and, second, how theology might constitute political language in more life-giving, emancipatory, and specifically decarceral ways. So how did I, a white property-owning man from an upper-middle class background, come to write a dissertation on the political theologies at work in the criminalization of black and economically dispossessed communities? Narrating my journey to this project in a thorough way could be a dissertation in its own right. Nevertheless, narrating a few key moments along the way may help contextualize its genesis in a way that will perhaps enable greater understanding of the project as a whole, and how and where I show up in its pages.

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[1] James H. Cone, *God of the Oppressed*, Rev. ed (Maryknoll, N.Y: Orbis Books, 1997), 14.
[2] While not all of my engagement with criminalized peoples is documentable, two manifestations of that work are. The first is a 2013 study I authored that is comprised of data on and interviews with unhoused people who experienced criminalization in Nashville, Tennessee. Andrew Krinks, "Criminal: When Existing in Public Becomes Illegal," *The Contributor* Volume 7, Number 31 (July 11-31, 2013). The second is a 2016 study that I facilitated and co-authored on the criminalization of black drivers in Nashville. Gideon's Army, *Driving While Black: A Report on Racial Profiling in Metro Nashville Police Department Traffic Stops* (October 2016). <https://drivingwhileblacknashville.files.wordpress.com/2016/10/driving-while-black-gideons-army.pdf>. I cite from both of these projects in chapter three.
[3] Cone, *God of the Oppressed*, 41

In early 2007, I met people from what I thought at the time were two absolutely separate worlds. First, a few college friends (including my future partner, Lindsey) and I found ourselves the students of a group of unhoused activists and organizers who, along with a few of their housed accomplices, were agitating against Metro Nashville Government for its failure to build needed affordable housing, on the one hand, and its habit of criminalizing people trying to survive without housing, on the other. We didn't know what we were doing, but we joined them anyway, eager to find ways to let our Christian faith find expression beyond the walls of our churches and private faith-based university. We organized letter-writing campaigns and a demonstration of students and faculty members at City Hall, and were pressured by university administrators to stand down in the process. It was an imperfect expression of a juvenile desire for social justice, but it set a course for me (and my partner) for years to come. Around the same time, I followed one of my professors into prison as a volunteer teacher at the Tennessee Prison for Women, and as a participant in a small learning and worshiping community at the local men's prison, Riverbend Maximum Security Institution. Behind layers of razor wire fencing, concrete walls, and steel doors, people I had always been taught to fear welcomed me as a friend. Thanks to teachers and intellectuals both "professional" and "organic," both institutional and institutionalized, I learned anew that the social, political, and economic order of things works on the basis of its supposed naturalness: poor people are poor because of bad choices and people in prison are in prison because they are bad. In the end, it was the very people trapped on the other side of boundaries of property and prison who facilitated for me the process of unlearning such death-dealing presuppositions. Part of that process included discovering that the two worlds I thought were separate—the streets and the prison—were not so far apart after all. As I learned, the majority of people in prison come from economically dispossessed communities, and many

economically dispossessed people end up behind bars, and if not behind bars, then in court making plea deals (due to their inability to afford freedom) for petty offenses so often derived from their state of dispossession as opposed to any real harm.

In 2008, I began working as the editor of Nashville's street newspaper, *The Contributor*. Many of my responsibilities in that role required listening to homeless and formerly homeless community members relate stories of being harassed, cited, and arrested by police officers while trying to survive their precarious situations. The idea of it was hard to calculate: why would those who were supposed to "serve and protect" treat people struggling to survive as though they were criminals for sitting, standing, and sleeping in public, or for coping with their situation using substances that people consumed on Broadway every night without consequence? In my final year at the paper, we released a special issue asking this very question through analysis of police records, interviews with people criminalized for their state of dispossession, and photographs of them sitting or standing in the exact places where officers approached them. While combing through police records I discovered an affidavit for a criminal trespassing charge against a woman named Charlotte whose address was listed as the Women's Mission. The officer discovered Charlotte in early morning hours of April 7, 2013 in the parking lot of the Rite Aid at the corner of Rosa Parks Boulevard and Jefferson Street. As the affidavit reads: "Defendant was observed at arrest location going through trash can. Right next to where defendant was standing in plain view there was a sign posted no trespassing, loitering, or standing." For plunging her arm into a trashcan, Charlotte spent two nights in jail before being released back to the streets. Charlotte's story, told by a police officer, was only three sentences long, but it spoke volumes. And as I discovered, she was far from the only unhoused person in Nashville to have been treated by law enforcement in so humiliating a way.

Around the same time that I conducted my work with *The Contributor* on the criminalization of homelessness, I began to learn more concretely what I had paid attention to only peripherally up to that point, namely, that being poor isn't the only way to be targeted by the police. A year earlier, in 2012, neighborhood watchman George Zimmerman shot and killed unarmed black seventeen-year-old Trayvon Martin, who was walking home from a convenience store, suspecting him to be a criminal responsible for thefts in the neighborhood. In the summer of 2013, a jury found Zimmerman not guilty of murdering Trayvon Martin. A group of grieving organizers and activists held a rally at the foot of the state capitol building in Nashville to condemn the verdict. A longtime black organizer I knew asked me to say a few words to the crowd of mostly black Nashvillians who had gathered in mourning. I resisted, but he insisted. Was this really the place for a white person to speak about the death of a black teenager and the justice system that did not value his life? To my friend, the public needed to see a white face calling Zimmerman's "not guilty" verdict what it was. I did not think it was the right move but I agreed to say a few words. Holding the bullhorn in my shaking hands, I said the few words that came to mind, most of which I cannot remember. The only thing I can remember saying is that it was time for white people to stop talking so much and start listening to black people and other people of color when they say they are experiencing injustice. Afterwards, a black woman about my age approached me and thanked me for my words, but corrected a gap in my understanding: "It's good for white people to listen," she said. "But it's equally important that you speak up." As the phrase "white silence is violence" indicates, and as I had not yet learned, white people might not lead the fight for racial justice, but without white people calling racial injustice what it is and doing something about it in their own communities, justice will come slower than it otherwise might.

As the Movement for Black Lives emerged in the years that followed, I worked—quite imperfectly at times—to stand alongside and participate in the work of holding cities and police departments accountable for their implicit and explicit anti-black racism and violence, and of fighting for a world without white supremacy, mass incarceration, and the economic inequities and displacements produced by neoliberal capitalist "accumulation by dispossession." For me, this work has included: participating in spiritual community with incarcerated people on a weekly basis at Riverbend Maximum Security Institution; co-founding a local chapter of the national organization Showing Up for Racial Justice to provide space for white people to participate in racial justice work; co-leading a "Ban the Box" campaign to eliminate barriers to employment for formerly incarcerated people; joining struggles against gentrification and for affordable housing; facilitating and co-authoring a major community report on racial disparities in Metro Nashville Police Department (MNPD) traffic stops; and contributing to a successful grassroots campaign led by black women directly affected by police violence to institute a community oversight board in the wake of two murders of young black men—Jocques Clemmons in February 2017 and Daniel Hambrick in July 2018—at the hand of white police officers. While my work over a decade ago was motivated, in part, by a sense of guilt for never having had to experience the injustices that others have, I have since striven to engage in this work from a sense of solidarity built on the premise that my own wellbeing is wrapped up in the wellbeing of others, a principle that is at once theological and political in nature.

The questions driving this project emerged from personal encounters with injustices that altered the way I see the world and the direction my life has taken. The particular shape this project has taken is also a result of the theological and ethical classrooms in which I learned from and with professors and colleagues and obtained knowledge and resources upon which this

dissertation stands. Courses in constructive and systematic Christian theology, liberation, feminist, and womanist theologies and ethics, theology and economy, African American social ethics, critical race theory, political theology, continental philosophy, and more provided space for deepening my understanding and sharpening my tools for analyzing what God and God-talk have to do with the realities I was engaging outside the classroom. From the classrooms of the streets and prisons of Nashville to the classroom of formal theological study, this project came to be. It is my hope that it contributes in return even a portion of what I gained therein.

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INTRODUCTION

In the last ten to fifteen years, the dehumanizing and death-dealing injustices of mass

incarceration and the prison industrial complex have come to the attention of an increasingly

wider public. This growing interest in and opposition to mass incarceration is first of all a result

of social justice prison reform and abolition movements led primarily by people directly affected

by mass incarceration starting in the 1990s,[1] as well as subsequent corresponding texts written by

scholars and scholar-activists in political theory, political philosophy, and legal studies. Mumia

Abu Jamal's 1995 *Live from Death Row*, Angela Davis's 2003 *Are Prisons Obsolete?*, Michelle

Alexander's 2010, New York Times Bestselling *The New Jim Crow*, and Bryan Stevenson's

2014 *Just Mercy* stand as four landmark texts that have reached a broad audience, helped raise

public consciousness about the pervasiveness and enormity of the prison industrial complex and

mass incarceration—and especially the raced, classed, and gendered inequities inherent in

them—and assisted in laying the groundwork for a growing scholarly discipline or area of

concern called carceral studies or critical carceral studies.[2] Critical carceral studies is distinct

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[1] See: Critical Resistance, INCITE!, All of Us or None. Prison abolition movements, including prisoner rebellions, arguably had their start as something like a coherent movement (or a series of events with enough commonalities to view them as part of the same whole) in the 1970s, but a second movement wave of sorts, which began in the 1990s, as the crises of mass incarceration were becoming increasingly legible, helped give birth to the current phase of critical awareness and response to incarceration in the U.S. For more on the history of movements against the carceral state, see: Dan Berger and Toussaint Losier, *Rethinking the American Prison Movement*, American Social and Political Movements of the Twentieth Century (New York: Routledge, Taylor & Francis Group, 2018); Dan Berger, *Captive Nation: Black Prison Organizing in the Civil Rights Era* (Chapel Hill: University of North Carolina Press, 2014).

[2] Mumia Abu-Jamal, *Live from Death Row* (Reading, MA: Addison-Wesley, 1995); Angela Y. Davis, *Are Prisons Obsolete?* (New York, NY: Seven Stories Press, 2003); Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (New York, NY: The New Press, 2012); Bryan Stevenson, *Just Mercy: A Story of Justice and Redemption* (New York, NY: Random House, 2014). Four earlier landmark texts that should arguably be included in the canon of literature about American carcerality—and their connection to racism, capitalism, and patriarchy, are: Malcolm X and Alex Haley, *The Autobiography of Malcolm X*, 65th print (New York: Ballantine Books, 1999); George Jackson, *Soledad Brother: The Prison Letters of George Jackson* (Chicago, IL: Lawrence Hill Books, 1994); Angela Y. Davis, *Angela Davis: An Autobiography* (New York: International Publishers, 1988); Assata Shakur, *Assata: An Autobiography* (Chicago, Ill: L. Hill Books, 2001).

from the field of criminology in that carceral studies does its work from a perspective inherently *critical* of carceral formations, whereas criminology as most understand it strives toward what it understands to be a more objective social scientific analysis of criminal justice practices and institutions, which means that scholars both critical and generally accepting or supportive of the existence of carceral institutions comprise the field.[3]

Most popular discourse on matters of criminal justice presumes that "crime" and "punishment" correspond to one another in neutral and objective ways: criminals are people who, due to either their corrupted moral agency or social environment, break the law that protects the moral and social order, which necessitates punishment that fits the crime and enacts some semblance of justice, and perhaps "corrects" the criminal dispositions that led to the crime in the first place. Explanations for why we have prisons and thus how we deal with people who have broken the law, social theorist Ruth Wilson Gilmore argues, tend to fall under a mixture of the categories of "retribution," "deterrence," and "rehabilitation." As Gilmore and others show, these traditional understandings of crime and punishment, of why we have prisons at all, may help explain part but far from the full scope of the reality of prisons and why we have them. According to Gilmore, while aspects of these reasons for prisons might be or have been true at various times, the overwhelming reason for prisons is today, and arguably has been for some time, "incapacitation."[4] Prisons deal with "crime" by disposing of—by warehousing—those accused of committing it.

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[3] In addition to the social movements and scholar-activist texts that have helped to catalyze and bolster stages in a growing, evolving, and multidimensional movement against mass incarceration, historians of fourteenth through nineteenth century England, early colonial America, and American slavery, reconstruction, and post-reconstruction have published a multitude of texts focused on the institutions, practices, and cultures that have constituted penal justice in England, Europe more broadly, the American colonies, and the United States. I engage with a number of these texts throughout this project.

[4] Ruth Wilson Gilmore, *Golden Gulag: Prisons, Surplus, Crisis, and Opposition in Globalizing California* (Berkeley: University of California Press, 2007), 14-15.

So-called criminal justice is and never has been a purely neutral or objective enterprise. While many aspects of the "law" in the modern west are effective and necessary means of dealing with the conflicts that inevitably arise in communities and societies, the law has also long been a mechanism by which ruling classes—primarily white, propertied men—preserve the "order" that maintains the social, political, economic, and cultural arrangements that serve and maintain their power. The law is not "blind" (meaning disinterested or objective) like the image of a blindfolded "Lady Justice" implies; it views and orders society from the perspective of people who already hold social, political, economic, and cultural power, and in so doing helps keep that power in place. As Gilmore points out, legal and cultural definitions of "crime" are not fixed but ever changing: "what counts as crime in fact changes, and what happens to people convicted of crimes does not, in all times and places, result in prison sentences," Gilmore writes. "Laws change, depending on what, in a social order, counts as stability, and who, in a social order, needs to be controlled."[5] As a result, many federal, state, and municipal laws on the books in the United States serve little if any other purpose than ensnaring nonwhite and non-propertied people into the criminal justice system, while other laws that might theoretically enable safety and justice and that might apply equally to all people are enforced in deliberately disproportionate ways, leading to the vast numbers of nonwhite[6] and economically dispossessed[7]

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[5] Gilmore, *Golden Gulag*, 12. See also: Angela Y. Davis, *The Meaning of Freedom* (San Francisco, CA: City Lights Books, 2012), 67-68.

[6] I use the terms "nonwhite" and "nonwhiteness" not to reduce all people who aren't white into a single monolithic whole. On the contrary, I use the term "nonwhite" to be precise about the fact that whiteness, by definition, makes "non"s of everyone who exists outside whiteness. Thus, the term "nonwhite" is intended not as catchall description of peoples who are in many ways quite different from one another, but as a way of incorporating the othering that whiteness activates into the language I use to describe peoples affected by it.

[7] I use the term "economically dispossessed" more than simply "poor"—and "economic dispossession" more than simply "poverty"—throughout this project in order to emphasize and be ever attentive to the fact that the condition of poverty is a condition created by individuals, systems, and structures that distribute wealth and resources in deliberately inequitable ways. "Dispossession"—literally taking possessions away—conveys that states of poverty are not natural or inevitable but conditions produced by the choices and desires of others. Understanding this fact is integral to my overall argument. Thus, despite the fact that it is a bit more clunky and takes up more space, in order

people criminalized and imprisoned in the U.S. today. Significant numbers of people imprisoned in the United States have arguably done no harm at all, both because the law often punishes harmless actions and because a significant number of those punished are innocent of the crimes with which they have been charged. Others have done minimal harm and are receiving disproportionately harsh and life-altering punishments in return. For those who have committed more serious harm, one's race, class, and gender are significant factors in the kind of legal defense and the length and severity of sentence one is likely to receive for all manner of offenses. Historically speaking, and today, "crime and punishment," along with the institutions that define and execute them, are not first of all matters of neutral and objective justice but the management of marginal populations. In Gilmore's words, prisons function as "catchall solutions" to social, political, and economic crises and the precarities they produce for so many.[8]

Within the more general problem of carcerality or "mass incarceration," the specific problem I engage in this dissertation is the "criminalization" of black and economically dispossessed communities, a phenomenon with origins in early modern England and America. While incarceration and imprisonment technically refer just to the fact of carceral confinement itself, criminalization is a matter of the forces that determine what and who constitutes and embodies criminality, and thus who should be captured and confined in order to manage the threat such peoples seem to pose to the broader social order. Criminalization, for those criminalized, is a primary entry point into the carceral continuum of American society, often leading to short- and long-term incarceration, legal and economic incapacitation, disenfranchisement, state surveillance, and early death. Because the seemingly causal

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to be as precise as possible, I opt for "economic dispossession" as opposed to "poverty" in all but a few places throughout the project.
[8] Gilmore, *Golden Gulag*, 6, 26.

relationship between "crime and punishment"—the perception that criminal actions lead to just and warranted carceral consequences—does not adequately account for or explain the mass criminalization and imprisonment of black, other nonwhite, and economically dispossessed and non-propertied peoples in the United States, I focus on criminalization as a phenomenon concerned not just with actions but with particular raced, classed, and gendered forms of life and, only subsequently, the acts and behaviors that are understood to follow by nature or circumstance from them. Criminalization, in other words, is a matter of defense against via containment of forms of life and the acts that are understood to follow by nature or circumstance from them, as opposed to simply acts or behaviors judged in abstraction from identity and socioeconomic status (which a purportedly neutral law concerns itself with), because the same acts carried out by persons constructed as non-normative are frequently performed by normative persons without legal consequence.[9] The construction of black, other nonwhite, and economically dispossessed peoples as inherently prone to criminality means black, other nonwhite, and economically dispossessed individuals are especially vulnerable to being ensnared by a "criminal justice system" that always already perceives them in terms of potential criminality. While not all black people or all poor people end up in prison, being black and/or poor does make one far more vulnerable to being ensnared by the law than white people possessing some degree of wealth and property. Raced, classed, and gendered criminalization helps account for and allows us to grasp on a deeper level why mass incarceration and its racial, classed, and gendered disparities are so pervasive today.

Many scholars and activists presuppose that the problems of the carceral society and the criminalization fundamental to it are, at their most basic level, essentially political problems,

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[9] I unpack the concepts of normativity and non-normativity (or "abnormality") via engagement with the work of Michel Foucault in the "Methodology and Approach" section below.

which is to say matters of the secular, non-religious realm. My project makes the case that

carcerality and criminalization, in both their foundations and implications, constitute not simply

political but theological-political phenomena, which is to say phenomena in which Christian

theological thought and practice fuse with modern political thought and practice in mutually

formative ways such that it is difficult to discern where one ends and the other begins. Despite

the formative role Christian religious and theological reasoning has played both at various

junctures during the formation and evolution of carceral institutions—from chattel slavery to the

penitentiary to mass incarceration—and in meaning-making carried out by persons living under

the influence of those institutions, and despite the prominence of political, penal, and economic

metaphors and frameworks undergirding foundational concepts in Christian theology, only a

handful of texts in historical studies have attended to the theological dimensions of carcerality,

while texts in carceral studies have more or less ignored the categories of religion and theology

altogether. Moreover, despite some involvement from religious communities in social

movements and ministries related to incarceration, and despite the publication of a number of

non-academic texts (primarily articles and edited volumes) written from a Christian religious and

ethical perspective,[10] within the academic disciplines of theology or ethics, only a handful of

scholarly texts concerned with the theological dimensions or significance of penal justice or

carcerality have been published in the last twenty-five years.[11] While a few of those texts engage

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[10] Two examples of mostly non-academic texts on incarceration written from a mostly Christian perspective are:
Laura Magnani and Harmon L. Wray, *Beyond Prisons: A New Interfaith Paradigm for Our Failed Prison System*
(Minneapolis, MN: Fortress Press, 2006); Will D. Campbell and Richard C. Goode, eds., *And the Criminals With
Him: Essays in Honor of Will D. Campbell and All the Reconciled* (Eugene, OR: Cascade Books, 2012).
[11] Mark L Taylor, *The Executed God: The Way of the Cross in Lockdown America*, 2nd Edition, 2015,
http://public.eblib.com/choice/publicfullrecord.aspx?p=4396229; Mark L Taylor, "'The Prisons Fill Up': The
Specter of Mass Incarceration as Compelling Theological Issue," in *The Task of Theology: Leading Theologians on
the Most Compelling Questions for Today*, ed. Min, Anselm K. (Maryknoll, NY: Orbis Books, 2014); T. Richard
Snyder, *The Protestant Ethic and the Spirit of Punishment* (Grand Rapids, Mich: Eerdmans, 2001); James Samuel
Logan, *Good Punishment?: Christian Moral Practice and U.S. Imprisonment* (Grand Rapids, Mich: Eerdmans,
2008); Amy Levad, *Redeeming a Prison Society: A Liturgical and Sacramental Response to Mass Incarceration*

in considerations of the theological foundations and dimensions of carceral institutions and practices, the most consistent theological feature of these texts is not the interrogation of carcerality's undergirding theological-political frameworks but the recommendation that existing criminal justice institutions move from a retributive to a restorative justice approach. While this is a crucial point, and should continue to be made in new ways, further critical theological analysis of the theological dimensions of the undergirding conceptual frameworks of carcerality itself—and not just what to do about it—still needs to be carried out in order to meaningfully contribute to both the study and dismantling of death-dealing carceral formations, and the phenomenon of criminalization in particular. This project seeks to make one such contribution.

My argument in its first phase is that the criminalization of black, other nonwhite, and non-propertied, economically dispossessed peoples is a means of protecting whiteness and absolutely exclusive private property regimes, and the patriarchy with which they are intertwined, from those who register, from the perspective of whiteness, private property, and patriarchy, as threat or trespass against them.[12] And yet, because we only adequately understand criminalization insofar as we attend to the fusion of the theological and political thought and practice that make it possible, my argument, theologically rendered, is that whiteness, private

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(Minneapolis: Fortress Press, 2014); Rima Vesely-Flad, *Racial Purity and Dangerous Bodies: Moral Pollution, Black Lives, and the Struggle for Justice* (Minneapolis, MN: Fortress Press, 2017). Two texts from a more biblical studies framework on issues of punishment and prisons are: Lee Griffith, *The Fall of the Prison: Biblical Perspectives on Prison Abolition* (Grand Rapids, Mich: Eerdmans, 1993); Christopher D. Marshall, *Beyond Retribution: A New Testament Vision for Justice, Crime, and Punishment* (Grand Rapids, MI: Eerdmans, 2001).

[12] While "race" in its modern sense encapsulates far more than "white" and "black," whiteness is the constructed center in relation to which all other "racial" positions register as inherently other or non-normative. In the history of racial and racist discourse, blackness stands as the near total opposite of whiteness in every regard. Other "nonwhite" positions and peoples are also constructed as inferior in relation to whiteness, but I focus on blackness because of the way whiteness, especially in the United States of America, posits its supremacy in relation to blackness in particular. For more on the relation of analysis that focuses on the black-white dyad to more expansive racial analysis, see George Lipsitz, *How Racism Takes Place* (Philadelphia: Temple University Press, 2011), 12-13, where he writes: "I focus on the Black/white binary…not because I believe it exhausts the racial geography of our society, but because a focus on Black space reveals particular dynamics that have been central to the construction of racialized space for everyone."

property, and patriarchy are manifestations of a sinful, self-idolatrous aspiration to exclusive,

godlike transcendence, invulnerability, and power, an aspiration that necessarily generates

criminalization as a distorted pseudo-salvific mechanism for returning nonwhite and

dispossessed peoples to proper theo-carceral subjection, and in so doing saving—deifying—the

white supremacist capitalist patriarchal social order itself.

Methodology and Approach

Before unpacking this argument in greater detail, and in order to convey it more effectively, I

begin by outlining the methodology and approach of this project as a whole. My analysis of

whiteness, private property, patriarchy, and the criminalization that emerges from them is based

in a synthesis of multiple disciplinary approaches and lived experiences, namely, Foucauldian,

black radical, Marxist, feminist, and critical race theory, liberation and political theology, and the

more than ten years I have spent engaging with people directly affected by policing in Nashville,

Tennessee. While I do not directly engage Michel Foucault's work with much frequency

throughout this project, core aspects of his approach to understanding human subjectivity and

power have shaped the overall direction my dissertation has taken. Specifically, from Foucault I

deploy—and elaborate—the insight that the modern making of "criminals" is a process that takes

place through discursive definitions of normal and abnormal personhood, and through complex

modes of power that arrange the world according to such definitions. According to Foucault, an

"abnormal" individual is one whose nature and morals contradict the standards for personhood

and behavior upon which the social and legal order of things is understood to depend. The

purpose of ascribing abnormality in regards to the law, he argues, is not just establishing when a

law is broken, but determining those anthropological traits that may be identified as criminal

before the law is ever broken. The reason for determining the criminal disposition of abnormality in an individual may be, on the one hand, to prevent a crime from being committed, but the broader purpose of the attribution of an abnormal individual's criminality is to initiate processes whereby a series of institutions and entities may begin to intervene to either correct and normalize or manage and disappear the abnormal individual from the social order.[13] Foucault names such interventions "techniques of normalization," a component of power complexified beyond its earlier "sovereign" forms.

According to Foucault, whereas power in pre-modern and early modern eras manifests and is rightly understood in terms of a sovereignty that exercises dominative and repressive authority over subjects, in the eighteenth and nineteenth centuries, ways of knowing, being, and doing[14] shift such that sovereign power evolves to take on (at least) two new forms: first, disciplinary power, which normalizes and manages individuals and bodies, and second, biopower, which intervenes at the level of life (*bios*) itself, and is concerned with the management of populations and the species as a whole.[15] Disciplinary power consists of regimented techniques that focus on bodies as sites of power and productivity, while biopower moves through networks of life itself, not just individuals and bodies.[16] Foucault holds that sovereign power has not been "replaced by" these new forms of power; rather, he argues that with the advent of biopower in particular, the old sovereign right "to take life or let live" has

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[13] Michel Foucault, *Abnormal: Lectures at the Collège de France, 1974-1975*, trans. Burchell, Graham (New York, NY: Picador, 2003); Michel Foucault, *Discipline and Punish: The Birth of the Prison*, trans. Alan Sheridan, 2nd Vintage Books ed (New York: Vintage Books, 1995), 100-103, 251-256.

[14] I borrow this typology—a way of summarizing the dimensions of Foucault's understanding of epistemic shifts into modernity—from Ellen T. Armour, *Signs and Wonders: Theology After Modernity* (New York, NY: Columbia University Press, 2016), 25-26. See also: Michel Foucault, *The Order of Things: An Archaeology of the Human Sciences* (New York, NY: Vintage, 1994).

[15] Michel Foucault, *"Society Must Be Defended": Lectures at the College de France, 1975-1976*, trans., David Macey (New York: Picador, 2003).

[16] Ibid., 242-243.

been permeated by the ability to "'make' live and 'let' die," thereby emphasizing that modern

power's life-giving and death-dealing capacities are more complex than the objectively

recognizable mechanisms of sovereign repression, condemnation, or pardon.[17] In other words,

sovereignty transfigured in modernity is the power not merely to end life or pardon it, but the

power to take control of and manage bodies and life in such a way that they can be made useful

when needed and slowly eradicated when certain forms of life are deemed either unnecessary or

a threat to the maintenance of normative forms of life and the human species as a whole.[18]

Foucault's work provides a critical framework that helps shape my approach to

criminalization, but it alone does not provide all the resources necessary for grasping the *why* and

how of criminalization. In addition to Foucault, I engage critical carceral,[19] black radical,[20]

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[17] Ibid., 241.

[18] I write more about Foucault's theory of power's modern complexification in relation to Jacques Derrida and the "death penalties" they both analyze in Andrew Krinks, "The Color of Transcendence: Whiteness, Sovereignty, and the Theologico-Political," *Political Theology* 19, no. 2 (February 17, 2018): 137–56. Foucault locates the phenomenon of criminalization as a manifestation of this modern transition in forms of power: "Replacing the adversary of the sovereign, the social enemy was transformed into a deviant, who brought with him the multiple danger of disorder, crime, and madness," thereby forging a "carceral network" that links "the punitive and the abnormal." Foucault, *Discipline and Punish*, 299-300.

[19] Angela Y. Davis, *Are Prisons Obsolete?* (New York: Seven Stories Press, 2003); Joy James, "Introduction: Democracy and Captivity," in *The New Abolitionists: (Neo)Slave Writings and Contemporary Prison Narratives*, ed. Joy James (Albany, NY: State University of New York, 2005); Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*, Revised edition (New York: New Press, 2012); Loïc Wacquant, *Punishing the Poor: The Neoliberal Government of Social Insecurity* (Durham, NC: Duke University Press, 2009); Jordan T. Camp, *Incarcerating the Crisis: Freedom Struggles and the Rise of the Neoliberal State* (Oakland, California: University of California Press, 2016); Gilmore, *Golden Gulag*.

[20] W. E. B. Du Bois, *Black Reconstruction in America: 1860-1880*, 1. ed (New York, NY: The Free Press, 1998); Cedric J. Robinson, *Black Marxism: The Making of the Black Radical Tradition* (Chapel Hill, NC: University of North Carolina Press, 2000); Davis, *Are Prisons Obsolete?*; Nikhil Pal Singh, *Race and America's Long War* (Oakland, California: University of California Press, 2017); Walter Johnson et al., *Race Capitalism Justice (Forum 1)* (Boston, MA: Boston Review, 2017); Robin D. G Kelley, *Freedom Dreams: The Black Radical Imagination* (Boston, Mass.: Beacon Press, 2008).

Marxist,[21] black feminist,[22] Marxist feminist,[23] and critical race theorists[24] to understand what

Foucault only partially explores: how whiteness and private property, together with patriarchal

power and violence, are subject-making and world-arranging forces that deploy mechanisms of

policing and carceral captivity as means of their protection, thereby determining access to life

and proximity to death for populations conceived according to the differentiations produced by

whiteness, patriarchy, and capitalist "accumulation by dispossession."[25] Synthesizing these and

other sources, I elaborate notions of (ab)normality and power in order to understand the

criminalization of black, other nonwhite, and non-propertied peoples not merely as a

manifestation of sheer sovereign repression *against* such people, but as criminalization *for* the

preservation of the (white, propertied, masculine) normality upon which the social order is

understood to depend.

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[21] Karl Marx, *Capital, Volume 1: A Critique of Political Economy*, trans. Ben Fowkes (London: Penguin Books in association with New Left Review, 1981); Peter Linebaugh, *The London Hanged: Crime and Civil Society in the Eighteenth Century*, 2nd ed (London: Verso, 2006); Peter Linebaugh and Marcus Rediker, *The Many-Headed Hydra: Sailors, Slaves, Commoners, and the Hidden History of the Revolutionary Atlantic* (Boston, Mass: Beacon Press, 2003); Peter Linebaugh, *Stop, Thief! The Commons, Enclosures and Resistance* (Oakland, CA: PM Press, 2014); David Harvey, *The New Imperialism* (Oxford: Oxford University Press, 2005); Singh, *Race and America's Long War*; David R. Roediger, *How Race Survived U.S. History: From Settlement and Slavery to the Obama Phenomenon* (London: Verso, 2010); Patrick Wolfe, *Traces of History: Elementary Structures of Race*, First published (London New York: Verso, 2016).

[22] Angela Y. Davis, *Women, Race & Class*, 1st Vintage Books ed (New York: Vintage Books, 1983); Kimberlé Williams Crenshaw, "Race, Reform, and Retrenchment: Transformation and Legitimation in Anti-Discrimination Law," in *Critical Race Theory: The Key Writings That Formed the Movement*, ed. Kimberlé Williams Crenshaw and Neil Gotanda (New York, NY: The New Press, 1995); bell hooks, *Ain't I a Woman: Black Women and Feminism*, Second edition (New York: Routledge, Taylor & Francis Group, 2015); Sarah Haley, *No Mercy Here: Gender, Punishment, and the Making of Jim Crow Modernity*, Justice, Power, and Politics (Chapel Hill: The University of North Carolina Press, 2016).

[23] Silvia Federici, *Caliban and the Witch*, 2., rev. ed (New York, NY: Autonomedia, 2014); Silvia Federici, *Re-Enchanting the World: Feminism and the Politics of the Commons* (Oakland, CA: PM Press, 2019).

[24] Derrick A. Bell, *Faces at the Bottom of the Well: The Permanence of Racism* (New York, NY: Basic Books, 1992); Kimberlé Crenshaw, "Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color" in *Critical Race Theory: The Key Writings that Formed the Movement*, eds., Kimberlé Crenshaw, et al. (New York, NY: The New Press, 1995); Crenshaw, "Race, Reform, and Retrenchment: Transformation and Legitimation in Anti-Discrimination Law"; Cheryl I. Harris, "Whiteness as Property," *Harvard Law Review* 106, no. 8 (June 1993): 1707–91; Angela P. Harris, "Gender, Violence, Race, and Criminal Justice," *Stanford Law Review* 52, no. 777 (2000 1999).

[25] For more on the notion of "accumulation by dispossession," see: Harvey, *The New Imperialism*.

While my analysis in its first phase (chapters 1 and 3) synthesizes largely non-theological sources, my argument in its second and culminating phase (chapters 2, 4, and 5) elaborates theologically on these sources, placing them in conversation with a range of theological sources, namely the work of Augustine, Anselm, and Calvin, and black, womanist, and Latin American liberation theologies, among a few others. While putting such a broad range of theologies in conversation with more recent non-theological scholarship on race, class, gender, and carcerality might seem a somewhat uncommon methodological approach, it is arguably one manifestation of a subdiscipline or collection of subdisciplines within academic theology called "political theology." Political theology's definitions are as numerous as those who are understood to be (or understand themselves to be) working within it. For some, political theology refers to the work of post-war European theologians concerned with Christian theology's and Christian faith's application in social and political realms, exemplified in the work of theologians including Jürgen Moltmann, Johann Baptist Metz, and Dorothee Sölle, among others. For others, political theology refers to the work of the above theologians, plus the work of Black, Latin American, Asian, Native American, and other liberation theologians. For others, political theology refers to the specific texts produced by—and the textual conversations between—German political philosophers such as Carl Schmitt and Erik Peterson, among others. For others, political theology should refer to the theologies articulated through the lives, struggles, and writings of figures like W. E. B. Du Bois, Martin Luther King, Jr., and transatlantic traditions of Christian socialism.[26] For others still, political theology names "critical…approaches to the intersection of religion and politics" carried out by scholars working in "a variety of disciplinary and transdisciplinary

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[26] Gary Dorrien, *Social Democracy in the Making: Political and Religious Roots of European Socialism*, 1st edition (New Haven, CT: Yale University Press, 2019).

contexts across the humanities and some of the social sciences."[27] Some current voices, including the editors of the journal *Political Theology* and the network associated with it, suggest that we should embrace the multiplicity of disciplinary approaches invoked by the term and treat political theology as a set of disciplines concerned in various possible ways with the intersection of religion, theology, and politics.

Attending to the intertwining of the theological and the political, and thus perhaps a work fitting somewhere within the field or fields of "political theology," my project is concerned with the way ideas and ways of thinking about God and God's relationship to humans and the world both shape and are shaped by the way societies arrange their political and economic orders. While my project does not seek a directly causal explanation of the relationship between theology and any particular political phenomenon—because I do not understand the history of ideas or institutions to move in such a neatly linear fashion—I do suggest that political forms can and often do gain a sense of coherency and legitimation by way of theological categories or modes of reasoning, which themselves often already gain their own coherence by way of political concepts.

In his study of "the theological power of money in the west," theologian Devin Singh argues that the relationship between money and theology is not one of "unidirectional influence"—originating with either money or theology—but mutual formation: the conceptualities undergirding money and economy shaped and shapes theology, and theology, in turn, shaped and shapes understandings of money and economy.[28] The broader point is not simply that metaphors for God derive from political conceptualities and formations, but that

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[27] Vincent Lloyd and David True, "What is the Political Theology Canon?" *Political Theology*, Volume 18, Issue 7 (2017): 539-541.
[28] Devin Singh, *Divine Currency: The Theological Power of Money in the West*, Cultural Memory in the Present (Stanford, California: Stanford University Press, 2018), 1-5.

political conceptualities and formations also derive from God-talk: the theological and the political are—and have long been—mutually formative. While thinking of theological and political concepts as "analogous" is often clarifying, Singh's project takes the additional step of tracing how the relation between theology and money, in his case, is a "homologous" relation in which "similarities between two fields can be understood not merely as coincidentally analogous and thematically or structurally similar but as partially the result of actual historical and conceptual interaction between the two spheres."[29] Forestalling the question of pure origins, theological investigations like Singh's discern moments of "intermeshing" within "a horizon of confluence" and "resonance" between seemingly separate phenomena.[30] While my project is distinct from Singh's in numerous ways, it nevertheless works from a similar methodological premise. Christian theological anthropologies and soteriologies exist in something like a homologous relation of resonance with structures of modern carcerality in general and criminalization in particular. My project also takes the additional step of distilling from Christian theology to critique political theologies of whiteness, property, patriarchy, and the criminalization that emerges from them as death-dealing theological distortions. In these ways, my project engages in something like what theologian Willie Jennings calls "theological analysis of theology's social performances," which is to say theological discernment of the way that theological ideas take concrete shape in social and political realms.[31] Focused on the relationship between Christian doctrine and political (and social and economic) arrangements, my project considers the life of doctrinal and theological formulations beyond ecclesial life alone, following after the materialization of theological ideas in concrete historical formations. As such, I use the

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[29] Ibid., 18.
[30] Ibid., 17-23.
[31] Willie James Jennings, *The Christian Imagination: Theology and the Origins of Race* (New Haven: Yale University Press, 2010), 10.

term "theological-political" throughout in order to signify and convey the conglomerate composition of phenomena in which it is difficult to discern where the theological and political begin and end.

I follow those who situate liberation theologies under the larger umbrella of "political theology" because liberation theologians work at the place where ideas about God and ideas about how we do and how we should arrange our world meet. For James Cone, for example, it is impossible to do theology apart from the real life of one's social and political context. Theology is always shaped by and carried out for a given social and historical context, even when theologians are unaware of that fact.[32] The task for all theologians—and not just black theologians—Cone suggests is "to do theology in the light of the concreteness of human oppression as expressed in color, and to interpret for the oppressed the meaning of God's liberation in their community."[33] Cone channels Karl Marx in arguing that "theologians must ask, 'What is the connection between dominant material relations and the ruling theological ideas in a given society?'" When they do so, Cone writes, "theologians will find it hard to avoid the truth that their thinking about things divine is closely intertwined with the 'manifestations of actual life.'"[34] Theology, in short, is "political language," whether we realize it or not.[35] Being aware of this fact enables us to critically discern the distorted intertwinings of theology and politics as well as to discern constructive possibilities for participating in God's emancipatory redemption on earth as it is in heaven.[36] While I do not quite consider this project a work of

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[32] James H. Cone, *God of the Oppressed*, Rev. ed (Maryknoll, N.Y: Orbis Books, 1997), 14.
[33] James H. Cone, *A Black Theology of Liberation*, 40th anniversary ed (Maryknoll, N.Y: Orbis Books, 2010), ix-x.
[34] Cone, *God of the Oppressed*, 39.
[35] Ibid., 41.
[36] Ibid., xviii. Much like Cone, Gustavo Gutiérrez envisions theology as contributing to the process of liberation itself: it is the necessary theoretical moment in the dialectical movement of "praxis" between theory and action. As he writes: "[Liberation theology] is a theology which does not stop with reflecting on the world, but rather tries to be part of the process through which the world is transformed." Gustavo Gutiérrez, *A Theology of Liberation: History, Politics, and Salvation*, 15th Anniversary Edition (Maryknoll, N.Y: Orbis Books, 1988), 12.

black liberation theology, I do understand it as one that enters into and aims to contribute to the conversation—and political practice—that black liberation theologies make possible.

In the end, this project relies on both the accounts of those who possess whiteness, private property, and patriarchal power, and who manage the carceral institutions that emerge from them, as well as those made subject by whiteness, property, patriarchy, and criminalization. While much of my analysis rests on the lived experiences of historical actors (largely by way of written text), it does so in a way that elaborates from them in pursuit of insight at the level of what theorists call social imaginary.[37] More than merely empirical or descriptive,[38] exploration of social imaginaries pursues understanding of the conceptualities, narratives, and mythologies that both shape and are shaped by concrete social, political, economic, and cultural forms. Because the stuff of social imaginaries is the stuff of conceptual frameworks, of myths, of guiding narratives, my analysis also intervenes at such a level, as opposed to describing only life lived in its raw concreteness. As I understand them, whiteness, private property, and patriarchy are not reducible to isolatable and observable objects in real time; they are, more fundamentally, powers—principalities—that help animate and arrange the world of modernity as we know it in all its specificity. While understanding these phenomena does not enable us to understand *everything* about our world today, it does deepen our capacity to discern the why and how of many aspects of contemporary western society—the United States in particular—and specifically the carcerality that characterizes it at such a deep level. Moving between concrete historical formations and experiences, on the one hand, and the larger social—and theological— imaginaries to which they correspond, on the other, this project aspires to deepen understanding

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[37] For more on social imaginaries, see: Charles Taylor, *Modern Social Imaginaries* (Durham: Duke University Press, 2004); Charles Taylor, *A Secular Age* (Cambridge, Mass: Belknap Press of Harvard University Press, 2007).
[38] Vincent Lloyd and David True, "What is the Political Theology Canon?" *Political Theology*, Volume 18, Issue 7 (2017): 539-541.

of the phenomena it engages (whiteness, private property, patriarchy, and criminalization) by exploring both their "lived" and "imagined" manifestations. As such, this project does not entail any single blueprint for action in light of the realities it explores. And yet, by intervening at the level of how we think about and understand these phenomena in the first place, this project might, at its best, spur further deftness and creativity for those working to dismantle white supremacist capitalist patriarchy, to eliminate criminalization, and to create a new world in their place.

Overview of the Argument

The overall structure of this project is as follows. The first four chapters comprise a critical account of criminalization as a theological-political reality, while chapter five sketches or gestures toward the beginnings of a constructive vision for a political theology that might help nourish a world without criminalization. In order to understand the *why* and *how* of criminalization, chapters one and two engage the intertwined realities of whiteness, private property, and patriarchy: chapter one outlines the historical formation of whiteness, private property, and patriarchy while chapter two theorizes those phenomena as manifestations of a kind of theological anthropology. Chapters three and four engage the criminalization that I argue emerges from the heart of whiteness, private property, and patriarchy: chapter three narrates the history of the criminalization of black, other nonwhite, and economically dispossessed peoples, and chapter four interprets criminalization as a kind of pseudo-soteriology or system of salvation. In pursuit of a world beyond the dispossession and criminalization explored in chapters one through four, chapter five explores notions of participation and decarceration as core elements of

a constructive theological antidote to whiteness, private property, patriarchy, and the evil of criminalization that emerges from them.

Chapter One

My argument in its first phase is that the criminalization of black, other nonwhite, and non-propertied peoples is a means of protecting whiteness and absolutely exclusive private property regimes, and the patriarchy with which they are intertwined, from those who register, from the perspective of whiteness, private property, and patriarchy, as threat or trespass against them. Criminalization, in short, is a tool for maintaining the supremacy and security of some by managing, confining, or disappearing others. Because we only understand criminalization insofar as we understand that which it seeks to protect or defend, chapter one narrates the historical formation of whiteness, absolutely exclusive private property regimes, and the patriarchy with which both are intertwined. I narrate the formation of modern racial concepts—and whiteness in particular—by outlining important aspects of the project of chattel slavery at the center of European colonialism and racial capitalism and the resistance that challenged its foundations. Before the beginning of the eighteenth century, "race" signified general matters of language, tradition, lineage, and cultural heritage. Over the course of the seventeenth century, race became a concept of classification that distributed power hierarchically by linking physical and eventually biological characteristics with cognitive, cultural, and moral essences.[39] Forged through Eurocolonial and racial capitalist quests for power and wealth, modern race emerged not as a neutral, value-free, or "prepolitical" descriptor of difference but as a "strategic" political tool

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[39] Ladelle McWhorter, *Racism and Sexual Oppression in Anglo-America: A Genealogy* (Bloomington: Indiana University Press, 2009), 73; Wolfe, *Traces of History*, 7.

for differentiating and distributing power amongst peoples.[40] Modern race is a way of "making up people" in pursuit of the capacity to possess the world exclusively and absolutely.[41] I also show how patriarchal notions of gender within colonialist discourse and policy played a role in the formation of racial concepts. In addition to—and often buttressing—the material practices of European colonialism and racial capitalism, race in its modern manifestation took the shape it did through religious, philosophical, and scientific discourses that articulated whiteness as the godlike power to recreate the world and its peoples, as the apex of rational, universal reason, and as the biological perfection of the human species. At the same time that they deified and idealized whiteness, these discourses cast blackness and other forms of nonwhiteness as inherently immoral, fleshly, irrational, and biologically abnormal, all of which served the social, political, and economic power of whiteness as a world-ordering, world-possessing force.

If race in its more absolute, modern form comes into existence not as a neutral descriptor of different kinds of people but as "a means of structuring power through difference," then race in general and whiteness in particular cannot be adequately understood today simply by reference to differences in "identity," or as matters of phenotype or pigmentation alone, in isolation from the maintenance of capitalist political economy and the anthropological differentiations it requires.[42] As such, whiteness certainly involves but ultimately encapsulates— both conceptually and materially, both in its origins and today—more than "skin color" and "white people" as such. Thus, while in one sense the term "whiteness" today certainly signifies a

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[40] Joel Olson, *The Abolition of White Democracy* (Minneapolis: University of Minnesota Press, 2004), 30; Michael Omi and Howard Winant, *Racial Formation in the United States*, Third edition (New York: Routledge/Taylor & Francis Group, 2015), 111.

[41] Omi and Winant, *Racial Formation in the United States*, 105-112. Omi and Winant are here deploying a phrase by Charles Mills.

[42] *Robin D. G. Kelley – What is Racial Capitalism and Why Does it Matter?* YouTube video, 1:26:46, from a lecture recorded at the University of Washington, Seattle, Washington on November 7, 2017, posted by KODX Seattle, November 18, 2017, https://www.youtube.com/watch?v=--gim7W_jQQ.

phenotypically marked, localizable, agential subject position—i.e., "being a white person"—it also must be understood as a supra-agential, institutional force, crystalized and maintained in the fires of colonialism, capitalism, and Christianity, that manages racialized forms of life by ordering the conditions within which they exist.[43]

I narrate the formation of absolutely exclusive private property regimes by summarizing predominant trajectories of thought on property possession throughout history. The predominant view on property throughout history—from the ancient world to the early modern period—is that, while more common forms of ownership might have characterized the original or created state of things, human finitude and sinfulness make common possession untenable because of the chaos that would ensue were we to possess property collectively. Private property, under such a view is a regrettable but necessary means of preserving order and peace. A less predominant view, though still widely articulated throughout the same long history, is that private possession is not an answer to sinfulness but an originary manifestation of it. By the seventeenth and eighteenth centuries, popular views on private property transitioned from casting it as a necessary evil to a necessary and original good. In and through the thought of figures including especially John Locke, absolutely exclusive private property becomes sacralized as the normative and ideal mode of relating to the world. I conclude chapter one by exploring how whiteness and private property interact and even come into existence in and through one another as manifestations of what critical race theorist Cheryl Harris calls the "right to exclude."[44]

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[43] On the disciplinary and biopolitical "management" of populations, see: Foucault, *Discipline and Punish* and Foucault, *Society Must Be Defended*. On the relationship between race and management, see: David R. Roediger and Elizabeth Esch, "'One Symptom of Originality': Race and the Management of Labor in US History" in David R. Roediger, *Class, Race, and Marxism* (New York: Verso, 2017) and Roediger, *How Race Survived U.S. History*, 64-98.

[44] Cheryl Harris, "Whiteness as Property," 1721, 1744.

From this perspective, we can discern whiteness and private property—together with patriarchy—as historically intertwined manifestations of the desire to transcend and master the finite world and its peoples. Emerging together from the confluence of European colonialism, racial capitalism, and the Christian theological thought and practice that buttress them, whiteness and private property, together with patriarchy, are aspirations to infinite and invulnerable power that work by transforming nonwhite and economically dispossessed peoples into exploitable resources, on the one hand, and criminal threats that necessitate carceral intervention, on the other. Powerful only when those they render inferior are dispossessed and secure only when those they render criminal are held in carceral captivity, whiteness, private property, and patriarchy dispossess and criminalize in pursuit of their own survival. Understanding the scope of whiteness and private property—of whiteness *as* private property—in such terms enables us to discern whiteness and private property, and the patriarchy with which they are intertwined, not simply as political but theological-political realities. While chapter one only partially explores the theological dimensions of whiteness, property, and patriarchy, chapter two thoroughly engages these phenomena as theological realities in their own right. It should be noted that this project as a whole is a narrative that unfolds one step at a time: rather than try to encapsulate the full scope of their meanings at the outset, the reader will find that "whiteness," "private property," "patriarchy," and "criminalization" accrue meaning as my analysis unfolds, which, in a sense, mirrors the actual historical evolution of the realities these terms signify. Moreover, while these phenomena cannot be reduced to one another, they also cannot be understood apart from one another, hence why I interpret them both in isolation and in relation to one another throughout.

Chapter Two

Chapter two theologically elaborates and expands upon the histories outlined in chapter one by arguing that, because whiteness and private property situate themselves as the organizing centers of a theological and political vision of what humans are and should be in relation to others, to the world itself, and to God, they may be interpreted as expressions of a kind of theological anthropology, a doctrinal category of Christian systematic theology concerned with the origins, nature, and ends of human existence before God. Whiteness and private property possession (along with patriarchy) are both "positions" and "powers" of theological anthropology: they are finite *positions* in a theological-political vision of what humans are and should be in relation to one another, the world, and God. Seeking to transcend their finite place in the world, however, whiteness, private property possession, and patriarchy also become *powers* of theological anthropology in the sense that they claim and in part become the power to make and remake others in inferior relation to their own fabricated supremacy. As a power of subject-making, whiteness and property also become powers of world-arranging: the (racial, propertied) power to make up people crystalizes as the godlike power to possess the world itself—what W. E. B. Du Bois calls "ownership of the earth forever and ever, Amen!"[45]

Christian theological anthropology in its predominant conception holds that all humans are both—and equally so—created in the image of God (*imago dei*) and heirs to an inherent sinfulness that separates humans from God and one another. Whiteness, absolutely exclusive private property, and patriarchy are manifestations of a malformed understanding of human personhood because they claim for their possessors (white propertied men and women in particular) a proximity to and even embodiment of godlikeness to the near exclusion of inherent

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[45] W. E. B. Du Bois, *Darkwater: Voices from within the Veil* (New York, NY: Verso, 2016), 18.

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sinfulness, which they displace, via projections of savagery, monstrosity, criminality, and so on—onto those nonwhite and non-propertied peoples that are perceived as existing outside and beneath them. In place of the *imago dei* of traditional Christian anthropologies, whiteness and private property (and patriarchy) are means by which their possessors and inhabitors not only define themselves in greater proximity to God but effectively drop the "*imago*" altogether and become simply *deus* themselves. The histories of whiteness and private property (and patriarchy) show that they "become" *deus* precisely through the dehumanization and exploitation of others, escaping the vulnerabilities of finitude by climbing on the bent backs of nonwhite and non-propertied (and non-masculine) peoples. Whiteness, absolutely exclusive private property possession, and patriarchy, in short, are manifestations of the aspiration to transcend finitude in pursuit of the godlike power to possess and re-create—often by *de*-creating—the world and its peoples for the building up of their own power and control.

A predominant conception of sin in the Christian theology, associated primarily with Augustine, discerns the crux of sin as self-absolutizing pride. Extending the idea of sin-as-pride beyond merely individual to social and institutional manifestations enables us to discern whiteness and absolutely exclusive private property regimes—and the patriarchy with which they are intertwined—as manifestations of sin that proliferates evil in the world. I engage the work of Du Bois, James Cone, Dwight Hopkins, and others to show how whiteness and absolutely exclusive private property possession should be understood as instantiations of the desire to "play God in the realm of human affairs," a desire that in turn brings about immense harm.[46] I also engage the work of white feminist and womanist theologians to clarify how the aspiration to godlike transcendence and power is an expression of patriarchal power harnessed

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[46] Cone, *A Black Theology of Liberation*, 115.

by whiteness and private property possession. In the second half of the chapter, I illustrate at length the self-deifying character of whiteness and private property possession—together with patriarchy—by elucidating their pseudo-divine attributes. Orthodox Christian theologies understand God by way of the so-called divine attributes, which include, among others, transcendence, infinitude, omniscience, omnipresence, omnipotence, impassibility, and aseity, which is to say originating and existing "in oneself" and thus utterly independent in the most absolute sense. As means by which humans pursue and wield pseudo-divine power at the violent expense of others, whiteness and absolutely exclusive private property regimes constitute "principalities and powers" in the biblical sense of the term. Theologians interpret what some translations of Ephesians 6.12 calls the "principalities and powers" not simply as immaterial cosmic phenomena that swirl invisibly in our midst, but as spiritual phenomena that take quite concrete, even institutional forms in society.[47] As instantiations of separation from God, the principalities and powers are fallen forces that wreak havoc on earth through exploitation, violence, and death. As theologian William Stringfellow writes: "The principality, insinuating itself in the place of God, deceives humans into thinking and acting as if the moral worth or justification of human beings is defined and determined by commitment or surrender—literally, sacrifice—of human life to the survival interest, grandeur, and vanity of the principality."[48] Bent on their own self-preservation at the expense of everyone and everything else, principalities and powers like whiteness, absolutely exclusive private property, and patriarchy, serve a few by

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[47] See, for example: William Stringfellow, *An Ethic for Christians & Other Aliens in a Strange Land* (Eugene, OR: Wipf and Stock, 1973); Walter Wink, *The Powers That Be: Theology for a New Millennium*, 1st ed (New York: Doubleday, 1998); Jacques Ellul, *The Subversion of Christianity* (Grand Rapids, Mich: Eerdmans, 1986); Karl Barth, "October 18, 1914" Sermon in *A Unique Time of God: Karl Barth's WWI Sermons*, ed. William Klempa (Louisville, KY: Westminster John Knox Press, 2016).
[48] Stringfellow, *An Ethic for Christians & Other Aliens in a Strange Land*, 81, 67-114.

dealing dehumanization and death to many, and thus oppose God's will, and as such may be characterized as "demonic."

Chapter two concludes by reflecting on the relation between deification and destruction at work in these principalities and powers. In order for whiteness, private property, and patriarchy to be vehicles of godlike power for those who possess and inhabit them, those rendered inherently inferior and immoral in relation to them must be destroyed. As James Cone writes, whiteness—and, I add, the private property and patriarchal regimes with which it is historically intertwined—is "the source of human misery in the world."[49] One of the primary forms of the human misery that whiteness and property (and patriarchy) produce is dispossession in its many forms: stealing resources from many in order for a few to enjoy "ownership of the earth forever and ever, Amen!" In addition to processes of dispossession, another form of the misery that whiteness, private property, and patriarchy produce is criminalization and the carceral society of which it is a part. It is toward the history and political theology of criminalization that I turn in chapters three and four, respectively.

Chapter Three

The first two chapters explore how whiteness, private property, and patriarchy are sinful forces—principalities—that work by dispossessing others in idolatrous pursuit of their own godlike power. In the third chapter, I explore how the label of "criminal" functions as one of the foremost designations that constructs and conveys the threat that black, nonwhite, and economically dispossessed peoples pose to whiteness, private property, and patriarchy, both in their mere existence and their active resistance to the systems that treat them as threats. As noted

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[49] Cone, *A Black Theology of Liberation*, 114.

above, the overall frame of this project, and the third chapter in particular, is that the phenomenon of criminalization emerges out of the aspiration-to-godlike-power that constitutes whiteness, absolutely exclusive private property, and patriarchy. We understand criminalization when we discern not just who criminalization affects but who or what criminalization is *for*, who it protects, defends, and empowers. Criminalization, I argue, protects whiteness, property, and patriarchy from those who register as threats to their godlike power. Black and economically dispossessed peoples are not arbitrarily selected targets of the security regimes of white supremacist capitalist patriarchy. On the contrary, as means of exclusive possession over against others, whiteness, property, and patriarchy are inherently fragile, threatened phenomena that need to posit antagonists in order to be powerful themselves. If "whiteness comes into being as a form of landscape,"[50] a kind of property or mode of possession,[51] and if "the greatest offence against property [is] to have none,"[52] then to be nonwhite and/or non-propertied in a world made for white propertied men (and women) is to trespass, to be fundamentally "out of place,"[53] to live under the realization that one does not belong,[54] and to seek survival within geographies and materialities that make that non-belonging concrete. The material deification of whiteness, property, and patriarchy entails the criminalization of those rendered suspect in relation to them.

The central work of the third chapter is to convey the origins and stubborn persistence of a social order in which states of dispossession—economic, racial, and gendered—constitute states of criminality. I narrate this history—a history of the present—in four stages. I begin by outlining how the dispossession that early modern capitalism and the law in England and

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[50] Jennings, *The Christian Imagination*, 59.
[51] Harris, "Whiteness as Property," 1707–91.
[52] E. P. Thompson, *The Making of the English Working Class* (New York: Vintage Books, 1966), 61.
[53] Wolfe, *Traces of History*, 17.
[54] W. E. B. Du Bois, *The Souls of Black Folk*, Dover Thrift Editions (New York: Dover, 1994); James Baldwin, *Notes of a Native Son*, ed. Edward P. Jones, Revised ed (Boston: Beacon Press, 2012); Jackson, *Soledad Brother*.

colonial America produced with one hand it criminalized with the other through compulsory labor and vagrancy laws. People accused of vagrancy were guilty of the "idleness" that was defined as a transgression against the moral standards of productivity under capitalism. One of the specific forms that the legal and moral transgressions of poor people in early modernity took was offenses against private property, which, according to one historian, stood as the "measure of all things," the "deified" center of the social order.[55] As I show, the criminalization of economically dispossessed and propertyless people in early modernity was also a thoroughly gendered phenomenon: patriarchal expectations often defined "criminal" male vagabonds as effeminate while "criminal" women were forced through carceral processes intended to restore proper womanhood and subjected them to forms of sexualized violence that began in the domestic sphere but also manifested beyond it. The second phase of the history of criminalization as I present it is the transition from racial slavery to racial criminalization. As many scholars have narrated, chattel slavery did not so much end as change shape and persist beyond legal proscriptions against it—an evolution made possible in part by the thirteenth amendment itself. I explore this phase of criminalization's history by considering vagrancy laws, convict leasing, prison farms, and the racialized and patriarchal gender differentiations that shaped designations of criminality during and after Reconstruction in both the northern and southern United States, and that continue to shape conceptions of criminality today.

After illustrating how criminalization emerged from both (racial) capitalism's "accumulation by dispossession" and the chattel slavery that stood at its center, I outline the origins of modern policing in its emergence out of slave patrols, security forces formed to "control the dangerous classes" composed of immigrant working classes, and forces formed to

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[55] Douglas Hay, "Property, Authority and Criminal Law" in Douglas Hay, Peter Linebaugh, and E.P. Thompson, *Albion's Fatal Tree: Crime and Society in Eighteenth Century England* (London: Verso Books, 2011), 19.

police English and American colonial subjects. The roots of the modern institution of policing lie in attempts to manage peoples forced into precarity by a political economy and culture formed by racial capitalism, colonialism, and patriarchy. While policing as an institution has involved to incorporate things like crime control and protecting (some) people, its original function was to manage surplus populations. That function continues into the present era of neoliberal racial capitalism and the "broken windows" approach to policing at its heart. Narrating multiple specific cases of the criminalization of black and unhoused people in Nashville, Tennessee, I conclude chapter three by meditating on the question posed by social movements to police forces in recent decades: *Who do you serve?! Who do you protect?!* The answer, I suggest, is the possessors and beneficiaries of whiteness, private property, and patriarchy.

Chapter Four

Just as chapter two elaborates theologically on the history of the formation of whiteness and private property (and patriarchy) that I outlined in chapter one, so chapter four elaborates theologically on the history of criminalization outlined in chapter three. Whereas chapter two interprets whiteness, property, and patriarchy in terms of a subject-making, world-arranging theological anthropology, chapter four analyzes criminalization as a manifestation of a distorted, death-dealing soteriology or system of pseudo-salvation. Likewise, just as theological anthropology and soteriology are interconnected dimensions of Christian systematic theologies, so the theological anthropologies of whiteness, private property, and patriarchy are intertwined with the distorted pseudo-soteriology of criminalization and carcerality. In a 1970 letter to black radical freedom fighter and abolitionist Angela Davis, James Baldwin reflected on the ongoing reality of "chains on black flesh." Rather than becoming an "intolerable" sight to the American

people, Baldwin writes, "they appear to glory in their chains; now, more than ever, they appear to measure their safety in chains and corpses."[56] White America obtains its wealth and power, and thus its safety, Baldwin writes, only when black people are "brutalized" for white profit and eventually "bound"—"both soul and body"—"in hell."[57] Chapter four elaborates theologically upon Baldwin's insight by arguing that if whiteness and private property possession—and patriarchal power—are sacred, then nonwhiteness and propertylessness inevitably constitute states of moral trespass, and thus warrant damnation, which is to say, a return to their proper subjected place in the allegedly natural, fundamentally inequitable order of things. For whiteness and private property to be something like divine and all-powerful, black and economically dispossessed peoples must be damned to chains, rendered powerless, captive, exploitable.

The criminalization of black, other nonwhite, and economically dispossessed peoples expresses not simply a secular political reality but a distorted, death-dealing system of pseudo-salvation. I make this argument by outlining some of the ways that religion and criminal law have intertwined both conceptually and materially throughout history, especially in the modern west, and in the United States in particular. Illustrating how the law that white propertied men and women have deployed for their protection has been shaped by and in turn shapes Christian religious thought and practice provides a backdrop against which to discern the dynamics of the specific pseudo-salvific work of criminalization. Having explored those intertwinings, I outline key features of what I argue is a predominant trajectory within Christian soteriological thought that helps us discern similar dynamics at work in criminalization. Three of the most influential theologians in the tradition who carry forward important theological continuities across nearly

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[56] James Baldwin, "An Open Letter to My Sister Angela Y. Davis" in James Baldwin, *The Cross of Redemption: Uncollected Writings*, ed. Randall Kenan (New York, NY: Vintage Internat., 2011), 255.
[57] Ibid., 260.

one thousand years of Christian thought and practice exemplify this trajectory: Augustine, Anselm, and Calvin. I interpret and trace the commonalities that bind their theologies through what I call a soteriology of subjection that understands sin as the disobedient refusal to be subject to a benevolent God—a refusal that derives from a corrupted ontological state—and salvation as that which enables a return to life-giving subjection to God. For these figures, the refusal to be subject to God establishes a relation of indebtedness to and guilt before God. A key presumption from which these theologies operate is that wrongdoing—or, more specifically, ontological wrong-being that produces wrongdoing—requires either recompense or punishment, which is why they interpret salvation as entailing a satisfaction of debt and/or a justice-satisfying punishment.

The same presumption undergirds criminalization, to deadly ends. In a world where whiteness, property, and patriarchy are approximations of godlike power, black, other nonwhite, and economically dispossessed peoples are inevitably vulnerable to being discerned as criminal threats, which is to say ontologically corrupted peoples inherently disposed to disobediently refusing proper subjection, staying in their proper place in the social order of things and the divine order of things of which it is supposed to be a reflection. The criminal refusal to be subject (to a law made by and for the possessors of whiteness, property, and patriarchy) establishes a relation of indebtedness and guilt that can only be paid by carceral recompense or punishment. Criminalization and carceral confinement are thus pseudo-soteriological means by which people constructed and legally defined as criminal are made to "pay their debts" by submitting to punishment that restores them to their proper (inferior) place in the social order. This restoration to proper place is, from the perspective of those with power, a kind of salvation for those they hold subject insofar as it is a return to a place in a social arrangement that best

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suits their allegedly immoral nature and limited capacities. For those who experience this return to subjection, however, it is in fact a kind of damnation to hell on earth. Thus, in the end, this restoration to proper subjection constitutes a kind of salvation—in the sense of deification, becoming God—not for those held captive, but for the managers and beneficiaries of a white supremacist capitalist patriarchal social order who measure and obtain their idolatrous, illusory safety—their pseudo-salvation—"by chains and corpses."[58] If whiteness, private property, and patriarchy are death-dealing principalities, then the criminalization that emerges from them is a distorted system of salvation for a few and damnation for many, and thus a manifestation of structural sin and evil.

Chapter Five

The first four chapters of this project, together, constitute a critical account of the ways theological thought and practice fuse with political thought and practice to sacralize criminalization and carceral captivity as (distorted) expressions of God's work in the world. Chapter five pivots toward a constructive consideration of what might be entailed in a political theology in pursuit of a world without racial capitalist dispossession and criminalization. In contrast to the individual, exclusive, and unlimited "possession" that constitutes the normative (white, propertied, male) modern person and "his" godlike power over creation, I gesture in this chapter toward a conceptualization of personhood based in theological-political "participation" in the life of God, others, and the world itself that conceives of and arranges the relationship between God, person, and world according to a non-possessive sociality in which both individual and collective modes of being exist in dialectical relation. Likewise, in contrast to a carceral

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[58] Ibid., 255.

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soteriology that sacralizes subjection and permanent relations of obligation, I outline a decarceral soteriology based, on the one hand, in release from forced captivity and, on the other, the healing of infirmity.

Theological "participation" signifies a mode of relation that entails a sharing, a communion—between humans and God, and humans and humans—in which each remains distinct and yet interrelated. The "sharing" of theological participation has to do primarily, in its earliest usage, with shared properties, elements of essence, but it also has to do with a dynamic sharing, an ongoing interrelation—shared life—in both "vertical" and "horizontal" senses. As theologians across the Christian tradition suggest, participation in the life of God entails freedom-making relations of solidarity with others created *imago dei*. Participation in its political and economic valence also signifies a mode of relation: between persons, between individuals and collectives, and between individual persons, collectives, and things. Rather than shared ontological essence—apart from perhaps a general sense of solidarity based in shared humanity—political and economic participation are matters of shared power and resources, the means of life and self-determining freedom. Theological participation, by itself, provides an important frame for understanding the relation of communion between God and humans, and in turn between humans and other humans: humans meet God "vertically" through prayer and worship, but also "horizontally" through freedom-making acts of solidarity. Synthesizing political (and economic) participation with theological participation deepens and widens what exactly is entailed in "participation" across its multiple significations. Theological participation is a matter of sharing in the life of God. Political and economic participation are matters of sharing in the lives of others. Participation in its conglomerate theological-political valence, then, might signify a mode of relation between humans and humans, and between humans and the

world, marked by freedom-making solidarity understood as concrete means of participating in the life of God. We participate in God's life by mutual human participation and by participating in—rather than exclusively possessing—the world itself.

If theological anthropologies of whiteness, private property, and patriarchy entail a soteriology of subjection and captivity, then a theological anthropology of participation must also entail a soteriology of release from captivity. If, as a long Christian tradition argues, God is a God who liberates those who experience oppression, then in a criminalizing social order, the work of God is the work of *de*carceration, emptying carceral cages of those dehumanized and made subject by them. Indeed, participating in God's life and work in a carceral society means participating in the task realized and catalyzed in Jesus of Nazareth: bringing "release to the captives." In an age of mass incarceration and criminalization, a soteriology of decarceration understands carceral captivity as a manifestation of sin and evil generated from the desire of some to exercise godlike power over others. If captivity is a condition forged by sin, then release from captivity is a dimension of the salvation that God enacts. Transforming people made in God's image into inherently criminal and immoral threats and then bringing them under carceral subjection is a work that *makes* captives, and thus directly contradicts the spirit of God made manifest in the proclamation of "release to the captives." I argue that decarceration also entails the healing that is a partial manifestation of what the Christian tradition calls salvation because it serves to repair relational fragmentations between people where possible, restores (by liberating) people subjected to living death, and makes possible the kind of just, equitable, life-giving recompense or reparation that does not depend upon people being caged. In the end, if whiteness, private property, and patriarchy are expressions of sin that proliferate evil, which is to say principalities and powers, then those who inhabit and possess them—those who play a role in

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holding others captive—might also be said to be living under the kind of bondage theologians talk about when they talk about sin as captivity to the power of the devil. Liberation in such a context is liberation for those held captive *and* liberation for those held in a kind of spiritual bondage by the desire to bind others in pursuit of godlike power. Just as for theologies of liberation, for a theology of decarceration, it is God who makes possible release from captivity to sin and the material captivities that sin creates, but humans are invited to "participate" in that work, and in so doing to encounter God.

CHAPTER 1

The Historical Formation of Whiteness and Private Property

Much popular commentary on matters of race, class, and gender takes the categories of race, class, and gender for granted as natural and neutral categories of classification: at this point in history, they seem to refer to basic features of the world so simply and directly that many assume they are categories that have always been with us, and that they do no more than objectively describe the way things already happen to be. In other words, it seems to many that race simply refers to the natural fact of skin color, that class simply describes naturally occurring social and economic positions, and that gender is a category used to describe the seemingly natural categories of male and female. The reality, however, is that these categories themselves, as well as the realities that correspond to them, have a history, a point of origin, which means they only seem natural today because they have undergone processes of naturalization wherein their conceptual and material construction have been largely erased and/or forgotten.[1] The fact that these categories are "constructed," however, does not for that reason mean that they are socially insignificant: while the categories of race and gender in particular may be constructed—made up, fabricated—their effects are all too real in shaping peoples' lives and social relationships. As critical race theorist Kimberlé Crenshaw writes, "To say that a category such as race or gender is socially constructed is not to say that that category has no significance in our world. On the

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[1] This process of naturalization is also captured in part by Marxist theorization of "ideology." As historian Patrick Wolfe writes: "As used by Marx and Engels, who did not define the concept formally, ideologies represent ruling groups' dominance as given in nature rather than as historically imposed and contingent. Attributing suzerainty to natural processes is a particularly powerful mode of legitimation, since it renders the situation seemingly eternal and unchangeable." Patrick Wolfe, *Traces of History: Elementary Structures of Race* (London: Verso, 2016), 7-8, footnote 16. For more on "ideology," see: Louis Althusser, *On the Reproduction of Capitalism: Ideology and Ideological State Apparatuses*, trans. G. M. Goshgarian (London: Verso, 2014). For more on the naturalization and erasure of the formation of race, see: Falguni A. Sheth, *Toward a Political Philosophy of Race* (Albany, NY: State University of New York Press, 2009).

contrary, a large and continuing project for subordinated people…is thinking about the way in which power has clustered around certain categories and is exercised against others." As such, Crenshaw argues, the "most pressing problem…is not the existence of the categories but, rather, the particular values attached to them and the way those values foster and create social hierarchies."[2]

While I concur with Crenshaw that social construction does not equate to social insignificance, on my analysis, understanding the very formation and existence of these categories is in fact of primary importance because the processes by which they came into existence were processes that already entailed hierarchical value allocation. Categories of race and gender, in other words, are not simply neutral tools of classification that only subsequently get utilized for harm; on the contrary, their becoming fixed categories was itself a means by which powerful people pursued, maintained, and increased their power over others. Like race and gender, the category of class is also a construct that does not in itself signify anything absolutely essential about human personhood. And yet, also like race and gender, class does in fact signify something that has been made materially real by the social, political, economic, and cultural forces that forge the worlds in which we live. Moreover, despite first coming about largely as a result of social forces that exercise power over people's lives, the categories of class, race, and gender can and have also been claimed by oppressed peoples as meaningful cornerstones of self-identification and self-determination, and thus as tools for collective struggle against the very forces that violently forge a society structured according to distinctions in class,

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[2] Kimberlé Crenshaw, "Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color" in *Critical Race Theory: The Key Writings that Formed the Movement*, eds., Kimberlé Crenshaw, et al. (New York, NY: The New Press, 1995), 375.

race, and gender in the first place.[3] Because they have become socially and materially meaningful, and because they have been critical aspects of struggles against oppression, attending to the categories and realities of race, class, and gender—as opposed to ignoring them in the hopes that, in so doing, we might diminish their hold over us—is our best hope for pursuing a world where such categories do not so thoroughly determine the shape of our lives against our will.[4]

The criminalization of black, other non-white, and non-propertied people and communities is, at its heart, a matter of race and class, as well as gender. More specifically, I argue that criminalization comes about not through race, class, and gender in general, but through whiteness, private property, and patriarchy in particular. Whiteness and private property are the primary phenomena that this study considers, but because it is impossible to understand them adequately without also attending to gendered oppressions, I explore whiteness and property in relation to patriarchal power. While the scope of this project does not allow for the most thorough possible account of these interrelated phenomena, establishing a few integral dimensions of their coming-to-be will enable us to grasp the fused operation of the theological and political at work within whiteness and private property (and patriarchy), which I explore in chapter 2, and subsequently, in chapters 3 and 4, how criminalization emerges as a theological-political means of protecting them.

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[3] For one recent and classic example of the positive, liberatory reclamation of identities originally forged as tools of oppression, see: *How We Get Free: Black Feminism and the Combahee River Collective*, ed. Keeanga-Yamahtta Taylor (Chicago, IL: Haymarket Books, 2017). On the formation of classes and "class struggle," see Karl Marx and Friedrich Engels, *The Communist Manifesto* (New York, NY: Penguin, 2002).

[4] In the case of race, race-consciousness, rather than so-called "colorblindness," is the only potentially transformative response to the realities tethered to racial categorization. For more on race-consciousness, see: Gary Peller, "Race-Consciousness" in *Critical Race Theory: The Key Writings that Formed the Movement*, eds., Kimberlé Crenshaw, et al. (New York, NY: The New Press, 1995), 127-158. Likewise, class-consciousness and gender-consciousness—attending to rather than ignoring their construction and the realities put into place by them—are necessary means of participating in the transformation of a world structured according to white supremacy, capitalism, and patriarchy.

Race, Colonialism, and Capitalism

Whiteness and private property emerge from the historical confluence of three phenomena: colonialism, capitalism, and Christianity. Colonialism and capitalism are the most direct progenitors of whiteness and private property, while Christianity is the midwife that helps deliver colonialism and capitalism—and, by extension, whiteness and private property—into the world. I begin with capitalism and colonialism before outlining the role of Christian religious and theological reasoning in facilitating their proliferation.

Capitalism—a way of arranging an economy as well as a political order—originates in what Karl Marx calls "primitive accumulation," the processes whereby persons with access to wealth expropriate, privatize, and commoditize land, natural resources, and other people's labor as a basis for realizing capitalism's fundamental telos, the generation and private possession of further wealth. This process first took place historically, and continues to take place today, by enclosing land and displacing people who enjoyed some degree of access to it. Indeed, one of the first and most fundamental transformations that capitalism brings about is the transformation of land from a means of subsistence to a means accumulation.[5] Along with the transformation of land comes the transformation of the lives of people displaced from it: separated from a primary means of subsistence in early modernity, peoples dispossessed by the privatization of land and other natural resources fell into dependence upon private (agricultural and industrial) owners in the form of wage labor wherein workers sell their labor for a wage significantly less than the price for which the product that their labor created would eventually be sold.[6] Because its fundamental orienting principle is the generation of profit, capitalism works only if the products

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[5] Karl Marx, *Capital, Volume 1: A Critique of Political Economy*, trans. Ben Fowkes (London: Penguin Books in association with New Left Review, 1981), 873-895.
[6] Marx, *Capital, Volume 1*, 270-280, 675-682, 873-876.

that laborers create generate a significant enough "surplus," meaning revenue left over after having paid (in the form of a wage) for its production. Capitalism, in other words, distributes resources inequitably or it does not work at all, which is why "possession" and "dispossession" may be understood as the mutually dependent anchors of capitalist political economy: private, exclusive possession requires *dis*possessing others of that to which they previously held some claim, whether as individuals or as groups of people. Land itself is the first and is still a primary means of subsistence from which people are displaced under colonial and capitalist political economies. Moreover, capitalism's development in the world hinges, in Marx's analysis, upon "ownership" of the "means of production," which is to say, property. For these reasons, the institution of private property, a cornerstone of capitalist political economy, is an integral dimension of this project's analysis. Capitalism has offered and does still offer dispossessed people who, against all odds, manage to obtain capital the opportunity to build wealth, and measures can be made within capitalism to lessen the dispossession upon which it depends. The fundamental structure of capitalism, however, is such that, even when it cultivates good for some, it ultimately works only if it robs or takes away access to resources for others, whether in ways big or small.

The necessary inequity of capitalism is so widely accepted on a twofold premise: (1) the hyper-productive wealth-generation of capitalism is natural, and (2) it ultimately benefits more people than do more common or equitable distributions of wealth and property. As Marx points out, capitalism's proponents have long understood the necessary inequity of capitalist society as an arrangement that occurs as the result of naturally occurring variations in individual intelligence and behavior: "diligent, intelligent…and frugal" people naturally accumulate wealth and become owners, the story goes, while lazy people, as a result of inferior intelligence and

immoral behavior, "have nothing to sell except their own skins" as laborers who offer their very

selves in exchange for a wage.[7] The implication is that capitalism is not a forced condition or set

of relations but one that emerges naturally, and that corresponds with already existing differences

between people. This premise would eventually be taken to its logical conclusion in the work of

nineteenth century Social Darwinists like William Graham Sumner, who argued that the scarcity

of nature's resources requires that humans labor in competition with one another for their

accumulation, which inevitably—naturally—results in social and economic inequality.

Arranging society according to a forced equality, Sumner argues, would contradict the natural

law of competition and thereby requires an unfreedom that "carries society downwards and

favors all its worst members." A society that allows nature to take its inherently unequal

course—a society that recognizes that the fundamental fact of human existence is

"individualism"—is a society that thrives. Conceptualizing capitalism in such terms, Sumner

understands private property to be "a feature of society organized in accordance with the natural

conditions of the struggle for existence," which is why private property is—and can only be—a

fundamentally unequal relation.[8] Capitalism, its proponents presume, reflects the world as it

really is, which is why it is the model of political economy that, despite its inherent inequities,

most promises to benefit all in the end. The notion that capitalism is a natural outgrowth of the

way the world happens to be is part of what gives it such staying power. Indeed, the apparent

unquestionability of the arrangements inherent in capitalist political economy functions as a well

reinforced boundary that keeps us from imagining a world arranged any other way. But

capitalism has not always been with us, and need not always be.

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[7] Marx, *Capital, Volume 1*, 873.
[8] William Graham Sumner, "William Graham Sumner on Social Darwinism" in *Voices of Freedom: A Documentary History, Volume 2* (Fifth Edition), ed. Eric Foner (New York: W.W. Norton & Co., 2017), 35-39.

Emerging in tandem with liberal, individualistic conceptions of personhood, capitalism

hinges on freedom from state interference in economy, on the one hand, and freedom for the

unfettered disposal of one's self and property, on the other. The reality, however, is that the

"freedom" of capitalism both depends upon and proliferates unfreedom on a massive scale.

Indeed, contrary to capitalism's mythological origin story, the history by which many of the

world's societies and economies were transformed from feudal to capitalist ones starting in the

early modern era—a process that accompanied colonial expansion, proliferated slavery and

industrialization, and that more thoroughly fractured populations into owners and laborers,

possessors and dispossessed—is a history, Marx writes, written "in letters of blood and fire."[9]

Massive disparities in wealth, along with massive, organized resistance to such disparities in

practically all capitalist societies over the last four hundred years, is evidence that capitalism

does not benefit everyone, and indeed that freedom and abundance for a few not only creates but

depends upon unfreedom and scarcity for many.[10]

Most commentators conceptualize the built-in polarities of capitalism—abundance and

scarcity, possession and dispossession, freedom and unfreedom—as strictly "economic" matters.

The social and political relationships that capitalism shapes, however, are matters of more than a

narrowly conceived idea of economic "class" alone. As scholars of the black radical tradition

help us perceive, the history of capitalism's accumulation and violence is also a racial history,

which is to say that capitalism is always already "racial capitalism."[11] There is, as historian

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[9] Marx, *Capital, Volume 1*, 875.

[10] For histories of resistance to capitalism, see: Federici, *Caliban and the Witch*; Cedric J. Robinson, *Black Marxism: The Making of the Black Radical Tradition* (Chapel Hill, NC: University of North Carolina Press, 2000). My account of capitalism here and throughout the project does not attend specifically or equally to each of its stages, from agrarian to merchant to industrial to global, late, and neoliberal, but rather attends to the more general dynamics inherent in capitalist political economy that persist across its various stages.

[11] The flagship text of this scholarship is Cedric J. Robinson, *Black Marxism: The Making of the Black Radical Tradition* (Chapel Hill, NC: University of North Carolina Press, 2000).

Robin D. G. Kelley puts it, "no such thing as non-racial capitalism."[12] Because capitalism was from its origins and is today a thoroughly racial (and, as we will see, gendered) way of arranging the world and the modes of relation that comprise it, the pillars of capitalism—conquest, colonization, dispossession, slavery, and environmental destruction—are at the same time and for the same reasons the pillars of white supremacy. The concrete shape that capitalism takes in the world is and always has been fundamentally racial.[13]

But in what ways, specifically, do race and capitalism fuse to such an extent that it is possible to speak of racial capitalism as capitalism's most basic form? Building off the work of scholars of racial capitalism and European colonialism, I argue that race and capitalism fuse fundamentally in two primary senses: first, capitalism emerged and persisted as an order that took particular shape according to already existing proto-racial differentiations that, second, through the global proliferation of European colonialism, became absolutized and systematized as "racial" in the modern sense that we understand it today, namely, as a mark of essential (as opposed to incidental) difference deployed as a basis for determining value and distributing power hierarchically.

Starting with the first point, Cedric Robinson, who first elaborated and popularized the term "racial capitalism," argues that racial differentiation does not appear for the first time with Europe's colonial relation to non-European peoples, the transatlantic slave trade, or as an accidental byproduct of chattel slavery. Rather, Robinson argues, early forms of "racialism" and its differentiations have their "genesis" with relations "internal" to feudal Europe, including through racialized relations between normatively defined Europeans and their inter-European

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[12] *Robin D. G. Kelley – What is Racial Capitalism and Why Does it Matter?* YouTube video, 1:26:46, from a lecture recorded at the University of Washington, Seattle, Washington on November 7, 2017, posted by KODX Seattle, November 18, 2017, https://www.youtube.com/watch?v=--gim7W_jQQ.
[13] Ibid.

"immigrant" others (including Slavic, Irish, and Jewish peoples, among others), thereby impacting the inequitable form that labor would take under capitalism both within and beyond Europe.[14] As an inherent and "enduring" feature of European civilization itself, Robinson argues, racialism was a fundamental component of European order well before the origin of capitalism, which is why, when it did emerge, "capitalist society pursued essentially racial directions."[15] Capitalism, in other words, entered the world racially by utilizing already existing racial or proto-racial ways of perceiving and differentiating peoples as a means of organizing its work of expropriation and exploitation.[16]

But the "racial" in racial capitalism should be understood as more than just a matter of the deployment of notions of race that pre-existed capitalism. Through its emergence and its sedimentation as a fundamental feature of social order in the west, capitalism, together with European colonialism and chattel slavery, *re*produced racial categories by systematically absolutizing and essentializing them. In so doing, European colonialism and racial capitalism—particularly through the European enslavement, commodification, and global trade of African peoples—deepened and expanded the meaning and power of race, fundamentally restructuring the world and its peoples, and our understandings of them, in the process. Attending more closely to the intertwining of colonialism, capitalism, and slavery—particularly as they took on new global breadth in the seventeenth and eighteenth centuries—will help us understand more precisely this process of race's redefinition and reconstitution.

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[14] Cedric Robinson, *Black Marxism*, 2-4. The term "racial capitalism" was first used by both architects of South African apartheid and members of movements against it. Robinson elaborated the term into an analytic frame for understanding the shape of capitalism in a more thoroughly global sense. For more on racial capitalism, see: *Robin D. G. Kelley – What is Racial Capitalism and Why Does it Matter?*

[15] Cedric Robinson, *Black Marxism*, 2, 28.

[16] As I establish more thoroughly in what follows, I use "proto-racial" to describe what Robinson calls "racialist" concepts that were operative before the formation of more modern conceptions of race, which take root around the beginning of the eighteenth century.

Slavery in its many forms is nearly as old as civilization itself, but it was Europe, and later Europe's Atlantic and American colonies, that expanded slavery into a global phenomenon that served as a cornerstone of European and European-American political and economic power.[17] As early twentieth century black radical scholar and activist W. E. B. Du Bois writes, "The using of men for the benefit of masters is no new invention of modern Europe. It is quite as old as the world. But Europe proposed to apply it on a scale and with an elaborateness of detail of which no former world ever dreamed. The imperial width of the thing,—the heaven-defying audacity—makes its modern newness."[18] The European nation of Portugal began capturing and forcibly enslaving Africans in the middle of the fifteenth century. By the early sixteenth century, Portugal and Spain began colonizing land and indigenous peoples beyond their own boundaries, including in the "New World" of the Americas, by expropriating the forced labor of the African peoples they enslaved and shipped there as human cargo, a process essential to the forms of settler colonialism that would proliferate across the globe in the centuries to come.[19] Starting in the late sixteenth and early seventeenth centuries, Dutch, French, and English colonizers entered the slave trade in pursuit of their own colonial expansions across the globe.[20] Historians estimate that European and European-American colonizers shipped approximately 12.4 million African people across the Atlantic between the late fifteenth and the late nineteenth century. Approximately 1.8 million Africans died in the "middle passage," and many millions more died early deaths as a result of the many forms of violence that Europeans and European-Americans

[17] Ancient and medieval peoples on the continent of Europe also enslaved other Europeans. See Cedric Robinson, *Black Marxism*, 9-28.

[18] W. E. B. Du Bois, *Darkwater: Voices from within the Veil* (New York, NY: Verso, 2016), 24.

[19] This double work of displacing native peoples and expropriating the labor of enslaved peoples on native people's lands—the origin story of the United States of America—is not an aberration but the foundation of settler colonialism in practically all its forms. See: Patrick Wolfe, *Traces of History*.

[20] Hugh Thomas, *The Slave Trade: The Story of the Atlantic Slave Trade: 1440-1870* (New York, NY: Simon & Schuster, 1997); Robin Blackburn, *The American Crucible: Slavery, Emancipation and Human Rights* (London: Verso, 2013).

inflicted on enslaved peoples.[21] European peoples' enslavement and global trade of African peoples quite literally reordered the world by depleting African nations of people, power, and resources, and transferring them into means of the economic and political empowerment of European and European-American peoples.[22] It was, in Du Bois's words, the "most magnificent drama in the last thousand years of human history."[23]

European powers captured and shipped Africans to colonial outposts as indentured servants and slaves because colony-building required labor cheap enough to yield a profit. The Atlantic slave trade was a cornerstone of global capitalism.[24] As historian Walter Johnson writes, "the history of capitalism makes no sense separate from the history of the slave trade and its aftermath. There was no such thing as capitalism without slavery…."[25] England's colonial-capitalist settlement of the West Indies and American coastal and island regions began in the early seventeenth century. Before they transitioned fully to a system of chattel slavery as their primary source of labor, however, England and its colonies also utilized a system of indentured servitude, importing many of its laborers from within Europe itself. Among the European indentured servants shipped across the Atlantic were English commoners dispossessed by early agrarian capitalist enclosure who were subsequently criminalized by labor and vagrancy laws and held captive in prisons and workhouses throughout England.[26] As one example, in 1606, English investors formed the Virginia Company, which was, in the words of its chief chronicler,

[21] Marcus Rediker, *The Slave Ship: A Human History* (New York, NY: Penguin, 2007), 5.
[22] W. E. B. Du Bois, *Black Reconstruction in America: 1860-1880*, 1. ed (New York, NY: The Free Press, 1998).
[23] Du Bois, *Black Reconstruction in America, 1860-1880*, 727.
[24] For more on the relationship between capitalism and chattel slavery, see: Edward E Baptist, *The Half Has Never Been Told: Slavery and the Making of American Capitalism* (New York, NY: Basic Books, 2016); Walter Johnson, *River of Dark Dreams: Slavery and Empire in the Cotton Kingdom* (Cambridge: Belknap Harvard, 2017); Eric Eustace Williams, *Capitalism & Slavery* (Chapel Hill: University of North Carolina Press, 1994); Robinson, *Black Marxism*.
[25] Walter Johnson et al., *Race Capitalism Justice (Forum 1)*, 25.
[26] Marx, *Capital, Volume 1*, 896-904; Linebaugh and Rediker, *The Many-Headed Hydra*.

"primarily a business organization with large sums of capital invested by adventurers whose chief interest lay in the returns expected from their investment."[27] Advocates of the company successfully sold its cause to the leaders and people of England by casting the proposed Virginia colony as an opportunity for fulfilling both the religious obligation to convert "savages" and the national duty to expand English dominion.[28] But the most emphatic and successful justification for colonial expansion was that it served as an opportunity to solve England's growing social problems by ridding the nation of what Richard Hakluyt, a foremost advocate for English colonization, called the "swarmes of idle persons"—meaning vagrants and criminals—that burdened the nation. As the Virginia Company put it in their appeal to authorities and business leaders in London, their venture would "ease the city and suburbs of a swarme of unnecessary inmates, as a contynual cause of death and famine, and the very orginall cause of all the plagues that happen in this kingdome."[29] In accordance with the growing consensus of elites, forced labor in the colonies was sold as a remedy, like workhouses and houses of correction, for punishing, disciplining, and correcting allegedly criminally disposed working class and underclass populations. As Hakluyt argued, colonial plantations like Virginia would function as a "prison without walls."[30] In addition to correcting the moral, political, and economic abnormalities of England's idle vagrants, sending these "unnecessary" populations overseas would serve as a remedy not only for those shipped, but for those finally rid of their presence back at home in

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[27] Quoted in Linebaugh and Rediker, *The Many-Headed Hydra*, 15.
[28] Ibid.
[29] Quoted in Linebaugh and Rediker, *The Many-Headed Hydra*, 16. Historian William Carroll notes that "swarm" was a common metaphor widely used to depict dispossessed peoples in the early modern period. William C. Carroll, "'The Nursery of Beggary': Enclosure, Vagrancy, and Sedition in the Tudor-Stuart Period" in Richard Burt and John Michael Archer, eds., *Enclosure Acts: Sexuality, Property, and Culture in Early Modern England* (Ithaca: Cornell University Press, 1994), 39.
[30] Quoted in Linebaugh and Rediker, *The Many-Headed Hydra*, 20.

England. Using England's expendable peoples in service of English colonialism, its advocates and investors reasoned, was a win-win for all involved.

As the plantation model proliferated in colonial America over the course of the seventeenth century, so did the need for a greater supply of cheap labor to maintain it. Indentured servitude, the primary means of labor in colonial America up to that point, could no longer satisfy the needs of colonial capitalism. The reason was essentially twofold. On the one hand, according to indentured servitude's design, after a period of only a few years, laborers completed their terms of service and either became or expected to become upwardly mobile landowners, thereby ceasing to supply the cheap labor needed to render the profits necessary for further colonial expansion.[31] In addition to the problem of completed terms of service, widespread solidarity and resistance among indentured servants of both European and African descent, as well as enslaved Africans and poor wage laborers of European descent, made indentured servitude an insufficient means of labor for plantation owners.[32] Indeed, resistance to English colonial expropriation began before some of the vessels carrying dispossessed peoples ever reached Virginia's shores. As historians Peter Linebaugh and Marcus Rediker show, the dispossessed and criminalized working class and underclass "hands" that steered the Virginia Company across the Atlantic, though coming from different places and backgrounds, unified in multiple acts of resistance to their overlords, rejecting poor wages and treatment. In response to these acts of resistance, colonizers developed legislation that sanctioned terror and death as a means of controlling laborers disposed to a freedom that contradicted the terms of their service.[33]

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[31] Edmund S. Morgan, *American Slavery, American Freedom: The Ordeal of Colonial Virginia* (New York: W.W. Norton & Co, 2003). 295-315.

[32] Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (New York, NY: The New Press, 2012), 23. See also: David Roediger, *How Race Survived U.S. History* (London: Verso, 2010); Linebaugh and Rediker, *The Many-Headed Hydra*; Morgan, *American Slavery, American Freedom*.

[33] Linebaugh and Rediker, *The Many-Headed Hydra*, 8-35.

In addition to these and many other transatlantic rebellions, during the early years of the American colonies, including in Virginia, indentured servants of European and African descent, enslaved Africans, and poor bond laborers of European descent banded together on more than one occasion to reject their shared state of exploitation and servitude, most famously in Bacon's Rebellion in 1675-76.[34] After burning and looting parts of Jamestown and the estates of Governor Berkeley and his supporters, authorities ultimately put down the rebellion in early 1677. Many rebels were falsely promised freedom only to be re-enslaved, while others met their end on the gallows.[35] Though the rebellion was ultimately defeated, it inspired a series of similar rebellions across the colonies in the years that followed.[36] The blow these rebellions dealt to the plantation system, however, led planters to accelerate the transition from reliance upon European and African indentured servitude as their primary source of cheap labor to the forced enslavement of Africans by way of the Atlantic slave trade. Utilizing forced African slavery as its primary labor source, it was thought, would not only circumvent the threats of coalitional rebellions like Bacon's by socially separating Africans from Europeans, but would supply a self-renewing labor force that would enable planters to more freely and rapidly grow their wealth. Toward this end, planters in colonies like Virginia developed and passed legislation in the late seventeenth century that retained limits on servitude for people of European descent, but eliminated them for people of African descent, even going so far as to deem that any child born of a woman of African descent was, by definition, born into the status of slavery, thereby

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[34] In spite of the fact that an initial basis of the rebellion was Governor Berkeley's refusal to equip Bacon with a militia to further dispossess Native Americans and settle their territories, the interests of many of those who participated transcended these concerns, making it a significant event, not only for its peculiar unifications, but for the reverberations it would set off in colonial America, and indeed around the world. For more, see: Roediger, *How Race Survived U.S. History*, 5-10, 19-21; Linebaugh and Rediker, *The Many-Headed Hydra*, 136-137.
[35] Linebaugh and Rediker, *The Many-Headed Hydra*, 136-137; Roediger, *How Race Survived U.S. History*, 5-10, 19-21; Alexander, *The New Jim Crow*, 24-25; Ladelle McWhorter, *Racism and Sexual Oppression in Anglo-America: A Genealogy* (Bloomington: Indiana University Press, 2009), 66-77.
[36] Linebaugh and Rediker, *The Many-Headed Hydra*, 135-139.

commodifying African women's reproductive labor.[37] By the early eighteenth century, roughly

thirty years after Bacon's Rebellion, colonies including Virginia, South Carolina, and Maryland

had transitioned almost entirely from indentured servitude to a system of African slavery.[38] By

the 1770s, one hundred years after the rebellion, and before American independence from British

rule, African slavery predominated throughout all the American colonies.[39]

It was in pursuit of legitimating, legalizing, implementing, and then maintaining lifelong

African enslavement that European-American planter elites contributed to the formation of new

and more absolute notions of race. Prior to the eighteenth century, discourse on "race"

presupposed a meaning quite different from what people understood the term to mean by the

middle of the eighteenth century, and what we understand the term to mean today.[40] According

to philosopher Ladelle McWhorter, predominant ideas of race in the seventeenth century referred

not to physical or biological difference—to traits of embodiment—but rather to "language,

tradition, and custom," to "lineage" or "cultural heritage."[41] Faced with the threat of "a general

uprising and a destabilization of the colonial economy" through coalitional working class and

underclass rebellions and the upward mobility of former servants, the ruling European-American

colonial class of the early eighteenth century pursued the security of the plantation system by

legally defining and separating peoples according to "bodily marks" that planters and lawmakers

defined as signifiers of "the essence of racial membership."[42] In other words, whereas race

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[37] Theodore Allen, *The Invention of the White Race, Volumes 1-2*, Second edition (London: Verso, 2012); Morgan, *American Slavery, American Freedom*; David R. Roediger, *How Race Survived U.S. History: From Settlement and Slavery to the Obama Phenomenon* (London: Verso, 2010).

[38] Roediger, *How Race Survived U.S. History*, 5.

[39] Alexander, *The New Jim Crow*, 25.

[40] As historian Patrick Wolfe observes, "the mere fact that people have differentiated between human collectivities does not mean that they have been imbued with the discursive formation that today we call 'race.'" Wolfe, *Traces of History*, 7.

[41] McWhorter, *Racism and Sexual Oppression in Anglo-America*, 59.

[42] Ibid., 73.

before the eighteenth century referred to general differences in language and culture, European

colonialism and capitalism helped facilitate the transformation of "race" into what historian

Patrick Wolfe defines as a "classificatory concept" whose function was to distribute value

hierarchically by linking "physical characteristics" to "cognitive, cultural, and moral" essences.[43]

What this means is that absolute racial differentiation, from its eighteenth-century origins, is not

a matter of neutral, objective identification of human difference, but is, rather, a "Eurocolonial"

strategy for coming into profitable possession of the world and its peoples, a strategy that

European powers like England carried out by claiming land and displacing indigenous people

from it, on the one hand, and by expropriating the labor of captured African peoples to produce

profit on that land, on the other.[44] The concept and deployment of modern "race" comes into

being through European colonialism. As Wolfe puts it, "race is colonialism speaking."[45]

Europe's colonial conquests, as Michael Omi and Howard Winant put it, inaugurated

"racialization on a world-historical scale."[46] By absolutizing, essentializing, and systematizing

already existing racial or proto-racial distinctions in pursuit of political and economic power over

the world, ruling class elites of European descent gave the idea of race a power it did not

theretofore possess.

 The new, more absolute notions of racial difference forged within Eurocolonial

capitalism ultimately hinge, however, not on an abstract conceptualization of race in general but

on the forging of what would come to be known as whiteness in particular. Before the middle of

the eighteenth century, there existed identities rooted in citizenship or belonging to European

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[43] Patrick Wolfe, *Traces of History*, 7.
[44] Ibid.
[45] Ibid., 5.
[46] Michael Omi and Howard Winant, *Racial Formation in the United States*, Third edition (New York: Routledge/Taylor & Francis Group, 2015), 114.

nations and cultures, but there was not yet any coherent global concept of "white" identity as such. Indentured servants and wage laborers of European descent in the American colonies throughout the seventeenth through nineteenth centuries arguably had as much if not more in common with indentured servants and enslaved people of African descent than they did with the European-American plantation owners that exercised power over them all. And yet, planters helped to fracture the possibility of further European-African solidarity by giving laborers of European descent a sense of "racial" belonging—tethered to morphological distinctions as signs of absolute difference—that would ultimately eclipse any sense of shared interest with other oppressed peoples, a sense of belonging that Du Bois calls a "public and psychological wage."[47] Planters helped to concretize this sense of belonging during the eighteenth and nineteenth centuries by limiting African Americans' ability to do practically anything outside European-American supervision, in part by granting European-American laborers supervisory policing powers over enslaved Africans, as well as through legal protections, economic privileges, and political power that they systematically withheld from African peoples. Through these deliberately inequitable distributions of power, whiteness became, both de jure and de facto, an inherently valuable identity and power in relation to which non-European peoples—African and Native American peoples in particular—were racially defined and disempowered. Indeed, both here at their points of origin and beyond, the constructed supremacy of whiteness and the constructed inferiority of blackness and other forms of non-whiteness are mutually dependent— two sides of the same coin. "The valorizing of whiteness," philosopher Robert Birt writes,

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[47] As Du Bois shows, this same dynamic solidified racial distinction after the formal end of chattel slavery when white workers once again chose whiteness over what they shared in terms of class solidarity with formerly enslaved Africans, thereby helping to guarantee that the "color line" would indeed become the problem of the twentieth century, as he earlier prophesied in his *Souls of Black Folk*. Joel Olson, *The Abolition of White Democracy* (Minneapolis: University of Minnesota Press, 2004).

"entails the devaluation of blackness."[48] Indeed, the history of the United States of America is one in which the free, white, male propertied citizen and his non-citizen, non-propertied African American and Native American "others" were, in historian David Roediger's words, "fashioned together."[49] By forging this psychological sense and material fact of racial (and citizenship) belonging and exclusion, rooted first in morphology (and later biology), European-American colonialists and capitalists of the eighteenth and nineteenth centuries gave the racial differentiations that revolve around whiteness a power that persists to this day.

Racial Religion, Racial Philosophy, Racial Science

The pursuit of economic and political power played a foundational role in extending by absolutizing racial categories. Indeed, these new, more absolute racial distinctions would not have emerged and taken hold apart from their material enactment in the form of deliberately inequitable distributions of power. It was not, however, simply the raw interplay of social forces alone that led to the modern reproduction of race centered around the supremacy of whiteness. The eighteenth-century construction of whiteness as an inherently valuable and superior social position and possession depended at the same time upon religious, philosophical, scientific, and cultural discourses that accompanied those social processes and that helped define all forms of non-whiteness—and blackness in particular—as inherently inferior in every dimension of life.

As we began to see above and will see more thoroughly in the remainder of this chapter, early colonial ventures were conceptualized as endeavors that synthesized Christian theological rationales with political and economic pursuits. Indeed, theologians Willie Jennings and J.

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[48] Robert Birt, "The Bad Faith of Whiteness" in George Yancy, ed., *What White Looks like: African-American Philosophers on the Whiteness Question* (New York: Routledge, 2004), 61-62.
[49] Roediger, *How Race Survived U.S. History*, 81.

Kameron Carter argue that whiteness is not simply a secular social phenomenon that subsequently gets theologized as a way of justifying colonialism and plantation capitalism; rather, the history of its emergence shows that whiteness comes into existence as a theological concept in itself. For Jennings, the modern idea of race is distinctly Christian in origin. Ecclesially sanctioned and theologically reasoned, European colonial conquest beginning as early as the fifteenth century gave birth to what Jennings calls a "diseased Christian social imagination": a European and theological way of viewing, ordering, and exercising power over the world "from the commanding heights."[50] Tethering Christian theological reasoning with European identity and power, colonial conquest consisted most fundamentally in acts of displacement that reconfigured "space and bodies, land and identity" according to a racial "scale of existence" organized around what would come to be recognized as whiteness.[51] This racial and spatial reconfiguration constitutes a "theological operation," Jennings argues, because it was carried out by conjoined ecclesial and political power that did its work according to a theological vision that claimed the pseudo-godlike ability to discern salvific potential in peoples and places conceived racially. Standing between bodies and land, Jennings writes, the colonizing European "adjudicates, identifies, and determines" peoples and places according to the superiority of European ways of thinking and doing over against nonwhite ones. These acts of colonial expropriation and "displacement," Jennings writes, were not abstract, but fundamentally concrete: by separating peoples from places, and transforming those places into "raw, untamed

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[50] Willie James Jennings, *Christian Imagination: Theology and the Origins of Race* (New Haven: Yale University Press, 2011), 6-8.

[51] Jennings locates the origins of "whiteness" as a clear, established, and coherent category earlier than my analysis—and Carter's—does. While the germination of what would become whiteness certainly takes place in and through late medieval colonialism, it is arguably not until the late seventeenth or early eighteenth century that what the notion of "whiteness" comes into existence as a functioning category. Thus, in striving for historical precision, what Jennings calls at this late medieval junction a matter of "whiteness," I call a matter of "what would come to be recognized as whiteness." Despite this difference, Jennings's groundbreaking text still very much fits within—and indeed helped inspire—my analysis.

land," European colonists deployed a "distorted vision of creation" that situated place-transcending whiteness at its center.[52] Thus, this European Christian "vision" of creation was a vision in which European Christians were understood to possess powers akin to God. In Jennings' words, through their colonial transformation of the relationship between peoples and places, European Christians "performed a deeply theological act that mirrored the identity and action of God in creating."[53] In other words, just as God is revealed through the divine action of creation, so European Christians' action in the world reveals European-ness to be a pseudo-divine "creative authority" that both conceptually and materially *re*creates the world according to its "boundary-less" supremacy.[54]

Like Jennings, J. Kameron Carter argues that race in general, and whiteness in particular, are, from their origins, distinctly theological phenomena. While Jennings focuses on late medieval and early modern European colonialism, Carter focuses on the emergence of race as a core feature of modernity itself. On Carter's account, Christian theological reasoning provides the "inner architecture of modern racial reasoning."[55] The modern idea of "race," and the "racial imagination" with which the modern west views and orders the world, Carter argues, comes about as a direct result of Christianity's "quest to sever itself from its Jewish roots," which Carter suggests happens in two steps. First, Jews were "cast as a race group in contrast to Western Christians." This is the "racial" distinction, the result of which is that Christian-ness and Western-ness became more or less synonymous.[56] Indeed, before people of European descent were ever recognized as "white," the title by which they were most commonly named was

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[52] Jennings, *The Christian Imagination*, 43.
[53] Ibid., 60.
[54] Ibid., 60, 37, 31.
[55] J. Kameron Carter, *Race: A Theological Account* (Oxford: Oxford University Press, 2008), 5.
[56] Ibid., 4.

simply "Christian."[57] The modern racial concept of "white" was, from its very origins, a "moral attribute."[58] Second, having been racialized, Jews were cast as inferior and Christians superior, which Carter calls the "racist" distinction.[59] As a result, whiteness "came to function as a substitute for the Christian doctrine of creation, thus producing a reality into which all else must enter."[60] As such, Carter argues, whiteness should be understood as the power to "re-create" the world "in the image of white dominance, where 'white' signifies not merely pigmentation but a regime of political and economic power for arranging (*oikonomia*) the world."[61] The world that whiteness arranges is one in which the exclusive possessors of whiteness are granted special access to social, political, and economic powers that are withheld from those non-white others whose exploited labor provides the means for white power in the first place.[62] Carter argues that modern racial reasoning as a form of Christian theological reasoning is most clearly discernible in the thought of Enlightenment philosopher Immanuel Kant. In Kant's work, Carter writes, we can discern a "vision of modernity" in which "the social process of Enlightenment is both a racial vision and a particular kind of theological vision." Deploying a Christian supersessionist framework that associates Jewishness with earthbound facticity and deviance, on the one hand, and that associates Christianity with universality, transcendence, and morality, on the other, Kant deploys the image of Christ transcending his Jewish flesh in order to articulate the Enlightenment

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[57] As McWhorter writes: "in 1705 Virginians did not as yet refer simply to 'white people'; they resorted to a religious category—'Christian'—and a list of disjuncts—not negro, not mulatto, not Indian." McWhorter, *Racism and Sexual Oppression in Anglo-America*, 74.

[58] Federici, *Caliban and the Witch*, 107.

[59] Carter, *Race: A Theological Account*, 4.

[60] Ibid., 5.

[61] Ibid., 35. The Greek term "oikonomia" refers to the ordering of a household or economy. For more on the term, see M. Douglas Meeks, *God the Economist: The Doctrine of God and Political Economy*.

[62] For a detailed exploration of the many ways whiteness guarantees access to resources and power withheld from others, see: George Lipsitz, *How Racism Takes Place* (Philadelphia: Temple University Press, 2011); George Lipsitz, *The Possessive Investment in Whiteness: How White People Profit from Identity Politics*, Rev. and expanded ed (Philadelphia: Temple University Press, 2006).

project of "perfection" not as the perfection of humanity in general but as the perfection of humanity at its moral and developmental apex: the white race.[63] Carter's account of the theological formation of race shows that race is not adequately understood as a purely secular social or political category. On the contrary, race is best understood as a theological or "theopolitical" category because it comes into existence through a "pseudo-theological" imagination that rearranges the world—socially, politically, economically, culturally—according to the supremacy of peoples of European descent.

The Eurocolonial project—a social, political, economic, and cultural project—was also a Christian religious project that deployed explicitly theological rationales as part of its enactment. As a chief cornerstone of European colonialism from its beginnings, the Atlantic slave trade and the slaveholding agents of plantation capitalism also conceptualized and maintained the institution of chattel slavery in and through Christian theological and biblical reasoning. Thanks to the popular thought and writing of European colonialists, Christian religious leaders, and political philosophers, slave-owning elites in the eighteenth century justified their capture and expropriation of African life and labor by proclaiming as self-evident that African peoples were inherently disposed to servitude because they were allegedly incapable of the rational, self-possessing freedom that characterized European peoples. Being literally incapable of freedom (defined in individualist and liberal European terms), colonial elites argued, African peoples pose a threat to social order if unrestrained. They argued, therefore, that it was in the best interest not only of European peoples but of Africans themselves to be held in bondage, as freedom would not suit their natural, God-given dispositions.[64] Slave-owners further legitimated the practice of

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[63] Carter, *Race: A Theological Account*, 81, 90. For a further exploration of whiteness as developmental apex of the human species, see: McWhorter, *Racism and Sexual Oppression in Anglo-America: A Genealogy*.

[64] Alexander, *The New Jim Crow*, 25-26; James A. Morone, *Hellfire Nation: The Politics of Sin in American History* (New Haven: Yale University Press, 2003), 169-182. For one example of slave-owning biblical and theological

owning and enslaving Africans and expropriating their forced labor by leaning upon the

authority of Christian scripture that seemingly commands slaves to "obey their masters" and that

requires all people to submit to God-ordained governing authorities—governing authorities that,

in the eighteenth and nineteenth centuries, established the legality of owning African peoples as

chattel slaves.[65]

In addition to explicitly and implicitly Christian theological and philosophical rationales,

modern forms of racial differentiation further evolved with the help of discourses that utilized

scientific forms of reasoning to defend the institution of chattel slavery and the racial oppression

inherent in it.[66] Subsequent to the articulation of race as a matter of physicality or morphology

arising out of the interests of planter elites, the advent and development of the branch of the

sciences called natural history gave the category of race an air of scientific legitimacy by

articulating and situating race—as a matter of "skin color, hair texture, facial structure"—within

systems of racial classification in the same way that science classifies animals, species, plants,

and so on.[67] The most famous natural historian was Carolus Linnaeus, whose *Systema Naturae*,

revised and republished many times throughout his life, set out to classify all of the natural world

in accordance with the order established by the creator God. For Linnaeus, "nature is continuous,

without gaps," which, in turn, means that "species have real essences that are immutable,"[68]

essences, finally, that are observable in nature, and in humans, morphologically. Linnaeus

articulated four human varieties: Americanus, Europaeus, Asiaticus, and Africanus, which he

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reasoning, see: Richard Furman, "Exposition of the Views of the Baptists Relative to the Coloured Population of the United States in Communication to the Governor of South Carolina," Charleston, 1823. Reprinted in James A. Rogers, *Richard Furman: Life and Legacy* (Macon, GA: Mercer University Press, 1985), 274-286.

[65] Albert J. Raboteau, *Slave Religion: The "Invisible Institution" in the Antebellum South*, Updated ed (Oxford: Oxford University Press, 2004), 213, 295.

[66] See also: Terence Keel, *Divine Variations: How Christian Thought Became Racial Science* (Stanford, California: Stanford University Press, 2018).

[67] McWhorter, *Racism and Sexual Oppression in Anglo-America*, 77-79.

[68] Ibid., 80.

accounts for by way of morphological differences made possible by geography and climate. Linnaeus's scientific racialism would inform generations of other racial—racist—scientists after him.

In the wake of discourses that tabulated racial essences morphologically, race came to be understood in terms not just of surface-level physicality but of biology. Morphological conceptions of race fix race as something essentially real in the "physical structure" of bodies—literally, in facial shapes, hair texture, skin color, and so on.[69] In the transition from morphological racism to biological racism, philosopher Ladelle McWhorter argues, race comes to be conceived in terms of development—a key concept in biology—which helped to transform race into a phenomenon "characterized by normality, deviance, or pathology,"[70] a matter of how racial difference corresponds with different ways of acting in the world. As McWhorter writes, "race came to be a matter of function, not structure per se: differently raced bodies *behaved* differently."[71] By defining physical, moral, and cultural normativity in terms of the traits and capacities associated with "white" people—people of European descent—and abnormality in terms of the traits and capacities associated with nonwhite peoples, anthropologists and scientists in the nineteenth century contributed to the idea that racial difference marks the "relative success or failure in a biological march toward social and moral as well as physical perfection."[72]

If nonwhite people behaved differently—meaning they have limited moral capacities—then social and political institutions that kept non-white people in line were essential to the smooth functioning and survival not just of society but of the species as a whole. In the early nineteenth century, doctor, anthropologist, and scientist Samuel George Morton developed a

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[69] Ibid., 97
[70] Ibid., 96.
[71] Ibid.
[72] Ibid., 115.

theory that allegedly showed that the characteristics that comprise racial difference—the degenerate savagery of blackness, the evolved civility of whiteness—are inherent and unchangeable. Morton eagerly deployed his research for the sake of the pro-slavery movement, which, quite concretely, enabled South Carolina senator John C. Calhoun to argue that civilized society's only hope for survival and prosperity was the physical and economic subordination of naturally inferior populations.[73] Another purveyor of pseudo-scientific racism was Dr. Samuel Cartwright, a physician, slaveholder, and professor at the University of Louisiana. According to historian David Roediger, the work of Cartwright (and others like him) shows how the imperatives of "mastering" and "improving" enslaved people meshed in the form of the industry enterprises of "race management." In the process of tabulating the allegedly natural biological characteristics of African peoples, Cartwright developed a theory of two major "pathologies" that he argued beset the people he enslaved, pathologies that ultimately hurt his bottom line: *drapetomania*, a "disease causing negroes to run away," and *dysaesthesia Aethiopica*, which was when one was "half-asleep" when they should be laboring. As both a physician and enslaver, Cartwright also proposed remedies for these fictional pathologies, including "preventively…whipping the devil" out of enslaved people who show signs of the "pathological" desire to run away.[74] Together with religious and cultural justifications that established the superiority of whiteness and the inferiority of non-whiteness in all its forms, scientific racism contributed concretely to securing racial slavery and oppression against increasingly widespread challenges to it.[75] Moreover, Cartwright, along with Morton and others, show how racial science was deployed in service of a racial capitalism that was not only built upon but helped solidify

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[73] Ibid., 119-120.
[74] Roediger, *How Race Survived U.S. History*, 85-87.
[75] Indeed, such efforts were often developed *in response to* abolitionist freedom movements.

racial hierarchies in the popular imaginaries and political economies of the United States of America.[76] By the early twentieth century, scientific racism took the form of eugenics, forced sterilization, and other practices premised on the idea that race is a biological status, and that mixing non-white with white—both reproductively and socially—threatens the species as a whole.[77] In these ways, over the course of the eighteen, nineteenth, and twentieth centuries, the ruling colonial and owning classes, in tandem with the theological, religious, philosophical, and scientific thinkers among them, contributed to inventing race anew by rooting it in the idea of the natural, physical, moral, intellectual, God-ordained supremacy of "white" peoples in relation to the alleged inherent savagery and inferiority of all non-white peoples, and "black" people in particular.

European and European-American colonialism, capitalism, and slave-owning Christianity were—and are—racial projects because they utilized already existing proto-racial or "racialist" ideas about both European and non-European peoples as a tool for defining and obtaining the world. In so doing, European colonialists and capitalists—with the help of Christian theological, philosophical, scientific, and cultural discourses—*re*produced race in more absolute and systemic ways, making it a more thoroughly sedimented world-encompassing phenomenon than it had been up to that point. Put simply, while racial distinction broadly construed did not begin with Europe's colonial and capitalist encounter with the rest of the world, it is there and then that it took hold in a new way, making race a tool for possession and dispossession, a means of obtaining social, political, economic, and cultural dominance over non-European (and, as we will see, non-propertied European) peoples.

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[76] Roediger, *How Race Survived U.S. History*, 95.
[77] Nell Irvin Painter, *The History of White People* (New York: W. W. Norton, 2011), 256-290.

The lesson of this very abbreviated story of the modern formation of race is that modern

race emerges not as a neutral, value-free, or "prepolitical" descriptor of difference but as a

"strategic" political tool for differentiating and distributing power amongst peoples.[78] It is not the

case, in other words, that "race" first exists as a natural, neutral, or objective fact, and that

"racism" subsequently deploys that neutral fact for ill. On the contrary, counterintuitive as it may

seem, the very category of race in modernity is already premised on "rac*ism*," which is why, as

Patrick Wolfe argues, "racism" is actually redundant: the category of race itself is already "an -

ism," what Robin Kelley calls "a means of structuring power through difference."[79] Produced in

and through European quests for power over the world, the category of race, in Omi and

Winant's words, "is a way of 'making up people'" in service of particular political ends.[80] The

fact that race is not an objective, naturally occurring reality does not, however, mean that it can

be dismissed as illusory and thus inconsequential. Race as a marker of absolute and essential

difference may be a fabrication, but the effects of defining people racially are all too real,

impacting and shaping peoples' lives and the world as we know it in quite concrete ways.[81]

If race in its more absolute, modern form comes into existence not as a neutral descriptor

of different kinds of people but as "a means of structuring power through difference," then race

in general and whiteness in particular cannot be adequately understood today simply by

reference to differences in "identity," or as matters of phenotype or pigmentation alone, in

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[78] Joel Olson, *The Abolition of White Democracy* (Minneapolis: University of Minnesota Press, 2004), 30; Omi and Winant, *Racial Formation in the United States*, 111.
[79] *Robin D. G. Kelley – What is Racial Capitalism and Why Does it Matter?*
[80] Omi and Winant, *Racial Formation in the United States*, 105-112. Omi and Winant are here deploying a phrase by Charles Mills.
[81] As Joel Olson puts it, race "is a constructed but socially significant category." Olson, *The Abolition of White Democracy*, 9. Or, as Omi and Winant write: "While it may not be 'real' in a biological sense, race is indeed real as a social category with definite social consequences." Omi and Winant, *Racial Formation in the United States*, 110. Indeed, beyond a negative descriptor, for nonwhite peoples, race has long been a locus or means of claiming power over against white oppressors.

isolation from the maintenance of capitalist political economy and the anthropological differentiations it requires.[82] As such, whiteness certainly involves but ultimately encapsulates—both conceptually and materially, both in its origins and today—more than "skin color" and "white people" as such. Indeed, whiteness is better understood not merely as a physically marked identity position, but as a mode of exclusive possession that produces "a new social order," a way of arranging the world from beyond the world's limitations.[83] Whiteness stands at the center of a set of social, political, economic, and cultural relations—European colonialism and racial capitalism, and the theological rationales that buttress them—that have fundamentally ordered and reordered the world over the last three to four hundred years, imparting value and distributing power disparately by design, and in so doing unleashing hell upon earth for millions of people. Thus, while in one sense the term "whiteness" today certainly signifies a phenotypically marked, localizable, agential subject position—i.e., "being a white person"—it also must be understood as a supra-agential, institutional force, crystalized and maintained in the fires of colonialism, capitalism, and Christianity, that manages racialized forms of life by ordering the conditions within which they exist.[84]

What all of this means is that if it is true that there is no such thing as capitalism without slavery, as historians of racial capitalism argue, then it is also the case, as Malcolm X put it, that "you can't have capitalism without racism."[85] Capitalism, at it its roots, is a matter not just of

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[82] *Robin D. G. Kelley – What is Racial Capitalism and Why Does it Matter?*
[83] Roediger, *How Race Survived U.S. History*, 22.
[84] On the disciplinary and biopolitical "management" of populations, see: Michel Foucault, *Discipline and Punish: The Birth of the Prison*, trans. Alan Sheridan, 2nd Vintage Books ed (New York: Vintage Books, 1995); Michel Foucault, *Society Must Be Defended: Lectures at the Collège de France, 1975-76*, trans. David Macey (New York: Picador, 2003). On the relationship between race and management, see: David R. Roediger and Elizabeth Esch, "'One Symptom of Originality': Race and the Management of Labor in US History" in David R. Roediger, *Class, Race, and Marxism* (New York: Verso, 2017) and Roediger, *How Race Survived U.S. History*, 64-98.
[85] Malcolm X, Speech at the Militant Labor Forum, New York, New York, May 29, 1964. Malcolm X, *Malcolm X Speaks: Selected Speeches and Statements*, ed., George Breitman (New York, NY: Grove Press, 1965), 69. For a

class division but of racial (and other forms of) differentiation—hence the notion of "racial capitalism."[86] Racial differentiation is not an accidental byproduct of capitalist political economies but is an inherent dimension of the logic of capital accumulation itself.[87] Thus, while modern ideas of race and racism have taken on life of their own beyond the confines of capitalism such that getting rid of capitalism would not automatically rid us of whiteness, race and racism, as we will see in what follows, continue to operate in tandem with capitalist political economies and thus in continuity with their initial formation. Understanding this history of racial formation is important because the power differentials that first corresponded to modern racial categorization in the eighteenth and nineteenth centuries still persist today precisely because they were built into the very foundations of the social, political, economic, and cultural orders with which we still live, even if in evolved forms. What this also means is that the scope of white supremacy and racism cannot be grasped simply as a matter of individual, interpersonal bias or prejudice. Because the racial categories that European quests for unlimited power produce are not natural, objective realities, but "a means of structuring power through difference," racism must be understood not just as personal bias, but as structural and systemic ways of distributing and withholding power. Race is a way of "making up people."[88] As such, race—and whiteness in particular—is also a way of arranging the world.

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similar take from a similar trajectory within the black freedom movement, see: Fred Hampton, "It's a Class Struggle Goddammit!" Speech Delivered at Northern Illinois University, DeKalb, Illinois, September 1969.

[86] Johnson et al., *Race Capitalism Justice (Forum 1)*; Robinson, *Black Marxism*.

[87] Cedric Robinson, *Black Marxism*, 26; Roediger, *Class, Race and Marxism*; *Robin D. G. Kelley – What is Racial Capitalism and Why Does it Matter?*; Nikhil Pal Singh, *Race and America's Long War* (Oakland, California: University of California Press, 2017).

[88] Omi and Winant, *Racial Formation in the United States*, 105-112.

Racial Capitalism, Colonialism, and Gender

You can't have capitalism without racism, but you also can't have either without patriarchy, a point Malcolm X and other figures in the black radical tradition often failed to grasp.[89] In addition to forging by absolutizing the modern idea of race—and whiteness in particular—as we understand it today, the conquests of early and late European-American colonialism and capitalism required, exploited, and helped solidify differentiations based on gender and sexuality. Marxist and Black Radical analyses help us see that capitalism works by displacing and exploiting poor Europeans and European-Americans, by enslaving and dispossessing Africans and indigenous peoples, and by worldwide "war and plunder." But capitalism depends just as fundamentally, political theorist Silvia Federici argues, upon the unique "degradation" and "subjugation" of women as reproducers of the labor force upon which the accumulation of capital depends.[90] According to Federici, the privatization and dispossession of early modern capitalism (introduced above) had particularly negative effects upon women, whose "labor" was increasingly confined to domestic and reproductive spheres where it was monetarily undervalued, thereby forcing women into "a condition of chronic poverty, economic dependence, and invisibility as workers."[91] In the absence of the commons that the enclosures of capitalism transferred into the hands of private landowners, Federici writes, "proletarian women became for male workers the substitute for the land lost to the enclosures, their most basic means of reproduction, and a communal good anyone could appropriate and use at will." Indeed, "*women themselves became the commons*," Federici writes, "as their work was defined as a natural

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[89] Angela Y. Davis, *Women, Race & Class*, 1st Vintage Books ed (New York: Vintage Books, 1983); bell hooks, *Ain't I a Woman: Black Women and Feminism*, Second edition (New York: Routledge, Taylor & Francis Group, 2015); Robin D. G Kelley, *Freedom Dreams: The Black Radical Imagination* (Boston, Mass.: Beacon Press, 2008). Taylor, ed., *How We Get Free*.
[90] Federici, *Caliban and the Witch*, 13, 75.
[91] Ibid., 74-75; 92-96.

resource, laying outside the sphere of market relations."[92] The patriarchal structure of capitalism from its earliest stages meant that women were essential for capital accumulation but remained unrecognized and inadequately remunerated for their contributions to it, leaving them not only dependent upon men and employers, but themselves fundamentally transformed into an exploitable resource. So positioned, women who exercised their agency outside the rigidly defined gender roles of capitalist society were defined and criminalized as inherently immoral and irrational, and thus a threat to the order of things. It is within such a context, Federici shows, that we can better understand the witch-hunts of Europe and the Americas as an expression of a capitalist patriarchy threatened by women who fail to embrace the dependence that a patriarchal social, political, and economic order requires.[93]

Together with race and racism, capitalism thrives on the basis of patriarchy: the political economy based on the accumulation of capital utilizes already existing European notions of race and gender, and in so doing reproduces and deepens such notions and their power in structuring the conceptual and material underpinnings of the social order of things. Combined with the solidification of racial categories in early modern capitalism, the original accumulation at the heart of capitalist political economy is an accumulation not just of labor and capital, Federici shows, but "an accumulation of differences within the working class" through which racial and gendered hierarchies constitute modes of class rule.[94] As Kelley puts it, extending Marxist theorist Stuart Hall's formulation, "race and gender are modalities in which class is lived."[95] Put otherwise, capitalism helps both produce and reproduce—precisely because it depends upon— anthropological differentiations that, far removed from the time of their formation and

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[92] Ibid., 97.
[93] Federici, *Caliban and the Witch*.
[94] Ibid., 63-64.
[95] *Robin D. G. Kelley – What is Racial Capitalism and Why Does it Matter?*

crystallization, now seem natural, neutrally descriptive, and original, but are in fact anything but. The anthropological categories that capitalism reproduces, absolutizes, and exploits for its maintenance—differentiations of race and gender in particular—are not neutral mechanisms of description but products of European and European-American quests for power. In Kelley's words, "Race and gender are not incidental or accidental features of the global capitalist order; they are constitutive. Capitalism emerged as a racial and gendered regime."[96]

In the context of the United States, the combination of racial and gender oppression at the heart of the colonial, plantation capitalist project is first seen most clearly in the experiences of enslaved African women. The institution of chattel slavery operated on the basis not only of racial categorization and oppression but patriarchal oppression. As the property of white slaveowners, black men and women were both instruments at the complete disposal of planters who used their labor and their bodies for accruing wealth from which they would ultimately be excluded. To be black *and* woman, however, was—and indeed *is*—to be subject to multiple forms of oppression at once. Black feminist and womanist scholars show that it is neither racism alone, sexism alone, nor classism alone, but all three that create the multidimensional oppressions that black women experience in unique ways. As womanist theologian Katie Cannon shows, in the context of chattel slavery, as property, black women were defined in animalistic terms not only as the "work-ox" who labored alongside men in the fields, but as the "breed-sow" who was forced—often by rape—to give birth to new bodies for a labor force that would accrue wealth for white planters.[97] As bell hooks writes, "the black male slave was primarily exploited as a laborer in the fields; the black female was exploited as a laborer in the fields, a worker in the

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[96] Ibid.
[97] Katie G. Cannon, *Black Womanist Ethics* (American Academy of Religion, 1988), 31-34; Davis, *Women, Race & Class*.

domestic household, a breeder, and as an object of white male sexual assault."[98] In the context of

chattel slavery, it was not race alone but the combination of race and gender that determined

states of freedom and subjection. A 1662 law in Virginia declared "that all children borne in this

country shalbe held bond or free only according to the condition of the mother."[99] As David

Roediger points out, the fact that "'white' women could only give birth to free children," and that

enslaved African women "could only legally give birth to property," meant that "the master's

sexual violence against slave women potentially increased his property."[100] Such laws would

become the norm throughout the colonies and states for the next two centuries, tethering race and

gender to the reproductive requirements and properties of racial capitalism in fundamental

ways.[101] The sexual-economic exploitation of black women carried out by white propertied men

was and is based in significant part upon the inherited idea that women in general, and black

women in particular, are, in their essence, irrational, sensual, and hypersexual, which, by

extension, would mean that it is no strange thing for men to engage in what they understood to

be sexual intercourse but what black women and men knew to be sexual violence.[102] In other

words, white slaveowners reasoned, if black women are, by nature, fleshly and sensual, how

could "sex" be "forced" if they always want it?[103]

    As Kimberlé Crenshaw argues, oppressions of race, gender, and class "intersect" to

create experiences of multidimensional oppression for black women in the context of chattel

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[98] Quoted on Cannon, *Black Womanist Ethics*, 37; bell hooks, *Ain't I a Woman? Black Women and Feminism*, 22.
[99] Quoted on Roediger, *How Race Survived U.S. History*, 28.
[100] Roediger, *How Race Survived U.S. History*, 29.
[101] See also: Saidiya V. Hartman, *Scenes of Subjection: Terror, Slavery, and Self-Making in Nineteenth-Century America*, Race and American Culture (New York: Oxford University Press, 1997).
[102] Stacey M. Floyd-Thomas, "Plato on Reason" in *Beyond the Pale: Reading Ethics from the Margins* (Louisville, KY: Westminster John Knox Press, 2011).
[103] Kimberlé Crenshaw, "Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color" in *Critical Race Theory: The Key Writings that Formed the Movement*, eds., Kimberlé Crenshaw, et al. (New York, NY: The New Press, 1995), 367-370.

slavery, and for women of color more broadly to this day.[104] More fundamentally still, at the level of the original formation of the very categories themselves, racial and gendered constructions of non-European others came into being *together* through the pursuits of European elites to take ownership of the world and its peoples beyond Europe's borders. As historian Jennifer Morgan shows, the European gaze upon the world beyond its borders observed, tabulated, and racially defined non-European otherness by way of gendered and sexual notions of European normativity. Indeed, European perceptions and descriptions of African women's gendered physical traits and alleged sexual habits were the means by which Europeans circumscribed African women as both an exploitable resource and a monstrous threat to norms of European social and political order. According to Morgan, these gendered and sexualized descriptions did not simply classify aspects of non-European gender and sexuality but served as an "index of racial difference" more broadly: "Confronted with an Africa they needed to exploit, European writers turned to black women as evidence of a cultural inferiority that ultimately became encoded as racial difference. […] African women's 'unwomanly' behavior evoked an immutable distance between Europe and Africa on which the development of slavery depended."[105] By the time of the emergence of more distinctly modern "racial" notions of difference in the mid-seventeenth century, when Europeans invoked the sexual and reproductive "savagery" of African women, Morgan argues, they conjured "a gendered and racialized figure that marked the boundaries of English civility" at the same time that it "naturalized the subjugation of Africans and their descendants in the Americas."[106]

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[104] Crenshaw, "Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color."
[105] Jennifer L. Morgan, *Laboring Women: Reproduction and Gender in New World Slavery* (Philadelphia, PA: University of Pennsylvania Press, 2004), 42.
[106] Morgan, *Laboring Women*, 49.

The gendered character of modern racial formation can also be discerned by the fact elite European women were the first to be racialized as "white" and that African women were defined racially in terms of animality before African men.[107] Moreover, the detailed colonial accounts of the allegedly animalistic traits of African women—which Morgan details at length—appear at the same time that "crises in gender and masculinity" were proliferating among Europeans, which reinforces the point that European definitions of whiteness and nonwhiteness were mutually dependent from the beginning, and in this case how racial, gendered, and sexualized definitions of African women tell us more about the anxieties animating whiteness and patriarchy than they do about the people they allegedly describe.[108] In the end, such descriptions of Europe's non-European others did not serve exclusively to define just those others; such descriptions also helped solidify European self-understanding, a self-understanding within which racial "whiteness" and its supremacy came into being, as seen above.[109] White supremacist capitalist patriarchy[110] establishes the "natural" superiority of white people—and men in particular—at the exact same time that it establishes the "natural" inferiority of non-white people, and women in particular: the two constructions are mutually dependent, two sides of the same coin.

European definitions of race and gender rely upon one another at nearly every stage of colonial and capitalist quests for power and control over the world beyond Europe's borders. The

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[107] Roediger, *How Race Survived U.S. History*, 27-28.
[108] Roediger, *How Race Survived U.S. History*, 27-28. Roediger also points out that the seventeenth century political philosopher and colonialist John Locke, besides providing a basis for the absolutely exclusive possession of private property (as we will see below), is one of the first to develop the colonial anthropologies of non-Europeans that Morgan describes: "Writing on apes, sex, and race, Locke generates the first extended and explicit philosophical discussions of the relation between whiteness and humanity by placing Africans within the animal world" (27).
[109] Morgan, *Laboring Women*.
[110] The term "white supremacist capitalist patriarchy" was coined by bell hooks. See: bell hooks, "bell hooks: Cultural Criticism and Transformation," interview by Media Education Foundation, 1997. https://www.mediaed.org/transcripts/Bell-Hooks-Transcript.pdf.

categories of race and gender as we understand them today emerge not as "prepolitical" neutral descriptions of the way the world happens to be.[111] Rather, they are, from their earliest usage, strategic conceptual tools for defining and dividing peoples in a way that materializes and maintains white supremacy, patriarchy, and the political-economic power made possible by capitalist accumulation.[112] Adequately understanding the violent realities tethered to the categories of race, class, and gender today is only possible if we can grasp that these categories first emerged as products and byproducts of European and European-American quests for power over the world. Moreover, tracing these histories of the emergence of the categories we tend to take for granted helps shift the locus of white supremacy from individual racial bias to an inherited system of power that structured the modern world and still structures the world today— a system that manifests in both personal and systemic, agential and institutional ways.

The Prehistory of Modern Private Property

Formed in relationship to the exploitation of gendered difference, whiteness, as both possessable identity and supra-agential, world-ordering power, emerged within processes of European colonialism, capitalist political economy, and the theological, philosophical, and scientific rationales that buttress them. The early modern formation of whiteness, however, is a story not just of capitalist political economy in general, but the formation of the institution of private property in particular. Indeed, while they are not wholly reducible to one another, whiteness and private property do share a common history and indeed come into existence by way of one another in such a way that it is impossible to adequately understand one apart from the other. This project is concerned with the criminalization not only of non-white but of non-propertied

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[111] Olson, *The Abolition of White Democracy*, 30.
[112] Omi and Winant, *Racial Formation in the United States*, 111.

peoples, both white and non-white alike. Having outlined key components of the historical

formation of whiteness, in order to understand the criminalization that defends both whiteness

and private property against those whose presence and very existence are understood to pose a

threat to them, I turn now to the historical formation of private property, especially as it evolves

into its relatively unlimited, absolutely exclusive form in modernity.

On the most basic level, "property" broadly speaking refers not just to things themselves,

but to the relationship between persons and things.[113] Earliest uses of the term point to natures or

qualities possessed by a person or thing, for example, the "properties" of a substance found in

nature, or even the "properties" of God.[114] More expansively, while the concept of property still

connotes such a relationship, in addition to referring to a quality and the person or thing that

possesses it, property also refers to the dynamic relationship between persons and the things that

comprise the material world in which we live. That relationship can take many forms, including

"claims" to things, "rights" to "use" and "dispose of" things how we see fit, "possession of"

things, and so on. These claims, rights, and modes of possession can also subsequently manifest

in multiple ways: communal possession, individual possession, exclusive possession, corporate

or state possession, or even a mixture of multiple forms of possession.[115] Because property is a

question of the relationship between persons and things, any understanding of that relationship

also entails a conception of what a person is, on the one hand, and what the world is, on the

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[113] Frank S. Alexander, "Property and Christian Theology" in John Witte and Frank S. Alexander, eds., *Christianity and Law: An Introduction* (Cambridge, UK: Cambridge University Press, 2008), 208, 216. And yet this does not mean that we adequately understand property only by examining the relationship between persons and things abstractly. As Nicholas Blomley argues, we better understand private property when we attend to its material manifestations. Nicholas Blomley, "Making Private Property: Enclosure, Common Right and the Work of Hedges," *Rural History* 18:1 (2007).

[114] M. Douglas Meeks, *God the Economist: The Doctrine of God and Political Economy* (Minneapolis: Fortress Press, 1989), 100.

[115] Alexander, "Property and Christian Theology"; Christopher Pierson, *Just Property: A History in the Latin West, Volume 1: Wealth, Virtue, and the Law* (Oxford, United Kingdom: Oxford University Press, 2013); C.B. Macpherson, ed., *Property: Mainstream and Critical Positions* (Toronto: University of Toronto Press, 1978).

other. A theory of property, in other words, is also a theory of the nature or constitution of persons who relate to it, and to one another—an anthropology—as well as an understanding of the origins, nature, purpose, and ends of the world itself, which is to say a cosmology of some kind, such as a theology of creation. Because claims to property necessarily lead to conflict between various and sometimes competing claims, questions of property and its justification also entail questions of political order and the guiding conceptions of power and authority that accompany it. Moreover, because questions of property and its justification necessarily entail questions of power and authority, considerations of property also entail consideration of those "God concepts" upon which justifications of property are built. As theologian Douglas Meeks writes, "The prevailing model or paradigm of property will often reflect the prevailing perception of God and vice versa. The history of property is the history of human power and authority and thus in many ways the history of the way human beings have conceived and worshiped divine power and authority."[116] We cannot talk about property and its history, then, without discerning the fusion of theological and political ideas—about persons, the world, and God—upon which they rest.

"Property" has described aspects of the relationship between humans and the material world for millennia. Property possessed to the absolute exclusion of others, without any responsibility to the needs of a broader community, however, is only a few hundred years old. Absolutely exclusive private property emerges from the same confluence of forces that whiteness does, namely, capitalism, colonialism, and Christian theological reasoning, which is why understanding how we came to a world so privatized requires outlining the various conceptions of property that precede it, as well as the theological-political rationales and practices that

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[116] Meeks, *God the Economist*, 99.

eventually help facilitate and proliferate absolute privatization in early modern Europe and the Americas, and ultimately across the globe.

While private property possessed to the absolute and limitless exclusion of others is only about three hundred years old, some version of the idea of a right to property held in relative privacy has existed since the ancient world. From that time up to today, we can observe two predominant and contesting views on privately possessed property, each containing a number of variations, some of which I will outline in the remainder of this section. On the one hand are those throughout western history who argue that finite, sinful, self-centered humanity needs privately possessed property because human finitude and sinfulness dictate that commonly possessed property can only lead to perpetual conflict and chaos. As such, the argument goes, private property, while not what God originally intended, is understood to serve the divine or universally necessary purpose of protecting humankind from the violence that is inevitable when fundamentally finite and sinful humans try to share. On the other hand are those who argue that property privately possessed is not a safeguard against the conflict and chaos that emerge from sin but is itself a fundamental manifestation of human sinfulness because it claims for oneself alone what, by God's intention, actually belongs to all. In this view, private property is understood to be not an expression but a disruption of God's will for the world, and a forfeiting of the capacity of humans made in God's image to live in accordance with that will. Both, then, are based on interpretations of human finitude and/or sin: one holds that sin produces an inability to possess property in any way other than privately, while the other holds that possessing property privately does not guard against but is in fact a fundamental manifestation of sin, and one that indeed proliferates further sin and evil in the world.

Philosophers of ancient Greece wrestled at length with how to define the way that humans relate to the material world in which we live—or at least how they ought to. In Plato's vision of society, the "guardians" who are responsible for governing the city are to possess no private property. Non-governing citizens are permitted to hold property privately, but the guardians heavily regulate citizens' private property, as they do all forms of economic activity, in the interest of society as a whole. In Plato's words, "each man who receives a portion of land should regard it as the common possession of the entire state."[117] Even though privately held, property in Plato's republic is ultimately purposed toward the interests of the broader society as a whole, not primarily the individual who holds property. While Plato acknowledges that imperfect human dispositions make some form of privately-owned property inevitable, in the "ideal society and state," he writes, "the notion of 'private property' will have been…completely eliminated from life."[118]

If Plato is relatively confident in the anthropological and political possibilities of a society ordered by communally owned property, Aristotle is less certain. Much like Plato, Aristotle recognizes that the ideal is common ownership, even if the facts of human immorality require something else: "although there is a sense in which property *ought* to be common, it should in general be private."[119] For Aristotle, private property is to be desired above communal property because conflict arises more easily on commonly tenured land; because commonly own land is more likely to be neglected; because privately owned property is more likely to promote both pleasure and moral virtue; and because privately accrued property is required if one is to

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[117] Quoted Pierson, *Just Property, Volume 1*, 27. My brief survey of the theological and political ideas at work in the prehistory of modern notions of private property is informed primarily by Pierson's quite thorough text.
[118] Quoted on Pierson, *Just Property, Volume 1*, 28-29.
[119] Quoted on ibid., 30.

exercise the virtue of generosity.[120] In contrast to predominant later modern understandings of private property, however, Aristotle believes that unlimited accumulation of private property is unnatural and that property acquired for the purposes of economic exchange is "illegitimate."[121] Aristotle condemns such forms of accumulation because they exceed what is "necessary" for the purposes of the domestic and social household, namely, providing those external goods by which people might live and pursue the virtues inherent in the "good life." Despite distinctions in their views on the goods promoted by privately versus communally held property, what Plato and Aristotle hold in common is a clear inability to conceive of a legitimate social order in which private property is unlimited, absolutely exclusive, and alienated from any broader collective responsibilities to society as a whole.

The thought of Plato on Aristotle on the nature of the relationship between persons and things underwent elaboration and contestation with interventions from thinkers in the Roman tradition. Despite critiques of excessive wealth from especially the Stoics and the Cynics, figures in these traditions understood private property that did not contradict duties to a general common good as an inevitable and morally stable feature of any social order.[122] With Cicero, this trajectory received more explicit solidification. One of the most conservative figures in the Roman tradition, Cicero echoed Plato and Aristotle by arguing that all wealth comes with inherent responsibilities to others. Toward that end, some things are to be held in common—but not much. For Cicero, the original purpose of "political communities" was to protect individual possessions.[123] As such, the purpose of the law, both civil and natural alike, is to protect property—a function that takes into account and honors the inherent self-preserving tendencies

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[120] Ibid., 30.
[121] Ibid., 32.
[122] Ibid., 40-45.
[123] Quoted on ibid., 47.

of humanity.[124] The Roman philosopher Seneca further elaborated this anthropology of self-preservation, situating it at the center of a mythological accounting for the existence of property privately held. In a prior "Golden Age," humans freely shared and possessed the world in common, thereby nullifying the need for violence of any kind. With the introduction of avarice, however, comes the introduction of excessive wealth, private property, and the subjugations they bring about: "a thatched roof covered free men; under marble and gold dwells slavery." Seneca ultimately sees this change as an "irreversible" one that helps us account for the unfree state of humanity, and, at the very least, enables us to avoid wealth and greed's unnecessary excesses, instead using wealth as a means of acting generously—that is, virtuously.[125] On the whole, the Roman tradition elaborated to the point of greater legal solidity the inclination to idealize property privately held to a degree that exceeded what the Greek philosophers had in mind.

The most direct inheritors and elaborators of this understanding that private property is a "necessary evil"[126] that emerges as a consequence of human immorality was Christianity. As theologian Doug Meeks argues, property has always contained within it both promise and threat: "The great promise of property has always been that it would give the human being freedom" from "the capriciousness of overlords, nature, and fate," while "the threat of property is domination."[127] Interpreting and building from the traditions that preceded it, the Christian tradition is especially attentive to this dual capacity of property to bring life and death, and that duality is reflected in the range of Christian interventions on the subject. Condemnations of wealth and invitations to share or relinquish it abound in both Jewish and Christian scripture. In the Hebrew Bible, the patriarchs and prophets give voice to God's instruction to provide for

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[124] Ibid., 47-49.
[125] Ibid., 53-55.
[126] Ibid., 54.
[127] Meeks, *God the Economist*, 101.

those dispossessed of the means of subsistence, and they voice God's condemnation of those who exploit others in pursuit of wealth.[128] In addition to Jesus's proclamation that the poor are among God's blessed ones (Matthew 5.3, Luke 6.20), and that those who serve dispossessed and imprisoned people serve Jesus (Matthew 25.31-46), critique of private wealth in the New Testament is seen most explicitly in the story of the rich young ruler who Jesus instructs to "sell your possessions and give the money to the poor" (Matthew 19.21).[129] After the rich man "went away grieving," Jesus tells his disciples "it is easier for a camel to go through the eye of a needle than for someone who is rich to enter the kingdom of God" (Matthew 19.22, 24). Or, as Matthew's Jesus summarizes even more succinctly, "You cannot serve [both] God and wealth" (Matthew 6.24). Likewise, in 1 Timothy 6.10, it is written that "the love of money is the root of all kinds of evil." Beyond wealth generally speaking, one of the few explicit references to private versus common property possession in the New Testament is seen in the book of Acts where Luke depicts the gathering of the first Christian church:

> Now the whole group of those who believed were of one heart and soul, and no one claimed private ownership of any possessions, but everything they owned was held in common. With great power the apostles gave their testimony to the resurrection of the Lord Jesus, and great grace was upon them all. There was not a needy person among them, for as many as owned lands or houses sold them and brought the proceeds of what was sold. They laid it at the apostles' feet, and it was distributed to each as any had need (Acts 4.32-35).

Early Christian theologians interpreting and elaborating upon scripture took a variety of positions on the question of property. One source from the second century urges believers: "Be ashamed to keep things that belong to others. Imitate the fairness of God, and no man will be poor."[130] Another source from that period, on the other hand, proclaims: "Blessed are they who

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[128] See, for example, Leviticus 25; Deuteronomy 15; Isaiah 10.2, 58.7; Amos 5, 8.
[129] All biblical citations are from the New Revised Standard Version (NRSV) unless otherwise noted.
[130] From *The Preaching of Peter*, quoted in Pierson, *Just Property, Volume 1*, 61.

have riches, and who understand that they are from the Lord."[131] Elaborating upon the idea that it

is not wealth itself but the misuse of it that is sinful and brings about evil (1 Timothy 6.10),

Clement of Alexandria of the second half of the second century argued that wealth is a gift from

God that is possessed "more for the sake of the brethren" than for oneself.[132] Such a view, which

more or less accepts inequalities in wealth while focusing on the virtues of its possessors and

their just and charitable uses of wealth, would become the predominant view in Christian

thought, with some key exceptions, including especially John of Chrysostom, Ambrose of Milan,

Gregory of Nyssa, and Basil of Caesarea, all from the second half of the fourth century.[133]

According to John of Chrysostom, accumulated wealth inherently implies injustice. As he writes

in his homily on the book of Timothy:

> Tell me, then, how did you become rich? From whom did you receive it, and from
> whom he who transmitted it to you? From his father and his grandfather. But can
> you, ascending through many generations, show the acquisition just? It cannot be.
> The root and origin of it must have been injustice. Why? Because God in the
> beginning did not make one man rich and another poor. Nor did He afterwards
> take and show to anyone treasures of gold, and deny to the others the right of
> searching for it; rather He left the earth free to all alike…. Why then, if it is
> common, have you so many acres of land, while your neighbor has not a portion
> of it?[134]

To privately possess accumulated wealth is to hold exclusively what, according to God's

intention, rightly belongs to all, which would imply that privately possessed property has its

origin in the social sin of injustice. As such, private property is a kind of evil: "Is this not an evil,

that you alone should have the Lord's property, that you alone should enjoy what is

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[131] From the *Shepherd of Hermas*, quoted on Pierson, *Just Property, Volume 1*, 61, footnote 5.
[132] Quoted on Pierson, *Just Property, Volume 1*, 63.
[133] Pierson, *Just Property, Volume 1*, 63.
[134] Quoted in Charles Avila, *Ownership: Early Christian Teaching* (Eugene, OR: Wipf & Stock, 2004), 94. See also: Pierson, *Just Property, Volume 1*, 64.

common?"[135] Much like John of Chrysostom, Ambrose, the late fourth century Bishop of Milan,

argued that wealth derives from expropriating what properly belongs to all:

> For what has been given as common for the use of all, you appropriate to yourself alone. The earth belongs to all, not to the rich; but fewer are they who do not use what belongs to all than those who do…. How far, O ye rich, do you push your mad desires? *Shall ye alone dwell upon the earth?* Why do you cast out your consort in nature and claim for yourselves the possession of nature? The earth was made in common for all, both rich and poor.[136]

Directly countering Cicero's legitimization of private property, Ambrose argues that private

property is a matter not of neutral "occupation" but "illicit appropriation."[137] Along with John of

Chrysostom and Ambrose of Milan, Gregory of Nyssa and his older brother Basil of Caesarea

both condemned accumulated wealth and property as a kind of robbery. For Gregory, exclusive

and absolute possession is a form of utmost immorality: "If one should seek to be absolute

possessor of all, refusing even a third or a fifth [of his possessions] to his brothers, then he is a

cruel tyrant, a savage with whom there can be no dealing, an insensate beast gloatingly shutting

its jaws over the meal it will not share."[138] Likewise does Basil argue that privately accumulated

wealth is theft:

> Do you think that you who have taken everything into the unlimited compass of your avarice, thereby depriving so many others, have done injury to no one? Who is avaricious? One who is not content with those things which are sufficient [*autarkeia*]. Who is a robber? One who takes the goods of another.
>
> Are you not avaricious? Are you not a robber? You who make your own the things which you have received to distribute? Will not one be called a thief who steals the garment of one already clothed, and is one deserving of any other title who will not clothe the naked if he is able to do so?
>
> That bread which you keep, belongs to the hungry; that coat which you preserve in your wardrobe, to the naked; those shoes which are rotting in your possession, to the shoeless; that gold which you have hidden in the ground, to the

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[135] Quoted on Pierson, *Just Property, Volume 1*, 65.
[136] Ibid., 67-68.
[137] Ibid., 68.
[138] Quoted on Meeks, *God the Economist*, 210, endnote 61.

needy. Wherefore, as often as you were able to help others, and refused, so often did you do them wrong.[139]

Despite such scathing critiques of wealth from early Christian theologians, the Christian theological view that would become predominant in the tradition belongs to those who, like Clement of Alexandria, critique not the distribution of wealth but the moral virtues (or lack thereof) of wealth's possessors. Inheriting and elaborating upon both earlier church fathers and the Roman legal tradition that preceded them, Augustine would articulate what Christopher Pierson calls the "authoritative view" that, though "the earth was given by God to all mankind in common…fallen men, in the grip of the vices of lust and avarice, need civil laws that distinguish 'mine' from 'thine', just as they need the other laws of the earthly state, to save them from falling into the anarchy of mutual self-destruction."[140] Civil government, on this account, has its origin in sinfulness—it preserves order from the descent into chaos—and privately held property is a crucial mechanism of that order-preserving.[141] Emphasizing the distinction made in 1 Timothy—that it is the *love* of wealth (greed), not wealth itself, that constitutes sin—Augustine writes that "avarice is the wishing to be rich, not the being rich already."[142] In other words, wealth should not serve as an end in itself, but only as a means of virtuous living. Indeed, life in service of greater and greater wealth is a fundamental manifestation of human sinfulness. In the end, God is the ultimate possessor of the world, and in order to keep the world from spiraling into destruction as a result of the sin of pride (avarice, greed, lust, and so on), God ordains civil government as the primary means of that order-keeping.[143] As Pierson points out, Augustine's interventions on wealth, property, civil government, and greed would bear such an influence that

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[139] Quoted on Charles Avila, *Ownership*, 50.
[140] Pierson, *Just Property, Volume 1*, 71.
[141] Ibid., 71-72.
[142] Quoted on ibid., 73.
[143] Ibid., 73.

Gratian cited him seven hundred years later as an authoritative voice on distinctions between natural and civil law.[144] Like the Roman law before him, and to some degree the thought of the Greeks (especially Aristotle) before that, Augustine helped solidify the view that life after the fall required private property as a God-ordained way to "prevent the descent into chaos." For Augustine, as for other church fathers, "it was not what one possessed (or did not possess) but one's *attitude* to those possessions that counted." Thus, as nearly every Christian theologian before and after him held, whatever one held in excess of basic need belonged to those who did not have what they needed to survive.[145]

Medieval to Early Modern

The codification of theretofore existing Roman Law under the Emperor Justinian at the beginning of the medieval era established fundamental understandings of property that still obtain today. In the hands of later medieval interpreters, codified Roman Law hinged on what would eventually become the distinction between "natural" and "conventional" law. In the spirit of preceding understandings of the original state of things, natural forms of law sanctioned common property possession, whereas conventional law—the law made necessary by human sinfulness—necessitated private property possession. This distinction sanctioned, among other things, concepts of rights to private acquisition and first possession that would be further elaborated in centuries to come.[146] The recovery and proliferation of Aristotle's work in the thirteenth century, particularly through Albert the Great and his student Thomas Aquinas, helped further solidify the place of private property as a feature of theological understandings of the

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[144] Ibid., 71, 87.
[145] Ibid., 75.
[146] Ibid., 78-85.

God-ordained order of things. Echoing Aristotle, Aquinas argued that external goods including

property should not be thought as ends in themselves, but as necessary instruments for promoting

the happiness for which God created us. As such, the created nature of external goods like

property belongs to God, while God gives to humans "a natural dominion over external things"

in the form of the instrumental "use of them."[147] As such, on the question of "whether it is lawful

for anyone to possess something as his own," Aquinas argues that private procurement and

disposition of external goods like property is allowed, so long as a property possessor

understands that, "in the event of need," property should ultimately be held in common.[148] As

Pierson writes, quoting Aquinas, "private ownership is not a part of the natural law but it is not

against natural law; it is rather 'an addition to natural right devised by human reason.'"[149]

Consistent with most of the tradition that preceded him—including both Aristotle and the

Clementine and Augustinian tradition of thinking on property—Aquinas argues that private

property is only sinful if it is an expression of avarice and greed, which is to say, if it is

accumulated in excess without being used to serve those who lack what they need to survive.[150]

From Aquinas through to the end of the medieval era and the precipice of the

Reformation—an era during which Pierson argues "the idea of individual subjective rights to

private property" first emerges—clashes between ecclesial and political authorities, as well as

conflicts around monastic poverty and the question of ecclesial ownership, sequestered the

"ideal" of common ownership increasingly to the "counsel of perfection" belonging to those who

live monastically outside the civil order.[151] While this era saw the sedimentation of the

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[147] Quoted on ibid., 90.
[148] Quoted on ibid., 90-91.
[149] Ibid., 91.
[150] Ibid., 92.
[151] Ibid., 96-124.

legitimacy of private property possession and the emergence of the idea of individual rights that accompany it, the right to private property was still firmly "embedded in a network of social practices and responsibilities that made these claims [to private property] far from unqualified."[152]

The early sixteenth century brought about multiple interventions on questions of the legitimacy of private versus commonly held property. First among them were legal treatises and commentaries that combined, as with most interventions before them, theological and political modes of reasoning. Further laying the groundwork for later modern theories of private property, these texts established that God's natural law held that rights to property privately held derive from human labor, as prescribed by Genesis 3:19: "By the sweat of your face you shall eat bread."[153] By fusing property views from both Roman and canon law, these early modern commentaries further cemented the inherent legitimacy of private property in the popular imagination of the time.[154] The most widely dispersed divergences from this way of understanding property during the early sixteenth century came with the work of Erasmus and Thomas More. For Erasmus, a reader of Plato and Platonic traditions, communal ownership of worldly goods amongst "friends" is not only possible but preferable, and is the form of ownership modeled and desired by Jesus Christ.[155] Likewise does More's fictional work of political philosophy, *Utopia*, present a protagonist angered by the enclosure of common property in England and who proclaims that "the unreasonable covetousness of a few" who steal from the community has destroyed society, for which the only answer is to restore wealth to common

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[152] Ibid., 124. One exception to this overall evolution in thinking on property was John Wyclif, who argued that God's redemption once again made possible the common ownership inherent in our original, created nature. Pierson, *Just Property, Volume 1*, 121-123.
[153] Ibid., 126.
[154] Ibid., 129.
[155] Ibid., 129-130.

possession.[156] Arguably much greater than the impact of thinkers like Erasmus and More, however, was that of the Protestant Reformation and the ideas about property—and political power and authority—it helped solidify. Before Martin Luther made any comment on property per se, he established, following Augustine's interpretation of Romans 13.1-2, that God institutes "the Sword"—earthly political authority—as a way "to preserve peace, punish sin, and restrain the wicked."[157] Dramatically critiquing both the (Catholic) Church's immoral and exploitative wealth, on the one hand, and its mendicant orders that critiqued wealth outright, on the other, Luther argued that wealth is a good given by God and can be used according to God's purposes if used righteously. For the same reason, Luther argued that those who found themselves poor were not to complain to either God or society's authorities. Rather, following (one interpretation of) the letter to the Thessalonians, Luther held that "if any would not work, neither should he eat" (Thessalonians 3.10).[158] Luther, like Melanchthon after him, based his justification of property rights on the seventh commandment: "Thou shalt not steal."[159] But as Pierson points out, neither Luther nor Melanchthon gave any adequate response to the question of whether acts of first private possession were themselves forms of theft of property held in common, instead dealing only with theft following a first possession presumed to be inherently innocent.[160] In sharp and condemnatory contrast to the "radical reformation" of the Anabaptists and others that promoted—and experimented with—communal ownership of property, Luther and those who immediately followed him were most concerned to establish that the fundamental purpose of

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[156] Quoted on Pierson, *Just Property, Volume 1*, 131-135. Though scholars debate whether More himself was advocating or critiquing common property, his *Utopia* indisputably presents a vision of competing property regimes and a protagonist who advocates communal possession over against private property.
[157] Quoted on ibid., 137.
[158] Ibid., 138.
[159] Ibid., 137-140, 142-145.
[160] Ibid., 144.

political order was to preserve peace in a fallen world that was subsequently no longer capable of the communal possession for which it was first created.[161]

The most influential reformer after Luther, John Calvin, followed his forerunner in many respects, including a clear understanding that civil government exists for the purpose of preserving peace and preventing chaos, and should, for that reason, be respected insofar as it follows through on that purpose. Taking up the same proscription against theft as those who preceded him, Calvin maintains the integrity of a right to personal possessions at the same time that he insists "we are not our own masters, but belong to God," which means that "both in our lives and in the use of our possessions, we are the conscientious stewards of what properly belongs to another."[162] While Calvin advocates strongly for sharing possessions, however, he stops short of advocating a regime of common ownership of property.[163] And, like Luther, while Calvin held that rich people had a "duty" to share their possessions with dispossessed people, dispossessed people could not for that reason claim a right to receive such acts of individual charity.[164] As Pierson points out, while Calvin, following Luther, preached a general acceptance of the status quo as a manifestation of God's design, Calvin's followers would develop a more robust theology of the right of citizens to resist and depose authorities that pass from legitimate power to illegitimate tyranny that preserves neither peace nor the wellbeing of citizen-subjects.[165] It is in this context that early, proto-liberal formulations of the right to freedom from tyrannical power were forged, thereby further contributing to the notion of individual rights to private property.[166] At the same time, royal claims to the absolute, godlike right to the

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[161] Ibid., 145.
[162] Quoted on ibid., 147.
[163] Ibid., 147.
[164] Ibid., 148.
[165] Ibid., 149.
[166] Ibid., 149-152.

possessions of all people proliferated, summoning subsequent critical contradictions from Protestants and Catholics alike.[167] Multiple figures writing at this time, including catholic theologians Vitoria and Suarez, further developed theological understandings of private property that grounded it in a natural law through which God gives humans the gift of *dominium* over creation.[168] While this right to private property remained limited, as opposed to absolute and inalienable, it nevertheless helped pave the way for the theorizations of private property that would extend this right to still greater lengths. In sum, with only a few exceptions, theorists of property in the late sixteenth century combined theological ideas of natural law and the imperative that sinful humans live "by the sweat of [their] brow" with the idea of the right to freedom from arbitrary and tyrannical authority. In so doing, these thinkers helped lay the groundwork for the more distinctly modern and individualized understandings of private property that would soon follow.[169]

In the second half of the seventeenth century, three key figures—Grotius, Hobbes, and Pufendorf—elaborated upon the natural law based political philosophies and theologies that preceded their own, helping to further prepare the way especially for the interventions of John Locke that would soon follow. Though each of these thinkers emphasized different aspects of the legitimacy of a private property regime, following in the wake of the Calvinist and anti-absolutist traditions of the earlier seventeenth century, the basic starting point for Grotius, Hobbes, and Pufendorf is the individual right to protection from arbitrary power, the right to "defend one's life" and that which one acquires through industry, labor, first occupancy, or contractual agreement. In other words, these theories of the legitimacy of private property rest on the

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[167] Ibid., 153-164.
[168] Ibid., 158-163.
[169] Ibid., 163-164.

fundamental right of self-preservation—a right central to the then nascent tradition of political liberalism being formulated in the work of these and other figures.[170] Because this right of self-preservation is a feature of the natural order of things and the natural law upon which it stands, the right to privately held property is thus understood as a right inherent in the natural law. According to Grotius, God created a world designed for a mixture of property owned in common and property owned privately. Property rightly belongs exclusively to an individual when an individual acquires it "through their industry and labor."[171] As such, Grotius argues for the legitimacy of the first possessor principle of property, that the first to acquire unused or abandoned property has an inherent and even exclusive right to it.[172] In the end, the fundamental premise of private property, for Grotius, however, is not simply the claim of an individual right to it, but the prior right to "be safeguarded in the possession of what belongs to him."[173] For Grotius, God's gift of creation and the natural law that orders it allows that, once possessed, property is legitimately private and exclusive when its possessor exercises the freedom to use or dispose of it as they see fit, and when they subsequently can be said to exercise unimpeded ownership (*dominium*) over it, which, by extension, entails the right to defend it.[174] In this way, private ownership entails the liberty to exercise free use of one's property, and liberty likewise entails the ability to individually privately possess what one acquires. Here we see Grotius elaborating upon prior theories of ownership in a way that contributes to a modern conception of personhood in which ownership and freedom are intimately tied.[175]

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[170] Ibid., 187.
[171] Quoted on ibid., 166.
[172] Ibid., 170.
[173] Quoted on ibid., 167.
[174] Ibid., 167.
[175] Ibid., 168.

Absolutely Exclusive Private Property

Before the seventeenth century, the right to private property was still relatively limited: such rights were never absolute, and were never claimed without some degree of regard for the wellbeing of the larger community or polis in which one lived. As I suggested above, the notion of absolute individual private property rights emerged on the one hand from the idea that human finitude and sin make common property untenable, and on the other, from the idea that citizens should have the right to defend themselves and their belongings against overreaching and tyrannical political and ecclesial authority. With the work of John Locke in the late seventeenth century, predominant understandings of the meaning and scope of private property underwent a radical shift that opened the door to a world in which not just "private" but relatively unlimited absolutely exclusive private property would become a norm that became and remains essentially invulnerable to critique. An English philosopher, colonialist, and investor in the then-burgeoning transatlantic slave trade,[176] Locke by no means invented private property as we know it today, but his writing on property solidified a tradition of thinking on the issue that was already moving toward privileging and naturalizing absolutely exclusive private possession as the mode of relating to creation that most aligned with divine and natural law.[177] Whether he intended it or not, Locke's political philosophy of property was subsequently used to rationalize and build the foundations of the order of absolutely exclusive private property that structures much of our world today.[178]

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[176] See: Roediger, *How Race Survived U.S. History*, 8-12; Tink Tinker, "John Locke on Property" in Stacey M. Floyd-Thomas and Miguel A. De La Torre, eds., *Beyond the Pale: Reading Ethics from the Margins* (Louisville, KY: Westminster John Knox Press, 2011).

[177] Pierson, *Just Property, Volume 1*, 208-245.

[178] C.B. Macpherson, ed., *Property: Mainstream and Critical Positions* (Toronto: University of Toronto Press, 1978), 13. On the relationship between Locke's economic involvement and thought, see: Tink Tinker, "John Locke on Property," 54-56.

Locke's work helped catalyze what would become at least three significant shifts in predominant understandings of the right to private property in the modern era. First, while early formulations of liberal political thought in the late seventeenth viewed private property as a right against arbitrary power, with and after Locke, the right to private property became less a defense *against* the powerful, and more a defense *of* the powerful against the relatively powerless. For instance, Locke's work helped guide English colonizers in their pursuit of the possession of indigenous lands in the Americas, and the next generation of American colonists used his work to formulate the central American tenet as it was originally defined: the right to life, liberty, and property.[179] Second, Locke largely follows the trajectory of thinking on private property that presumes that, based on human finitude and sin, private property is necessary to uphold order and guard against chaos. What changes with Locke—who synthesizes and elaborates the thought that preceded him, as opposed to inventing something entirely new—is that privately held property shifts from being understood as a necessary evil to being understood as a natural and positive feature of the order that God created.[180] Instead of a regrettable but necessary mechanism for guarding against chaos, private property becomes conceptualized as an original and enduring feature of the world as God always intended it. Third, with Locke, the right to private property transforms from a mere natural *right* to a natural, God-ordained *mandate*. Locke's theory of property is in fact a theology of creation that understands humans to be not merely invited but required to use their labor to "subdue," make industrious use of, and privately enclose parts of the Earth. As such, the exclusive possession of property becomes quite literally a matter of "obedience" to God, and thus of accordance with the natural order of things.[181] This

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[179] Roediger, *How Race Survived U.S. History*, 44.

[180] Pierson, *Just Property, Volume 1*, 208-254.

[181] John Locke, *Two Treatises of Government*, ed. Peter Laslett (Cambridge, UK: Cambridge University Press, 1988), 290-291.

dual notion of obedience and nature rests on the fact that, in Locke's conception, property held in common is "wasted" property, whereas property that has been made private and productive through subjection to human labor and industriousness fulfills the divine and natural purposes for which it was made, which thereby authorizes exclusive possession.[182]

Locke's political philosophy of private property is comprised of an economic and a theological-philosophical dimension. Following from these dimensions of Locke's defense of private property, political theorist Onur Ulas Ince argues, there are two predominant schools of Lockean interpretation that tend to present these dimensions of Locke's work as distinct from one another. One reads Locke's theory strictly in terms of economy, interpreting his work as an expression of "nascent capitalist relations," while the other reads Locke in terms of a founding natural law framework that in turn guides his economic theory. Rather than two sharply distinct ways of reading Locke, however, Ince suggests that it is possible and indeed more interpretively sound to read the economic and the theological co-constitutively in Locke's thought. According to Ince, we can discern in Locke's theory of money a mechanism that makes it possible to extract value from creation, which in turn establishes "a relation of *necessity* between the divine *telos* and accumulative practices."[183] In short, because, for Locke, land that is held in common is wasted for the reason that it is isolated from the human industriousness and value extracting that God so wills, money, which gives a real and measurable value to creation, fulfills a purpose that is at once theological and economic. That purpose is obeying God's command to "subdue the earth" and in so doing transform waste into value while also increasing the welfare of all of

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[182] Ibid., 287-292.

[183] Onur Ulas Ince, "Enclosing in God's Name, Accumulating for Mankind: Money, Morality, and Accumulation in John Locke's Theory of Property," *The Review of Politics*, Vol. 73, No.1 (2011), 29.

humankind that Locke understands to benefit from such subjection and transformation. As Ince summarizes:

> Locke's notion of money…abridges the distance between progress-as-God's-design and progress-as-capital-accumulation. More specifically, money enables Locke to demonstrate that the capitalistic relations of his time ([which includes] enclosures, subjection of nature to the logic of value extraction, [and the] enhanced productive efficiency of labor…) are one and the same as the consummation of a divinely sanctioned moral purpose.[184]

Subduing by enclosing and privatizing the earth generates value that benefits creation, and it also fulfills God's desire—obeys God's mandate—for the world. Under such a framework, it is easy to discern how the colonial and racial capitalist pursuit of privately possessing more and more land, including through the later notion of manifest destiny, is understood as a moral endeavor.

As a political theology of the both relationship between persons and things, and of creation, Locke's thinking on private property possession also entails an implicit anthropology, a theory of personhood. In the language of political theorist C.B. Macpherson, Locke, as well as Hobbes and others, understand the fullness of personhood in terms of the "possessive individual." The possessive individual is marked by freedom *from* dependence upon others, on the one hand, and freedom *for* self-interested disposal of one's capacities and possessions, on the other, owing nothing to anyone or to society as a whole.[185] For Locke, this essential freedom or capacity to possess not only makes a person a person but is itself a kind of property that

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[184] Ibid., 52-53.
[185] C.B. Macpherson, *The Political Theory of Possessive Individualism: Hobbes to Locke* (Oxford: Oxford University Press, 1962), 263-264. A number of commentators have challenged Macpherson's interpretation of Locke as an unabashed purveyor of capitalist political economy and private property, including James Tulley. Without ascribing to Locke total responsibility for establishing and absolutizing private property relations in the west, it is nevertheless apparent that the overwhelming thrust of Locke's argument, not to mention the legacy of political thought on property that his work subsequently puts into motion, favors private property as the best form of human interaction with the material world. See: Pierson, *Just Property, Volume 1* and Allan Greer, "Commons and Enclosure in the Colonization of North America," *The American Historical Review* 117, no. 2 (April 1, 2012): 365-386.

normative (European, male) persons possess.[186] Property, then, under the Lockean conception,

consists not only in things themselves, but in the allegedly inherent right or capacity to possess

them.[187] Elaborating upon and extending Macpherson's theory of possessive individualism,

political philosopher Etienne Balibar argues that in Locke's work as a whole—including both his

philosophy of property and his philosophy of human consciousness—we see a theory of

personhood in which possession does not just emerge externally from personal freedom but is

itself an expression of Locke's anthropological theory of self-ownership, a cornerstone of

modern liberal political theory.[188] By "binding together" "identity" and "appropriation," Locke

transforms the idea of personhood so that "*having*" and "*being*" are not two fundamentally

distinct phenomena but rather two ways of talking about the same thing: to be a (normative)

person is to possess oneself, and to use one's labor (or the labor of others under one's control) to

possess the world.[189] Appropriation, then, is not a peripheral but central expression of what it

means to be a human person—or at least a certain kind of human person. Indeed, Locke

understands the capacity for the unlimited acquisition and exclusive possession of property to be

natural or inherent only to those gifted with superior degrees of rationality and industriousness,

which, for Locke, would have meant wealthy men of European origin, as opposed to poor

European laborers, Africans, or Natives in the Americas and elsewhere.[190] In other words, Locke

has certain persons in mind when defining the crux of personhood as he does. As Macpherson

writes, "the individual with which [Locke] starts has already been created in the image of the

market man,"[191] meaning men of European origin.

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[186] Locke, *Two Treatises of Government*, 287.
[187] Macpherson, *Property*, 1-13.
[188] Etienne Baliber, *Identity and Difference: John Locke and the Invention of Consciousness*, 71-72.
[189] Ibid., 97-99.
[190] Locke, *Two Treatises of Government*, 291; Roediger, *How Race Survived U.S. History*, 11-12.
[191] Macpherson, *The Political Theory of Possessive Individualism*, 269. Because proto-capitalist and capitalist markets emerge from Europe, the "market man" inherently refers to the European—and eventually "white"—man.

Absolutely exclusive private property possession in its formative stages was a thoroughly gendered regime. European *men,* in Locke's framework—and indeed in most philosophical and theological systems of the time—were the only persons seen as natural bearers of the capacity to possess property privately. As Silvia Federici shows, capitalism depends upon the reproductive labor of women who give birth and so supply more bodies for a labor force that builds wealth that those laborers—reproductive or otherwise—will scarcely enjoy. Women, according to predominant thought in the modern era, lack the natural capacity to possess and manage the earth privately. Indeed, women—whether of European, African, Native American, other descent—not only could not, whether by nature or by custom, possess property, they themselves *were* the property of men, though not all in the same ways.[192] As outlined above, women of European descent functioned as "extensions" of their husband's property, and existed at the disposal of men in general.[193] And yet, married European women still enjoyed beneficial access to private property, through their (European) husbands, in a way that African and indigenous women did not.[194] Even if only certain people get to be private possessors, in the Lockean view of property, the private possession of a few is understood to benefit not only a few, but all of human civilization.[195] Because Locke's vision of society entails an understanding of the naturally normative (European, male) human person as private possessor, he subsequently understands the primary purpose of civil government to be protecting and preserving property against those who

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[192] Crenshaw, "Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color," 373. For more on the relation of women to property in feudalism and capitalism, see: Federici, *Caliban and the Witch*.

[193] Crenshaw, "Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color," 373.

[194] Ibid.; Roediger, *How Race Survived U.S. History*, 24-25.

[195] Locke, *Two Treatises of Government*.

would do harm to property both in persons and possessions, and to punish those guilty of such trespasses, which I explore further in the third and fourth chapters.[196]

Locke's conception of private property ultimately reflects not just an elaboration of the work of political philosophers before him, but a philosophy worked out in tandem with his own personal colonial commercial investments, his role in the political and economic institution of the Carolina colonies, and his stake in the wider "enclosure movement" that was well underway in his home country of England.[197] Though the process of the enclosure of commonly tenured lands began as early as the thirteenth century in England, it reached its peak during the late sixteenth and early seventeenth centuries, and served as a prelude to the sedimentation of unlimited and absolutely exclusive private property as a central institution in the modern west.[198] The function of enclosures—hedges, fences, gates, walls—is to keep in and keep out. As such, enclosures are sites of inherent political contestation. In early modern England, enclosure appeared as a dramatic disruption that separated people from the common lands upon which they worked for their livelihoods. Enclosures during this era were the result of wealthy landholders, motivated by new market opportunities, illegally—and often by way of violence and terror—reclaiming commonly tenured farmland and woodland as their own exclusive possession, literally closing it in with hedges or fencing in order to transform it into sheep pasture to serve more profitable forms of production.[199] Over the course of the fifteenth through seventeenth centuries, the enclosure of commonly tenured land displaced many thousands of rural tenants whose livelihood depended on access to the commons. As historian Peter Linebaugh writes, "By

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[196] Ibid., 350-351, 269. See also: Peter Linebaugh, *The London Hanged: Crime and Civil Society in the Eighteenth Century*, 2nd ed (London: Verso, 2006).

[197] Roediger, *How Race Survived U.S. History*, 17. See also: Tinker, "John Locke on Property," 54-56.

[198] Linebaugh and Rediker, *The Many-Headed Hydra*; Peter Linebaugh, *Stop, Thief! The Commons, Enclosures and Resistance* (Oakland, CA: PM Press, 2014); Marx, *Capital*.

[199] Marx, *Capital, Volume 1*, 873-895; Linebaugh and Rediker, *The Many-Headed Hydra*, 17.

the end of the sixteenth century there were twelve times as many propertyless people as there had been a hundred years earlier. In the seventeenth century almost a quarter of the land in England was enclosed."[200] By the eighteenth and early nineteenth centuries, enclosures obtained the authority of the law, with approximately four thousand enclosure acts passed during those centuries legalizing the appropriation of upwards of six million acres of land, transferring land that was once held in common into the hands of a small number of "politically dominant landowners."[201] Beginning as an illegal process of theft and evolving into a legal process of theft, the enclosure movement's mass expropriation, Linebaugh, echoing Marx, writes, "was the source of the original accumulation of capital, and the force that transformed land and labor into commodities."[202] The original expropriation or "primitive accumulation" of the enclosure movement virtually eliminated the commons that sustained the livelihood of a majority of the population, replacing it with private, exclusively possessed property. In so doing, the enclosure movement reconfigured legal, political, and economic orders in a way that deepened the distance and distinction between a propertied owning class and a dispossessed working class and underclass displaced to industrializing cities where the only option was to work as a "free" but "rightless"[203] wage laborer in a system that was, according to historian Christopher Hill, "little better than slavery."[204] In tandem with the related processes of European war making and colonial and enslaving ventures, the enclosure movement helped forge the political economy and concomitant legal buttresses of capitalism in its earliest manifestations.[205]

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[200] Linebaugh and Rediker, *The Many-Headed Hydra*, 17.
[201] Linebaugh, *Stop, Thief!*, 144.
[202] Linebaugh and Rediker, *The Many-Headed Hydra*, 16.
[203] Marx, *Capital, Volume 1*, 895-897.
[204] Christopher Hill, *The World Turned Upside down: Radical Ideas during the English Revolution*, Penguin History (London: Penguin Books, 1991), 53.
[205] Marx, *Capital*, *Volume 1*, 784-805; Linebaugh and Rediker, *The Many-Headed Hydra*.; *Robin D. G. Kelley – What is Racial Capitalism and Why Does it Matter?*

Enclosures are sites of inherent political and economic contestation. But as we have already begun to see, they are also sites of theological contestation. Much like Locke, whose political philosophy of private property relies in significant part upon biblical interpretation and theological reasoning (very much deployed from his social position), the early modern proponents of enclosure rationalized their dispossession-by-enclosure through engagement with Christian scripture and popular conceptions of Christian morality. From the point of view not just of philosophers like Locke but of land-owning enclosers in early modern England, hedges, fences, and gates functioned not only as practical mechanisms for privatizing land but as sacred mechanisms for fulfilling God's mandate to exercise private dominion over the earth, and to promote the industriousness to which God calls all humans. Under both the manorial arrangements of feudalism and the transition to early agrarian capitalism, enclosers viewed the work of "improving" the earth—a term widely deployed by centuries of enclosers—as an inherent moral good. Echoing the legal treatises and commentaries popular at the time, a widely read husbandry manual from 1578 cites Genesis 3:19: "In the sweat of thy face shalt thou eat thy bread." The author cites this passage not to establish, as Genesis does, the sinful state of human existence before God after the fall, but to suggest that God ordains obtaining wealth through the industrious labor of husbandry.[206] The political theology of primitive accumulation can be seen, moreover, by the way in which a number of other husbandry manuals from early modern England argue in no uncertain terms that commonly tenured land promotes immorality that contradicts God's will and weakens the strength of the nation. In the words of a manual published two decades prior to Locke's *Two Treatises*, common lands are:

> the producers, shelterers, and maintainers of vast number of vagrants, and idle
> persons, that are spread throughout the great part of England; and are

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[206] Andrew McRae, *God Speed the Plough: The Representation of Agrarian England, 1500-1660* (Cambridge, UK: Cambridge University Press, 1996), 140-142.

> encouragements to theft, pilfering, lechery, idleness, and many other lewd actions, not so usual in places where every man hath his proper lands inclosed, where every tenant knows where to find his cattle, and every labourer knows where to have his days work.[207]

Likewise does the anonymous author of a pro-enclosure pamphlet published in the 1650s argue that "God is the God of order, and order is the soul of things, the life of the Commonwealth; but common fields are the seat of disorder, the seed plot of contention, the nursery of beggary."[208] The same author also (dubiously) claims that there is "no example of common fields in all the divine word" of Christian scripture, which he takes as evidence of the fact that private enclosure accords with God's intentions and that common property contradicts God's will and produces immoralities that threaten the order of things as God intends it.

Viewed in light of such threats, historian Nicholas Bromley points out that seventeenth century husbandry manuals "characterized improvement as a divine imperative. Passive ownership was an affront to God's will; innovation and enterprise were to be encouraged."[209] By materializing God's vision for creation, the hedges, fences, and gates of agrarian enclosure served the purpose of both guarding against and disciplining the depravities of poor vagrants and "disorderly" villagers who regularly damaged enclosures in retaliation against the dispossession they generated. Indeed, according to Blomley, the figure of the hedge in early modern England functioned, both for theologians and other social commentators, as "a common metaphor for impenetrability, and the prevention of misrule."[210] As a kind of organic barbed wire, the thorns of certain species of hedges served as instruments for physically "disciplining" the bodies of

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[207] John Worlidge, *Systema Agriculturae* (1669), 13.
[208] Quoted in Carroll, "'The Nursery of Beggary': Enclosure, Vagrancy, and Sedition in the Tudor-Stuart Period," 38.
[209] Blomley, "Making Private Property," 6.
[210] Ibid., 12, 20, footnote 9.

poor commoners who tried to break or climb them.[211] As such, they constituted what one

husbandry manual called "Defence" against "rude persons," protection against "the lusts of vile

persons," thereby playing an important material function in enclosers' understandings of God's

intentions for creation.[212]

We understand modern western criminalization in its origins if we understand the

relationship between the constructed morality of private property possessors and the constructed

immorality of those who do not possess—and are in fact dispossessed *by*—private property. If

hedges, fences, and gates were understood as sacred mechanisms, then those who threatened

them through their propertylessness were inevitably perceived as embodiments of immorality

and evil. But the history of enclosure does not consist merely in powerful agents exercising

limitless power over poor passive victims. Indeed, people dispossessed of common land in early

modern England regularly deployed an array of tactics in opposition to enclosure, including

calculated foot-dragging, refusal to mark out property lines for surveyors, theft and destruction

of surveyor maps, "grumbling" to neighbors as a form of base-building and organizing,

distributing "complaints" to neighbors and landowners, and submitting petitions to Parliament.

When these measures failed to stop the tide of enclosure that threatened their livelihoods,

villagers regularly resorted to gathering by the tens, hundreds, and even thousands to physically

level hedges, break and burn fences, and demolish the gates that enacted their displacement.[213]

As they did in regard to the bothersome "vagrants" who roamed the countryside, private property

owners likewise disparaged more militant anti-enclosure commoners in the same terms as

embodiments of the worst kind of immorality. According to Sir John Cheke, the rebels of a series

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[211] Ibid., 5, 9.
[212] Quoted on ibid., 9.
[213] J. M. Neeson, "The Opponents of Enclosure in Eighteenth-Century Northamptonshire," *Past & Present*, no. 105 (Nov. 1984).

of rural anti-enclosure uprisings in England in 1549 were nothing more than "nastye vagabundes," "idell loyterers," "robbers," "ungodly rablementes," and "loitering beggers."[214] Or take the case of a late eighteenth century anti-enclosure uprising in the small village of Raunds in the East Midlands of England. There, in 1797, a group of landless sheep and cattle grazers, artisans, and small proprietors presented a petition to Parliament as that governing body prepared to pass an act of enclosure that would cut off villagers' access to the town's common lands. Having seen how the enclosure of commonly tenured lands ravaged neighboring communities, the villagers expressed their concern at the inevitable "injuries" to themselves and the broader community that would follow their displacement from the land. However, given that Parliament in the late eighteenth century had become highly sympathetic to the desires and wishes of wealthy enclosers, the villagers' petition was, like most such petitions, ignored. The enclosure proceeded as planned. About two years later, J.M. Neeson writes, the "petitioners" of Raunds became the "rioters" of Raunds: "led by the village women and some shoemakers they pulled down [enclosure] fences, dismantled gates, lit huge bonfires and celebrated long into the night."[215] A young boy by the name of James Tyley, the nephew of an area vicar, was a witness to the events. Tyley, too, would later become a clergyman. As rector of a neighboring village, Tyley wrote a poem celebrating the glory of enclosure and recollecting the evil of those who attacked it when he was a child. "Meanwhile the greedy crowd," he wrote,

> as if maddened by Bacchus, the thyrsus-bearer, rage horribly when they recall
> their pleasant little thefts, their sheaves of corn snatched from the scattered
> harvest and their hidden guile. […] To such [mobs], brawls and din and mad riot
> are dear, and all hatred of kings, and contempt of sacred law. Like a swarm of
> locusts the dark tribe burst from their noisome hovels, abandoning their
> unfinished soles and wooden benches. Seditious, filled with Paynim poison, they
> spread contagion among the gaping mob. Trusting overmuch to such leaders and

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[214] Quoted on McRae, *God Speed the Plough*, 51.
[215] Neeson, *Commoners*, 278.

void of reason, the people remove the fences and wildly riot over the length and breadth of the fields.[216]

Like so many other pro-enclosure texts of the time, Tyley depicts the commoners of Raunds as fundamentally depraved and immoral, almost demonic. Tyley accuses the commoners of greed and theft for claiming entitlement to gleanings from the edge of the field—an irony given the imperatives in Deuteronomy and Leviticus to leave gleanings for the poor of Israel (Leviticus 19.9-10; Deuteronomy 24.21-22). Likening the crowd, at once, to a blood-thirsty, spear-wielding Roman god of agriculture and wine, and then to the biblical threat of "a swarm of locusts," Tyley disparages the ramshackle dwellings of the shoemakers and woodworkers who lazily abandon their work in order to incite a riot. "Seditious," seemingly against both God and country, Tyley poeticizes that the rioters are "filled with Paynim poison." Paynim is a word for heathen, especially Muslims, and thus perhaps indicates a demonization approaching if not fully deploying the racial. So possessed, according to Tyley's recollection, the leaders of the riot gain the trust of other allegedly irrational commoners, who subsequently tear out the town's enclosing fences en masse. Thus does Tyley encapsulate and dramatize the political theology that builds enclosures: enclosure is a mechanism in line with God's vision for the world, and those who would so disrespect it counter God's will, and are therefore embodiments of sin and evil.

Building off a tradition that sees private property as a safeguard against the chaos that ensues from human finitude and sin, and building off the popular theological-political rationales of wealthy landowners in the early modern era, pro-enclosure elites, John Locke, and others who follow them elaborate a political theology of private property that establishes the right to relatively unlimited, absolutely exclusive private property—property possessed without regard for the rights or wellbeing of others—as a right of both theological and political groundings.

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[216] James Tyley, "Inclosure of Open Fields in Northamptonshire" (1823).

Property possessed privately, it would become widely accepted, corresponds with and concretely materializes God's original intentions for the created world.

Whiteness and/as Private Property

Absolutely exclusive and relatively unlimited private property—from its English enclosure movement origins to its proliferation via European colonialism, plantation capitalism, and up to today—creates, because it relies upon, economic dispossession: privatizing land and resources otherwise held in common requires *dis*possessing those who had utilized them for their livelihood up to that point, a reality made evident by more than a thousand years of theological and political tradition that decries private property as a form of theft in which the few steal from the many—a tradition I will explore further in the final chapter. I have outlined the historical formation of whiteness and the historical formation of absolutely exclusive private property regimes, only implicitly pointing to the actual relationship between the two. So what, specifically, is the nature of the relationship between the historical formation of private property and the formation of whiteness and the dispossessions of non-white peoples that it entails? To begin with, as explored briefly above, in addition to land and commodities produced by slave labor, the racial capitalism of the plantation transformed people of African descent into property "that could be transferred, assigned, inherited, or posted as collateral" by owners primarily of European descent.[217] As such, the "value" of African life for white plantation owners was a matter not of any inherent dignity, mutual relation, or any other measure, but primarily of its labor and reproductive capacities.[218] In addition to transforming enslaved Africans into a kind of

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[217] Cheryl I. Harris, "Whiteness as Property," *Harvard Law Review* 106, no. 8 (June 1993): 1720.
[218] Ibid. See also: Morgan, *Laboring Women*; Federici, *Caliban and the Witch*; Hortense Spillers, "Mama's Baby, Papa's Maybe: An American Grammar Book," in *Black, White, and in Color: Essays on American Literature and Culture* (Chicago, IL: University of Chicago Press, 2003).

property, though, whiteness is intimately tied to the institution of private property in another important sense that is crucial for understanding the racial and economic criminalization that followed chattel slavery and that continues today. In addition to the possession of other people, whiteness itself, as critical race theorist Cheryl Harris shows, constitutes a kind of "property" in the sense that its earliest (European colonial) articulations ascribed to it an allegedly inherent and superior capacity to possess the world absolutely.[219]

The enclosure movement in England, along with the more absolutely exclusive private property regimes it helped birth in the seventeenth and eighteenth centuries and beyond, was not at first a comprehensively racial project in the way we understand race today. And yet, the soil in which modern race first germinated is the same soil upon which private property was built, namely, European colonialism and racial capitalism, as well as the Christian theological-political reasoning that buttresses each. Indeed, aspects of early enclosure took proto-racial—what Cedric Robinson calls "racialist"—forms and would soon evolve and proliferate across the world by way of colonialism and capitalism in more thoroughly (and modernly) racialized ways. The history of English enclosure is typically narrated as a matter of class relations, but as detailed above, even within Europe, the exploitation and dispossession that capitalism first deployed already took on racial (or at least proto-modern-racial) forms.[220] Before, and eventually simultaneous with, its conquests of Africa and the Americas, England colonized Ireland and Scotland, whose inhabitants English colonizers characterized in terms that anticipate and

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[219] Harris, "Whiteness as Property."
[220] Robinson, *Black Marxism*. As we learn from Stuart Hall, Robin Kelley, and Silvia Federici, among others, race (along with gender) is a mode through which class relations are "lived," meaning through which they take on particular shape in particular contexts. For Hall's original formulation, see: Stuart Hall, "Race, Articulation and Societies Structured in Dominance" in *Sociological Theories: Race and Colonialism*, UNESCO (Berman Associates, 1980), 341.

approximate the racial.[221] Moreover, the dispossessing work of enclosure was carried out in tandem with colonial conquest and war making, and indeed, enclosure was a tool of colonial conquest itself, including in the "New World" of the Americas.[222] In addition, pro-enclosure elites in England regularly characterized poor commoners in subtly racial or proto-racial terms not only in Ireland and in the Highlands of Scotland, but in England, and they did so by deploying the same terms of derision that were simultaneously used in service of the colonization of non-European peoples. "Critics of commons loathed commoners with a xenophobic intensity," historian J. M. Neeson argues. "They were a 'sordid race', as foreign and uncultivated as the land that fed them. Like commons they were wild and unproductive. They were lazy and dangerous. If wastes must be subdued, so must they."[223]

As private enclosure spread, by way of colonialism, across the globe, the implicit racial character of private enclosure became explicit in such a way that naturalized conceptions of absolutely private property possession and absolutized conceptions of race fused in fundamental ways. According to Harris, the histories of European colonialism, chattel slavery, and the formation of law in the United States show that "rights in property are contingent on, intertwined with, and conflated with race" in ways that produce and reproduce racial subordination. Just as Malcolm X said of racism and capitalism—that you can't have one without the other—so Harris says of the modern formation of race and private property: "The origins of property rights in the United States are rooted in racial domination. Even in the early years of the country, it was not

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[221] For more on the racial character of English conquest of Ireland and Scotland, see: Robinson, *Black Marxism*, 36-43; David Roediger, *How Race Survived U.S. History*, 18; *Theodore Allen*, *The Invention of the White Race, Volume 1*, 52-70.

[222] Allan Greer points out that European versions of "commons" that excluded indigenous conceptions of relation to the land came into conflict with indigenous occupation of land, which is to say that it is arguably not the case that private enclosure was not the *only* means by which Europeans colonized the Americas. Greer, "Commons and Enclosure in the Colonization of North America."

[223] Neeson, *Commoners*, 32.

the concept of race alone that operated to oppress Blacks and Indians; rather, it was the *interaction* between conceptions of race and property that played a critical role in establishing and maintaining racial and economic subordination."[224] Conceptions of race and property first "interacted" in the sense that "possession—the act necessary to lay the basis for rights in property—was defined to include only the cultural practices of whites" in contrast to the lack of capacity to properly possess that Europeans projected onto Native Americans. Harris writes: "the possession maintained by the Indians was not 'true' possession and could safely be ignored. This interpretation of the rule of first possession effectively rendered the rights of first possessors contingent on the race of the possessor," thereby legitimizing the violent *dis*possession of Native Americans from their land.[225] Together with the "seizure and appropriation" of Native American land, the "seizure and appropriation" of African labor undergirding the system of chattel slavery "facilitated the merger of white identity and property."[226] Indeed, according to legal theorist Brenna Bhandar, the histories of European colonialism and racial capitalism show that "racial subjectivity and private property ownership" do not merely "interact" with one another, but, more fundamentally, come into existence in and through one another.[227]

In the process of coding and implementing private property possession racially, white identity itself came to be understood as a kind of natural property right, namely, the property of the right to inherited power, security, and the assumed capacity to privately possess and govern the world in a way that excludes and yet is ultimately understood to benefit others.[228] As Harris,

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[224] Harris, "Whiteness as Property," 1716.
[225] Ibid., 1722.
[226] Ibid., 1715, 1721.
[227] Brenna Bhandar, *Colonial Lives of Property: Law, Land, and Racial Regimes of Ownership*, Global and Insurgent Legalities (Durham: Duke University Press, 2018), 8, 5.
[228] Harris, "Whiteness as Property," 1721, 1731. As one example, having been formed by the racial logic of whiteness as property and the "improving" function of accumulation by dispossession, Andrew Carnegie argued in 1896 that, though the seizure of indigenous land was unfortunate, "upon the whole the management of the land

echoing C.B. Macpherson, cites, modern notions of property deriving from Locke understand property to consist not only in things themselves but in the right or capacity to possess them.[229] As such, the "property of being white" guaranteed greater access not only to physical properties in land; it also guaranteed freedom from the status of slavery. The "color line" that European colonialism, racial capitalism, and chattel slavery helped produce and reproduce was more than an abstraction; it was "a line of protection and demarcation from the potential threat of commodification," of *being* someone else's property as opposed to possessing someone else as property. The property of being white, ultimately, was freedom *from* bondage, and freedom *for* self-determination through securities, rights, and powers that African and Native peoples—and women—allegedly did not have the rational capacity to enjoy.[230] While a coherent notion of "whiteness" had not yet fully emerged at the time when Locke was theorizing a natural right to absolutely exclusive private property, by defining the capacity for private property possession and European notions of personhood in and through one another, Locke's work, David Roediger argues, "made the idea of race both possible and necessary."[231] As Native American liberation theologian Tink Tinker puts it, "Although he would not yet have called himself White, [Locke's] philosophical argumentation and socioeconomic practice clearly place him in the context of burgeoning White european supremacist thinking."[232] In short, Locke's work catalyzes an anthropology not just of "possessive individualism" but of what George Lipsitz calls the "possessive investment in whiteness."[233] This fusion of whiteness and private property, Roediger also points out, is also a gendered phenomenon. As mentioned above, predominant views in the

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acquired by our race has been for the higher interests of humanity," and that "civilization" made "the acquisition of land necessary." Quoted on Roediger, *How Race Survived U.S. History*, 89.

[229] Harris, "Whiteness as Property," 1724-1725; Macpherson, *Property*, 1-13.

[230] Harris, "Whiteness as Property," 1721, 1744. David Roediger, 68.

[231] Roediger, *How Race Survived U.S. History*, 12.

[232] Tinker, "John Locke on Property," 50. Tinker intentionally does not capitalize "european."

[233] Roediger, *How Race Survived U.S. History*, 11-12; Lipsitz, *The Possessive Investment in Whiteness*.

early modern era held that women were not capable of property possession, but were, rather, property themselves. Women of European descent, despite being property, also enjoyed access to property, and were seen as belonging to the private domestic sphere that private property made possible. Hedging European women in against the projected threats of non-European peoples— often perceived as inherently sexual threats, despite the fact that European men could and did enact sexual violence against their wives without repercussion—absolutely exclusive private property in its earliest iterations was very much a gendered phenomenon. This can further be seen by the fact that, in a context in which whiteness and private property obtain conceptual and material cohesion by way of one another, men of European descent who did not possess property were viewed as men who failed to adequately perform both masculinity and their "superior racial status."[234] As a result of this dynamic, while economically dispossessed people could and can still enjoy privileges as a result of their whiteness—which the racial fragmentation of working class labor throughout U.S. history makes clear[235]—the whiteness of poor white people is often viewed as an inferior manifestation of an otherwise superior position and possession, conceived in both racialized and masculinist terms.[236]

On the most basic level, Harris argues, what whiteness and property share is "a common premise—a conceptual nucleus—of a right to exclude."[237] Whiteness and property, in other words, mutually reinforce and extend one another: whiteness, a "species of property," extends the conceptual structure of private property possession racially, just as private property extends

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[234] Roediger, *How Race Survived U.S. History*, 24.
[235] See: Du Bois, *Black Reconstruction in America*; David R. Roediger, *The Wages of Whiteness: Race and the Making of the American Working Class*, Rev. ed (London: Verso, 2007).
[236] Roediger, *How Race Survived U.S. History*, 24. See also: Nancy Isenberg, *White Trash: The 400-Year Untold History of Class in America* (New York, New York: Viking, 2016); Dana D. Nelson, *National Manhood: Capitalist Citizenship and the Imagined Fraternity of White Men*, New Americanists (Durham: Duke University Press, 1998).
[237] Harris, "Whiteness as Property," 1721, 1744.

whiteness materially into the world in a concrete way.[238] Crystalized through European

colonialism, racial capitalism, and the Christian theological reasoning that buttressed them,

whiteness came into existence not as a neutral descriptor of human difference but as a means of

possession and dispossession, inclusion and exclusion, empowerment and disempowerment. The

function of enclosures—hedges, fences, gates, and walls—is to keep in and keep out. Like the

hedges and fences that early modern elites raised across England, the basic function of whiteness

from its beginning was—and is—to keep out and keep in, and to police those boundaries

vigilantly. It is little wonder, then, that the institution of policing emerged in relation to such

forms of exclusion, as I will show further in the third chapter.[239] As a manifestation of exclusive

possession, whiteness as property, what Bhandar calls a "racial regime of ownership,"

dispossesses what falls outside its lines of demarcation.[240] The line of protection formed by

whiteness and private property—by whiteness *as* private property—is one of the most significant

lines of demarcation in modernity because it marks out spaces and identities not only of trespass

and belonging but of death and life. Indeed, as centuries of mass resistance indicate, whiteness

and private property possession—along with the gendered constructions with which they are

intertwined—are far from merely neutral markers of personhood and materiality. On the

contrary, whiteness and private property (and patriarchy) are ways of arranging a world that

deploy carceral captivity for their protection. In so doing, they determine access to life and

proximity to death for populations conceived according to the differentiations produced by

whiteness and capital accumulation by dispossession.[241] Willie Jennings writes that "whiteness

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[238] Ibid., 1714-1721, 1734.
[239] See: Nikhil Pal Singh, "The Whiteness of Police," *American Quarterly* Volume 66, Number 4 (December 2014): 1091-1099.
[240] Bhandar, *The Colonial Lives of Property*.
[241] For more on the notion of "accumulation by dispossession," see: David Harvey, *The New Imperialism* (Oxford: Oxford University Press, 2005).

comes into being as a form of landscape"[242]—a landscape fundamentally rearranged according to

the sacred supremacy of private property and its possessors. In a world where whiteness is

property, to be black (or to be anything other than white for that matter) is to be fundamentally

"out of place."[243] In a world ordered according to the supremacy of whiteness *as* property, to be

black, to be anything other than white, and even to possess no property at all, is to trespass. As

historian E.P. Thompson puts it, "the greatest offence against property [is] to have none."[244]

[242] Jennings, *The Christian Imagination*, 59.
[243] Wolfe, *Traces of History*, 17.
[244] E.P. Thompson, *The Making of the English Working Class* (London: Penguin, 1968), 61.

CHAPTER 2

"Ownership of the Earth Forever and Ever, Amen!":
Theological Anthropologies of Whiteness and Private Property

The notion of "race" in its modern sense entered the world not as a neutral, value-free descriptor of naturally occurring anthropological difference but as a strategic political tool deployed by European colonialism and racial capitalism for differentiating and distributing power disparately amongst peoples. Race is a way of "making up people" in pursuit of the capacity to possess the world exclusively and absolutely.[1] As I explored in the first chapter, the notions of absolute difference forged within European colonialism and racial capitalism hinge not on "race" in general but on what would come to be known in the early eighteenth century as whiteness in particular. More than a mere identity position, whiteness came into existence as the "Eurocolonial"[2] and racial capitalist power to reconfigure the relationship between peoples and places,[3] to make subjects and rearrange the world itself in service of its own exclusive power. As Willie Jennings writes, "whiteness comes into being as a form of landscape."[4] Intertwined as it is with the power to possess and thereby reconfigure peoples' relation to creation, whiteness shares a conceptual and material history with the institution of private property: both delineate the allegedly natural but actually fabricated right and capacity to own the earth exclusively, without limitation.

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[1] Michael Omi and Howard Winant, *Racial Formation in the United States*, Third edition (New York: Routledge/Taylor & Francis Group, 2015), 105-112.

[2] Patrick Wolfe, *Traces of History: The Elementary Structure of Race* (London: Verso, 2016), 7.

[3] Willie James Jennings, *Christian Imagination: Theology and the Origins of Race* (New Haven: Yale University Press, 2011).

[4] Jennings, *The Christian Imagination*, 59.

The conglomerate power of whiteness and private property—whiteness *as* private property—to make and remake subjects is a power built not on purely political but theological-political thought and practice. As I also began to show in the previous chapter, whiteness and private property possession—together with patriarchal power—articulate themselves as apexes of moral and anthropological superiority that express God's intentions for the world, and that are therefore understood to channel a kind of divine presence, power, and authority to do God's work of managing life on earth. Whiteness and private property, in other words, situate themselves as the organizing centers of a theological-political vision of what humans are and should be in relation to others, to the world itself, and to God. Because whiteness and private property define themselves—and the world around them—in such terms, they may be interpreted as expressions of a kind of theological anthropology, a doctrinal category of Christian systematic theology concerned with the origins, nature, and ends of human existence before God.[5] Whiteness and private property are matters of theological anthropology in two senses: (1) they are theologically and politically conceived subject *positions* that (2) aspire to and to some degree obtain the pseudo-godlike *power* to "make people up" according to a moral hierarchy of value in which they embody superiority and their others inferiority. The (racial, propertied) power to make people up ultimately crystalizes as the godlike power to possess the world itself—what W. E. B. Du Bois calls "ownership of the earth forever and ever, Amen!"[6] In this chapter, I engage and distill theologies of people dispossessed by what bell hooks calls white supremacist capitalist patriarchy[7] in order to define whiteness and private property (and the patriarchy with which they

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[5] J. Patout Burns, *Theological Anthropology*, Sources of Early Christian Thought (Philadelphia: Fortress Press, 1981).

[6] W. E. B. Du Bois, *Darkwater: Voices from within the Veil* (New York, NY: Verso, 2016), 18.

[7] bell hooks, "bell hooks: Cultural Criticism and Transformation," interview by Media Education Foundation, 1997. https://www.mediaed.org/transcripts/Bell-Hooks-Transcript.pdf.

are intertwined) in contradistinction to their own self-definitions and material manifestations. In pursuit of that task, Du Bois's theological-political definition of whiteness (and/as property) serves as a guide for discerning the godlike aspirations of whiteness and private property (and patriarchy), and how that aspiration ultimately constitutes "sin" as predominant Christian theological anthropologies understand it, namely, as self-deifying pride that deals suffering and death to others.

The godlike power of whiteness and private property (and patriarchy) is the dual power of subject-making and world-arranging. The idea of making, producing, creating, or recreating subjects is a way of talking about how humans conceptualize, define, and enact what it means to be a human self or a subject, and how that conceptualizing plays out through particular practices and institutions.[8] Subjects and societies cannot be fully understood except in relation to one another. Subject-making, then, is also inherently a matter of the broader social order within which persons dwell. As such, making subjects is also a way of arranging and rearranging—or, to put it theologically, re-creating—the world.[9] The subject-making and world-arranging powers

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[8] The concept of subject-making finds its source in a number of philosophical systems of thought. I borrow the idea most directly from French philosopher Michel Foucault, whose work enables an interrogation of how ideas of personhood are constructed, valued, and devalued in ways that shape people's material conditions and experiences of themselves and the world. As outlined in the introduction to this dissertation, two aspects of Foucault's work in this regard inform my analysis of criminalization. The first is his complexification of common conceptualizations of how power works in modernity: from the top-down, subject-to-subject power of sovereignty, to disciplinary power that manages bodies in space, and finally to biopower that manages life itself at the level of species and population. The second aspect of Foucault's work that informs this project is his theorization of normality and abnormality that undergirds modern reconfigurations of power: social order revolves around the maintenance and supremacy of "normal" (normative) forms of life and behavior and thereby deploys techniques intended to "normalize" or manage persons and populations defined as abnormal, whose presence is perceived as a threat to social order or the species as a whole. It is in the context of normalization and biopower that Foucault locates the emergence of racialization and criminalization. The most important aspect of Foucault's analyses for the purposes of my project is that the management of bodies and life in disciplinary power and biopower hinges on determinations of normality and abnormality, which allows it to implement mechanisms of normalization and control toward that end. With (and beyond) Foucault, I theorize whiteness and private property as normative anthropological markers and criminalization as a mechanism for managing threats to them. See: Michel Foucault, *Abnormal: Lectures at the Collège de France, 1974-1975*, trans. Burchell, Graham (New York, NY: Picador, 2003); Michel Foucault, *Society Must Be Defended: Lectures at the Collège de France, 1975-76*, trans. David Macey (New York: Picador, 2003); Michel Foucault, "The Subject and Power," *Critical Inquiry* 8, no. 4 (Summer 1982): 777–95.
[9] J. Kameron Carter, *Race: A Theological Account* (Oxford: Oxford University Press, 2008), 35.

of whiteness and/as private property are conceptual—they are based on the *idea* that whiteness and private property possession make some people inherently superior and others inherently inferior—but they are also *material* in the sense that they express ideas that have been made concretely real and powerful through a deliberately and systematically inequitable distribution of resources and proximity to death over the course of the last three to four hundred years.[10] The power of theological-political subject-making, therefore, is that by defining people differentially, it also distributes power and thereby arranges social orders differentially. Subject-making and world-ordering are two dimensions of a single power made possible by a synthesis of theological and political ideas about what different humans are and should be in relation to God, one another, and the world. Whiteness and private property come into existence by way of a synthesis of theological and political ideas about personhood, and they claim the godlike power to re-create others, and thereby the shape of societies and the earth as a whole. Birthed and maintained through a fusion of the theological and the political, they are, as such, understood most adequately through a frame attentive to both valences.[11] Toward that end, this chapter deploys concepts fundamental to predominant Christian theological anthropology—specifically, the notions of *imago dei* and sin as pride—as a frame for counter-interpreting whiteness and private property possession (and patriarchy) against their illusory, self-deifying self-definitions that work by dealing death to their others.[12]

The broader purpose in interrogating whiteness and private property (along with patriarchy) as sinful aspirations to godlike power is to prepare us for understanding the role they

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[10] Ruth Wilson Gilmore defines "racism" as "the state-sanctioned or extralegal production and exploitation of group-differentiated vulnerability to premature death." Ruth Wilson Gilmore, *Golden Gulag: Prisons, Surplus, Crisis, and Opposition in Globalizing California* (Berkeley: University of California Press, 2007), 28.

[11] See the introduction to this dissertation for more on what I mean by "theological" and "political."

[12] As we will see throughout this chapter, self-making and the making of others are processes that exist in mutually dependent relation: they are two sides of the same coin.

play in catalyzing the criminalization of black, other nonwhite, and propertyless peoples, which I explore in the next two chapters. I theorize whiteness, private property, and the criminalization they catalyze in terms of a frame as broad as theological-political "subject-making" and "world-arranging" because whiteness, private property, and patriarchy—and the criminalization they catalyze—are more than matters of individuals acting out of personal racial, class-, or gender-based animus. History shows us, and I will detail further in the next chapter, that criminalization is not the product of accidental aberrations enacted by individual "bad apples" but a core function of the institution of policing from its origins to the present day. We better understand criminalization in this systemic or structural valence when we begin by asking what criminalization as a system is *for*, what it is that criminalization protects or defends.[13] My argument, in its first stage, is that criminalization is a means of protecting whiteness, private property regimes, and the patriarchy with which they are intertwined from those who register as threat or trespass against them. In other words, criminalization is a matter of maintaining the supremacy and security of some subjects by managing or disappearing others. As Foucault says of biopolitical racism, so we might say of criminalization: criminalization is not just criminalization against black, other nonwhite, and non-propertied people, but criminalization *for* the preservation of whiteness and private property and patriarchy.[14] While the raced and propertied (and gendered) dimensions of criminalization are not absolute—not *all* black and nonwhite people find themselves under carceral subjection, and white people are also criminalized—black, other nonwhite, and economically dispossessed peoples of all races are

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[13] Michel Foucault's *Society Must Be Defended* informs this question.
[14] Foucault, *Society Must Be Defended*. Ladelle McWhorter, *Racism and Sexual Oppression in Anglo-America: A Genealogy* (Bloomington: Indiana University Press, 2009); Ellen T. Armour, *Signs & Wonders: Theology after Modernity*, Gender, Theory, and Religion (New York: Columbia University Press, 2016). As I outline in this dissertation's introduction, my own analysis seeks, in part, to elaborate upon and extend the fundamental insights of Foucault's (and his interlocutors') work.

especially vulnerable to it. We more thoroughly understand criminalization, then, when we understand the subject-making and world-ordering of which it is a function, which is why the first two chapters of this project on criminalization begin with the formation and function of whiteness, private property, and patriarchy. I am not the first to make an argument of this kind. But whereas most scholars and social movements tend to conceptualize whiteness, private property regimes, and criminalization as a matter of the purely, secularly political—a product of raw social, political, and economic forces—I argue that we better understand these phenomena (and therefore how to resist and dismantle them) when we discern the theological thought and practice that make them possible in their origins and that help maintain them in the present.

To grasp the full complexity of how whiteness and private property possession—and the patriarchy with which they are intertwined—are powers of theological subject-making and world-arranging, and to understand subsequently how the purpose of criminalization is to protect them, we must first understand some of the basic features of predominant Christian theological anthropology, in which humans are understood to be both made in the image of God, on the one hand, and yet fundamentally corrupted by sin in the form of pride, on the other. After tracing the elaboration of these notions into their more socially-attentive forms, I proceed in the remainder of the chapter by deploying the notion of sin as pride in its social register to interpret and critique whiteness, private property, and patriarchy as expressions of the self-idolatrous desire to transcend, manage, and possess the world absolutely on the backs of black, other nonwhite, and economically dispossessed peoples.[15] Whiteness, absolutely exclusive private property

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[15] As we will see, while both men and women are criminalized, black women, other nonwhite women, and economically dispossessed white women are especially vulnerable to the criminalization catalyzed by whiteness, property, and patriarchy.

possession, and patriarchy, in short, are conditions or manifestations of sin that proliferate evil and death in the world.

From this premise, the question might arise: does naming whiteness, absolutely exclusive private property, and patriarchal power as conditions of sin entail condemnation of their possessors as more inherently sinful than others? The author of the letter to the Ephesians writes that "our struggle is not against enemies of blood and flesh, but against the rulers, against the authorities, against the cosmic powers of this present darkness, against the spiritual forces of evil in the heavenly places" (Ephesians 6.12). Theologians interpret what some translations of this passage call the "principalities and powers" not simply as immaterial cosmic phenomena that swirl invisibly in our midst, but as spiritual phenomena that take quite concrete, even institutional forms in society.[16] As instantiations of separation from God, the principalities and powers are fallen forces that wreak havoc on earth through exploitation, violence, and death. Theologian William Stringfellow argues that the principalities "falsely—and futilely—claim autonomy from God and dominion over human beings and the rest of creation," blasphemously striving to usurp God in the world. "The principality, insinuating itself in the place of God, deceives humans into thinking and acting as if the moral worth or justification of human beings is defined and determined by commitment or surrender—literally, sacrifice—of human life to the survival interest, grandeur, and vanity of the principality."[17] Bent on their own self-preservation at the expense of everyone and everything else, principalities and powers, by definition, serve dehumanization and death, and thus oppose God's will, and as such may be characterized as

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[16] See, for example: William Stringfellow, *An Ethic for Christians & Other Aliens in a Strange Land* (Eugene, OR: Wipf and Stock, 1973); Walter Wink, *The Powers That Be: Theology for a New Millennium*, 1st ed (New York: Doubleday, 1998); Jacques Ellul, *The Subversion of Christianity* (Grand Rapids, Mich: Eerdmans, 1986); Karl Barth, "October 18, 1914" Sermon in *A Unique Time of God: Karl Barth's WWI Sermons*, ed. William Klempa (Louisville, KY: Westminster John Knox Press, 2016).
[17] Stringfellow, *An Ethic for Christians & Other Aliens in a Strange Land*, 81, 67-114.

"demonic." Entailing more than simply sin in its individual register, Stringfellow argues, the death-dealing principalities even exceed human agency. Indeed, rather than humans exercising dominion over creation, the principalities exercise dominion over humans and all of creation.[18]

As manifestations of sin that proliferate death and evil in the world, whiteness, absolutely exclusive private property, and patriarchy constitute principalities and powers—instantiations of separation from God that seek godlike power by wreaking havoc on the world and its peoples. James Cone and Willie Jennings, among others, identify whiteness as a principality and power. "When we look at what whiteness has done to the minds of men [*sic*] in this country," Cone writes, "we can see clearly what the New Testament meant when it spoke of the principalities and powers."[19] As forces of sinful corruption, the principalities and powers inevitably deal death to those in the way of their pseudo-godlike supremacy. Indeed, like they did to Jesus of Nazareth, so they did—and do—to black Americans: "[Jesus] was crucified by the same principalities and powers that lynched black people in America."[20] Whiteness, it will become clearer as this chapter and subsequent chapters unfold, is only whiteness when it exploits others and the earth for resources, holds people in bondage, and brings about death, quick or slow, for those deemed a threat to its supremacy and the spatialized purity it requires. As with whiteness, so absolutely exclusive private property and patriarchy do not merely desire but require the

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[18] Ibid., 82-83.

[19] James H. Cone, *Black Theology and Black Power* (Maryknoll, N.Y: Orbis Books, 1997), 150.

[20] James H. Cone, *The Cross and the Lynching Tree* (Maryknoll, NY: Orbis Books, 2011), 158. Others who identify the inherent violence of white supremacy with principalities and powers include: Willie James Jennings, "Overcoming Racial Faith" in *Divinity*, Duke University (Spring 2015), 7; M. Shawn Copeland, "'Wading Through Many Sorrows': Toward a Theology of Suffering in Womanist Perspective" in Emilie Maureen Townes, ed., *A Troubling in My Soul: Womanist Perspectives on Evil and Suffering*, The Bishop Henry McNeal Turner Studies in North American Black Religion, v. 8 (Maryknoll, N.Y: Orbis Books, 1993); James H. Evans, *We Have Been Believers: An African American Systematic Theology*, 2nd ed (Minneapolis: Fortress Press, 2012); Stringfellow, *An Ethic for Christians & Other Aliens in a Strange Land*.

exploitation, bondage, and death of those who register as either threat to be subdued or abnormality to be normalized, purged, or eliminated.[21]

Thinking along the lines of this scriptural notion of enemies that are not—or that are at least more than just—flesh and blood, I theorize "whiteness" as opposed to simply "white people," because whiteness is a phenomenon, a force—a principality, a power—that cannot ultimately be reduced to the localizable agency of its individual or collective possessors. Whiteness as I am seeking to convey it most certainly includes but ultimately encapsulates more than the identifiable agency of "white people." Incorporating—but also more than—flesh and blood, whiteness is a "sinful" or "demonic" condition, based in self-deifying illusion and therefore all too materially real, that traps others and selves in pursuit of a power that is not in fact attainable, but that when pursued deals death to whiteness's possessors and others alike. Likewise do absolutely exclusive private property possession—built through accumulation by dispossession—and patriarchy include but also exceed the agency of their possessors. As such, I speak more of "private property" and "patriarchy" than simply "private property owners" and "men" because private property and patriarchy, while they certainly manifest in the form of the agency of their possessors, also exceed such isolatable manifestations in much the same way as whiteness. My argument is that if we do not understand the supra-agential dimensions of these phenomena, which is a manifestation of their theological origins and character as principalities and powers, then we do not adequately understand them all. There is no question that whiteness, private property, and patriarchy exist because people keep on making them exist moment to moment, day in and day out, through their choices and actions. As such, it is necessary to intervene on these death-dealing forces at the level of personal moral agency. But these

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[21] See: Foucault, *Abnormal*.

phenomena also subsist in excess of the localizable agency of those who possess and wield them: they have a life of their own, as it were, including through the institutions, systems, and structures that work not just through isolatable sovereign "decisions" but through recreating whole social orders to incorporate the supremacies of whiteness, private property, and patriarchy as part of their basic functioning.[22] Thus, when I speak of whiteness, private property, and patriarchy, I am speaking of *both* the individual and collective agency of their human possessors *and* their supra-agential subsistence in and through systems, structures, institutions, economies, nation states, municipalities, policies, practices, habits of thought, culture, language, symbol— and the list goes on.

Does naming whiteness, absolutely exclusive private property, and patriarchal power as conditions of sin that proliferate evil—and thus as principalities and powers—entail condemnation of their possessors as more inherently sinful than others? The condemnation of whiteness, private property, and patriarchal is less the outright condemnation of their possessors and more the condemnation of the idolatrous, death-dealing power that these sinful conditions make available. Whether inherited or pursued, or both, the godlike power of whiteness, private property, and patriarchy is a curse that binds others, and ultimately those who wield them. Condemning white propertied men (and women) who actively revel in their whiteness, property possession, and patriarchal power as "sinners" would be consistent with my theological analysis, but my analysis cannot for that reason be encapsulated by condemnation of white propertied men (and women).[23] Whiteness, absolutely exclusive private property possession, and patriarchy are

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[22] I make this argument about whiteness in the following: Andrew Krinks, "The Color of Transcendence: Whiteness, Sovereignty, and the Theologico-Political," *Political Theology* 19, no. 2 (February 17, 2018): 137–56.

[23] While men are the primary agents and beneficiaries of patriarchal power—and private property—women can also be agents and beneficiaries of patriarchal power, as well as private property. As for whiteness, as we have seen and will see further, women can and do possess, inhabit, and wield it in especially dangerous ways.

manifestations of sin that proliferate evil, which is to say principalities and powers. As such, their possessors and heritors have the choice to willfully align with them, or to pursue, with the help of others and God's grace, freedom from the evil-proliferating sin that holds both them and those rendered "other" by them captive.[24]

My contention is that only by understanding whiteness, private property, and patriarchy together as sinful, death-dealing aspirations to exclusive godlike power—and thus as idolatrous, evil-proliferating principalities and powers—may we subsequently understand these phenomena as that which the pseudo-salvific mechanism of criminalization defends in pursuit of a world remade for their supremacy and power, which is to say, a world in which black, other nonwhite, and economically dispossessed peoples are likely to be perceived and treated as criminal threats to the sanctity of social order. In order to grasp criminalization (chapter three) and its function as a pseudo-soteriology (chapter four), we must first attend to the theological anthropologies of whiteness, private property, and patriarchy. To set that argument up, I begin by outlining Christian theological anthropology in its predominant register.

Christian Theological Anthropology

Christian traditions have understood the human person before God in diverse ways, but predominant trajectories of Christian thought presuppose a few basic things about it.[25] Fundamental to practically every Christian anthropology, first, is the claim that humans are "created in the image of God." The second is that humanity as a whole has "fallen" from the original state in which it was created into a condition of sinfulness. The manner in which

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[24] There is much more to be explored regarding the implications of these claims. I will further explore these questions in chapters four and five.

[25] A full exploration of the many ways that theologians have interpreted the human person in light of God would constitute a full project in its own right, so what follows is inevitably limited in scope.

Christian theologies understand and theorize these claims varies widely. A third claim

fundamental to most Christian anthropologies, the specifics of which vary even more widely than

the first two, is that God invites humans from their state of inherited sinfulness to new or

renewed humanity through Jesus Christ by the power of the Holy Spirit.[26] I will consider this

third point—the soteriological dimension of theological anthropology—more thoroughly in the

fourth chapter. For now, I begin with predominant understandings of *imago dei* and sin.

The primary source for Christian anthropologies' claim that humans are created *imago*

dei—in the image of God—is the first creation account of Genesis:

> Then God said, 'Let us make humankind in our image, according to our likeness;
> and let them have dominion over the fish of the sea, and over the birds of the air,
> and over the cattle, and over all the wild animals of the earth, and over every
> creeping thing that creeps upon the earth.' So God created humankind in his
> image, in the image of God he created them; male and female he created them
> (Genesis 1.26-27).

Christian—and Jewish—conceptions of human personhood in its original created state rest on

the idea that God created humans as a partial reflection of God's own self. What exactly this

likeness entails, however, is up for interpretation. According to theologian Daniel Migliore,

Christian theologians have interpreted the "essence" of *imago dei* in different ways, emphasizing

what is common between God and humans in terms of physical resemblance, rationality,

dominion over the earth, freedom, and relationality.[27] Whatever the essence of humans' likeness

to God might be, predominant Christian theologies have traditionally worked on the basis of the

idea that, because humans bear the *imago dei*, to pursue knowledge of God also entails entering

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[26] I borrow this threefold typology of the "essential dimensions" of Christian anthropology from Daniel L. Migliore, *Faith Seeking Understanding: An Introduction to Christian Theology*, 2nd ed (Grand Rapids, Mich: W.B. Eerdmans, 2004), 139-162.

[27] Migliore, *Faith Seeking Understanding*, 140-142.

into deeper knowledge of oneself as a creature made in God's image.[28] Indeed, theologians

including Augustine and Calvin argue that being created in God's image means that God creates

humans with a built-in capacity to know and to love God, from whom we come and who we

reflect with our very existence. For Augustine, the self that knows and loves both itself and God

is an image of the Trinitarian God whose "persons"—Father, Son, and Spirit—know and love

both self and other perfectly: just by being what humans are created to be, humans reflect God.[29]

Similarly, for Calvin, "a sense of deity is inscribed on every heart" from birth, a capacity for

knowing God woven into "our very bones." If knowledge of God is inherent in the being of

humans, Calvin argues, then those who don't direct themselves toward God "fail to fulfill the

law of their being."[30] The idea that humans are made with a basic capacity to know God is a

feature of the broader principle of Christian anthropology (and indeed practically all Christian

doctrine) that, because humans find their origin in God, they also find their ultimate end or

fulfillment in God. Union with God—through knowledge, through love—is Christian theological

anthropology's fundamental orienting principle. The doctrine of *imago dei* means that God

created humans in such a way that their existence and the fundamental features that comprise

their existence are partial reflections of God's own essence—with an emphasis on the *partial*.

Humans' likeness to God is partial—meaning humans are a reflection rather than a full

replication of God—for two reasons. First, humans reflect God only partially because humans

are not the creator God, but creatures of God. As finite creatures, humans cannot know the

infinite God in God's fullness, as we might know the objectively observable biological

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[28] Augustine, *Confessions*, trans. Henry Chadwick (Oxford: Oxford University Press, 2008), 179; John Calvin, *Institutes of the Christian Religion* (Peabody, Mass: Hendrickson Publishers, 2008), 1-6.
[29] Augustine, *On the Trinity. Books 8-15*, ed. Gareth B. Matthews, Cambridge Texts in the History of Philosophy (Cambridge, UK: Cambridge University Press, 2002).
[30] Calvin, *Institutes of the Christian Religion*, 9-11.

components of an organism, for instance. God transcends space and time—the dimensions of finitude—and thus the capacities of human knowledge.[31] The second reason that humans reflect God only partially, and the second fundamental component of any Christian anthropology, is that humans are fallen creatures, meaning their likeness to—and thus their union with—God has been corrupted in a fundamental way by the introduction of sinfulness into human existence. The primary scriptural source for understanding this corrupted state in which humans find themselves is the account of the fall of Adam and Eve in Genesis 3. According to that narrative, the first humans (Adam and Eve) disobey God by eating from the tree of the knowledge of good and evil, by which they become "like God" (Genesis 3.5, 22). In so doing, humanity becomes alienated from God: having become like God, the voice of God worries, Adam "might reach out his hand and take also from the tree of life, and eat, and live forever" (Genesis 3.22b), and so God banishes Adam and Eve from the garden of Eden. Because humans are not and cannot be the God who created and provides for them, in striving to become like God, they paradoxically find themselves at a greater distance from God. For predominant Christian anthropologies, once introduced by Adam and Eve, sin is not simply a matter of accidental aberration from an otherwise positive trajectory. Indeed, sin is more than a matter of individuals' moral transgressions. Rather, sin is understood to be a condition characterized by the corruption of humanity's created state. The *imago dei* now tarnished, though not altogether disappeared, humanity after Adam and Eve is understood to be not only exiled from God but held captive to

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[31] There is much to be said about the relationship between knowledge, love, and faith in the Christian tradition that cannot be explored here. Some theologians will argue that it is logically inappropriate to speak of "knowledge" of God at all, while others will argue that faith and/or love begin where knowledge of God reaches its limit, while others still will suggest that rational knowledge is the primary means of union with God.

sinfulness so that humans lack the capacity to act in accordance with God's will without the special intervention of God's grace.[32]

According to the most lasting and predominant interpretation of the Genesis account of creation and fall, and of the Apostle Paul's interpretations of that account in his epistles, if sin is a state of corruption, the crux or primary manifestation of that corruption is pride. Augustine is largely responsible for crystalizing and proliferating this understanding of sin's essence. In Augustine's interpretation, the Garden of Eden represents creation as God intended it: God gives us everything we need, which means we need not look to ourselves for our own sustenance or survival. When Eve and Adam eat from the tree of the knowledge of good and evil, thereby becoming "like God," they disrupt God's intentions for creation in the sense that they pursue a self-reliant and self-satisfying independence and power apart from the God who created, provides for, and loves the humans God created. This is the essence of pride for predominant Christian anthropology: to turn in toward oneself and thereby away from God. For Augustine, Adam and Eve ate from the tree because corruption had already taken root in them—they had already turned away from God and toward themselves, presuming that they could find in themselves all that was necessary to live, without depending on God in any way.[33] The human person in its created state is not an inherent aberration or evil in Augustine's anthropology. Indeed, Augustine holds that God created humans to encounter God in their very selves: God, Augustine wrote, is "more inward than my most inward part and higher than the highest element within me."[34] The problem with pride, however, is that it places the self at the center of all things

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[32] For orthodox Christian theologies, this outside assistance comes first in the form of God's covenantal relations with the chosen people of Israel, and later through the life, death, and resurrection of Jesus Christ, which, by the power of the Holy Spirit, enables humans to receive the gift of redemption from sinfulness, and to live in accordance with the shape of that redemption in the world, even if only imperfectly.

[33] Augustine, *City of God*, Penguin Classics (London / New York: Penguin Books, 2003).

[34] Augustine, *Confessions*, 43.

in such a way that it displaces God—the actual center of all things—in the process. Put another way, the sin of pride "disorders" the "desire" that is otherwise a gift from God, the desire for God, our maker and sustainer (and redeemer). Disordered desire means inordinate desire for and worship of created things—including ourselves—rather than our creator, as God intended.[35] Self-satisfying pride is the enjoyment of sin for its own sake, in the sense of the pleasure it brings: sin becomes its own end, which Augustine argues is the mark of wanton criminality.[36] Augustine himself acted in ways that he understood to be criminal, which is to say sinful for the pleasure of it. Summarizing the impetus of his famous account of stealing pears as a young boy, he writes, "my pleasure was not in the pears; it was in the crime itself…."[37]

The sin of pride, in short, means collapsing humans' *imago dei* into simply *dei*. Fallen humanity is humanity that aspires to trade "likeness" to God for full identification with God—to be not just "*like* God" but to *be* God. Seeking self-satisfaction and aggrandizement no matter the cost, especially at the expense of others, sin as pride means "absolutizing ourselves"—becoming rather than reflecting God—which amounts, Migliore writes, to a rejection of God's grace:

> Declaring our freedom to be infinite, we proclaim ourselves God. This is the sin of the prideful, titanic, egocentric self. Often referred to simply as the sin of pride, it amounts to *active, self-centered idolatry*. It is the refusal to recognize the limits of the self and its dependence on God for life and the flourishing of life. Finitude and limitation are not evil in themselves, but they are often the occasion of anxiety and insecurity. Instead of living by a grace whose source is beyond ourselves, in our insecurity we seek to be our own God.[38]

Sin in the form of pride, the predominant trajectory of Christian theological anthropology argues, is a means by which humans seek to outrun their finitude, to transcend the inherent vulnerability

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[35] Ibid., 22-23.
[36] Ibid., 29-33.
[37] Ibid., 33. Sin, by definition, for Augustine, is for its own sake: "Was it possible to take pleasure in what was illicit for no reason other than that it was not allowed?" (32).
[38] Migliore, *Faith Seeking Understanding*, 151.

of being human.[39] Faced with the anxiety produced by the limitations that characterize finite existence, humans pursue godlike power, not only over themselves but over others and the world more broadly. The tragedy, these anthropologies suggest, is that such a pursuit is ultimately illusory, and only leads us away from God, and indeed away from ourselves, creatures made in God's image. The tragedy of human existence, then, is that the thing that most leads us to God—desire—is also the thing that, when disordered toward absolute self-satisfaction, separates us from God and others, leaving corrupted our capacity to live in cooperation with God's good will. "Man has been given over to himself because he abandoned God, while he sought to be self-satisfying; and disobeying God, he could not obey even himself."[40] As a "gulf" separating us from the source of life, theologians throughout the Christian tradition define sin as a form of captivity that humans choose for themselves.[41] For Augustine, because God does not create sin (it is a privation or absence of the good that God creates), it is *we* who create the chains that keep us from willing the good, and under which we groan.[42] As Martin Luther would later put it, sin holds our will in bondage, leaving us incapable of willing in accordance with God's will apart from God's grace.[43] In the end, sin in the form of prideful self-aggrandizement does not just injure the individuals who pursue it, but the world more broadly: the sin of self-idolatry, of attempting to transcend human finitude, not only introduces the curse of sin into humanity but introduces the curse of evil and death into creation more broadly.[44] In striving to become God, we deny God, and in so doing lose our capacity to act in accordance with God's life-giving will

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[39] See: Edward Farley, *Good and Evil: Interpreting a Human Condition* (Minneapolis: Fortress Press, 1990); Catherine Keller, *From a Broken Web: Separation, Sexism, and Self* (Boston, MA: Beacon Press, 1988).

[40] Augustine, *City of God*, 281.

[41] Augustine, *Confessions*, 47; Augustine, *Enchiridion*, 722.

[42] Augustine, *Confessions*, 47.

[43] Martin Luther, "The Bondage of the Will" in *Martin Luther's Basic Writings*, ed., Timothy F. Lull and William R. Russell, Third Edition (Minneapolis, MN: Fortress Press, 2012), 138-170.

[44] Augustine, *Enchiridion*, 672.

for the world. Disrupting God's good intentions for creation, sin as pride proliferates death

because it requires domination, exploiting others to realize the pursuit of godlike power.[45]

With the advent of modern Enlightenment thought's emphasis on the individual isolated

from any relation—what critical theorists call the "bourgeois subject"[46]—as the most

fundamental expression of personhood, modern theologies likewise tended to conceptualize the

sin of pride in more purely individual terms. In the wake of this individualization of popular

notions of personhood, feminist and liberation theologians of the 1970s and 80s revolutionized

Christian understandings of human personhood by expanding—and perhaps recovering earlier

aspects of—the predominant notion of sin as pride by arguing that sin is not just an individual

matter but also manifests socially. Theologizing within an Augustinian framework, Latin

American liberation theologian Gustavo Gutiérrez understands the crux of sin as turning in

toward the self, and away from others. But reaching beyond the tendency towards the individual

solipsism that has been made of most Augustinian accounts of sin in modern theology, Gutiérrez

offers an understanding of sin that includes both personal *and* social dimensions. He writes:

> Insofar as it constitutes a break with God, sin is a historical reality, it is a breach
> of the communion of persons with each other, it is a turning in of individuals on
> themselves which manifests itself in a multifaceted withdrawal from others. And
> because sin is a personal and social intrahistorical reality, a part of the daily
> events of human life, it is also, and above all, an obstacle to life's reaching the
> fullness we call salvation.[47]

More than just a matter of the isolated individual and God, Gutiérrez argues, sin concerns the

breach between individuals and God *and* the human others through whom we relate to God.

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[45] The account of the fall in Genesis implies that the fall introduces hierarchy and antagonism as a norm for life on earth: the domination of men over women (Genesis 3.15-16) and a burdensome, antagonistic relationship between humans and the earth itself (Genesis 3.17-19).

[46] Johann Baptist Metz, *Faith in History and Society: Toward a Practical Fundamental Theology*, A Crossroad Book (New York: Seabury Press, 1980); Max Horkheimer and Theodor W. Adorno, *Dialectic of Enlightenment: Philosophical Fragments*, Cultural Memory in the Present (Stanford, Calif: Stanford University Press, 2002).

[47] Gutiérrez, *A Theology of Liberation*., 85.

Thus, sin takes place on the level of history not only in individuals, but in social systems that fragment relations between humans.

An additional way that some liberation, white feminist, womanist, and mujerista theologies revolutionized thinking on human personhood was by challenging the notion that the fundamental crux of sin consists at all times and for all people in pride or self-satisfaction. Developed in response to theologies deployed by powerful people that defined self-concern as the crux of sin, the argument is that, for people already victimized by oppression, it is not a sin to seek one's own wellbeing. Indeed, such theologies argue, the notion that it is an expression of sin to pursue one's own wellbeing in a world where one's wellbeing is always already under attack is just another form of victimization. Early white feminist theologians including Valerie Saiving and Judith Plaskow illuminated the patriarchal underpinnings of predominant Christian theological conceptions of sin, arguing that the difference between men's and women's experience means concepts like sin must be developed to account for women's experience.[48] Because "women's experience" as articulated by early feminist theologians tended to mean *white* women's experience, womanist—and later mujerista—theologians developed theologies that accounted for the multiple oppressions of black and latinx women's experiences, thereby expanding upon white feminist theologies, on the one hand, and male-dominated black and Latin American liberation theologies, on the other.[49] In resistance to the oppressive weaponization of the idea of sin-as-pride, such theologies transformed Christian anthropology by suggesting that,

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[48] Valerie Saiving Goldstein, "The Human Situation: A Feminine Viewpoint," *Pastoral Psychology* 17, no. 3 (April 1, 1966): 29–42, https://doi.org/10.1007/BF01790250; Judith Plaskow, *Sex, Sin, and Grace: Women's Experience and the Theologies of Reinhold Niebuhr and Paul Tillich* (Washington: University Press of America, 1980).

[49] Jacquelyn Grant, "The Sin of Servanthood and the Deliverance of Discipleship," in *A Troubling in My Soul*; Delores S. Williams, *Sisters in the Wilderness: The Challenge of Womanist God-Talk* (Maryknoll, N.Y: Orbis Books, 1993).; Ada María Isasi-Díaz, *Mujerista Theology: A Theology for the Twenty-First Century* (Maryknoll, N.Y: Orbis Books, 1996); Ada María Isasi-Díaz, *En La Lucha / In the Struggle: Elaborating a Mujerista Theology*, 10th anniversary ed (Minneapolis: Fortress Press, 2004); Ada María Isasi-Díaz, *La Lucha Continues: Mujerista Theology* (Maryknoll, N.Y: Orbis Books, 2004).

for oppressed peoples, the crux of sin is not pride but self-negation, which means that union with God can look like human flourishing, as opposed to just absolute self-emptying. If God is love and God is just, then God does not condemn oppressed peoples for actively seeking their own wellbeing. It is no mistake that it was primarily women, black, and latinx theologians who fundamentally transformed understandings of the human person before God: it had for centuries been primarily European and patriarchal theologies that understood sin in essentially individual terms, and its crux as pride, and it was in response and resistance to the weaponizing of Christian anthropology against freedom-seeking peoples that liberation and feminist theologies first took root.

Feminist, womanist, and other liberation theologies rightly critique the presumption that the crux of sin consists in turning in toward oneself as inadequately attentive to the lived realities of people whose selfhood is already under attack, and whose only survival consists precisely in concern for oneself before those others who seek to do violence to oneself. And yet, when it comes to discerning the dynamics of the sin of people and institutions that *are* socially and politically powerful, and that enact immense violence on the communities from which liberation and feminist theologies first emerged, the notion of sin as pride does indeed provide critical insight. Elaborated beyond its individualist and weaponizing expressions, understanding sin as pride in more social terms provides a window into the nature of oppression itself. If sin is not just individual but social, and if sin can also entail denying oneself in a world that already denies oneself the right to live, then perhaps the sin of pride need not refer to self-regard of simply *any* kind, but self-regard and self-empowerment exercised to the point of doing significant harm to others, through whom we (at least potentially) relate to God.[50] Indeed, Christian and Jewish

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[50] It might be argued that it is impossible to act in a way that does no harm whatsoever, especially for those who, in situations of victimization or oppression, rightly choose their own wellbeing over others in a way that might be

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scripture, especially the prophets, are full of righteous indignation against people who seek their

own lavish wellbeing at the expense of others. Christian and Jewish scripture largely understands

sin as a condition that disrupts the just sociality that God intends for God's creation, which can

be seen especially in the Hebrew prophets who assert righteous indignation against people who

seek their own lavish wellbeing at the expense of others.[51]

In addition to Gutiérrez, another theologian and ethicist of the twentieth century who took

up and elaborated the Augustinian notion of sin as pride is Reinhold Niebuhr. Black and

womanist theologians and white feminist theologians have rightly criticized Niebuhr for his

unwillingness to understand or acknowledge the pervasiveness of either white supremacy or

patriarchy in his own time.[52] And yet, Niebuhr's elaboration of Augustinian understandings of

sin provides a resource that, when thought alongside liberation and feminist theologies'

elaboration of the scope and varieties of sin and applied to the very realities he failed to take

seriously, might indeed aid us in discerning whiteness, absolutely exclusive private property

possession, and patriarchy as fundamental expressions of the sin of pride. Niebuhr argues that the

sin of pride manifests in three forms: "pride of power, pride of knowledge and pride of virtue."[53]

Pride of power consists in the presumption of "self-sufficiency and self-mastery" that "imagines

itself secure against all vicissitudes," and translates into social and political forms of power that

bring harm to others in various forms.[54] The pride of knowledge, or intellectual pride, is "the

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argued to do "harm" to oppressors. And yet, following feminist and some liberation theologies and their
consideration of power in any theological formulation, oppressed peoples' self-regard should not be understood to
constitute harm because the power differential between oppressed and oppressor relativizes any seeming "harm" that
oppressed peoples' resistance and self-determination might inflict on oppressors.

[51] See, for example: Amos 5.11, 21-24, 8.4-6; Micah 3; Isaiah 3.14-15; Jeremiah 22.13-17.

[52] James H. Cone, *The Cross and the Lynching Tree* (Maryknoll, NY: Orbis Books, 2011), 30-64; Traci C. West,
Disruptive Christian Ethics: When Racism and Women's Lives Matter, 1st ed (Louisville, Ky: Westminster John
Knox Press, 2006), 3-35; Plaskow, *Sex, Sin, and Grace*.

[53] Reinhold Niebuhr, *The Nature and Destiny of Man: A Christian Interpretation, Volume 1: Human Nature*
(Louisville, KY: Westminster John Knox Press, 1996), 188.

[54] Ibid., 188-194.

pride of reason which forgets that it is involved in a temporal process and imagines itself in complete transcendence over history."[55] The pride of virtue, or moral pride, "is revealed in all 'self-righteous' judgments in which the other is condemned because he fails to conform to the highly arbitrary standards of the self." This pride consists, in other words, in the self who "mistakes its standards for God's standards."[56] An extended form of this pride is "spiritual pride," which consists in what Niebuhr calls "self-deification."[57] For Niebuhr, these forms of pride manifest not only individually but collectively, appearing in all manner of social, political, economic, and cultural ways.[58] Sin, for Niebuhr, consists in the presumption and pursuit of godlike power, knowledge, and virtue that enlarges the self—or collective selves—at the expense of others. Attentive to the ways that the Christian theological interpretation of human nature is a matter not just of humans in abstract isolation from the world but humans in connection with the social shape of the world in which we live, Niebuhr argues, as others before him do, that it is human insecurity and anxiety about human finitude, and the "sinful" desire to escape that finitude, that produces the "evil" of social injustice. Seeking to "transcend" finitude, human will-to-power disrupts "the harmony of creation" by subordinating others to one's own will.[59] Because humans are not just individual but social creatures, the agency of people and peoples corrupted by the condition of sin as pride manifests in both personal and social ways.

Absolute independence from others, invulnerability to finitude, transcendence of space and time, self-deification that condemns others defined as distant from God: these, Niebuhr suggests, are the dynamics of selves corrupted by the sin of pride. Much like Gutiérrez, Niebuhr

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[55] Ibid., 195.
[56] Ibid., 199.
[57] Ibid., 200.
[58] Ibid., 208-219.
[59] Ibid., 178-179.

does not see the problem of pride first as a matter of a God who, out of neediness, demands self-abnegation from the creatures God created, but rather as a matter of concern over the suffering and death that self-deification inevitably brings about in the world. What Niebuhr, and especially Gutierrez and other liberation and feminist theologians, help us recognize is that we understand sin in its full scope insofar as we attend critically and thoroughly to power—to modes of power, to who has power and who doesn't, and to the role that sin plays in determining such distributions in the first place. Indeed, definitions of sin that do not attend to power are at risk of being taken up as a weapon in service of oppression. Despite his attention to power, in the end, Niebuhr failed to recognize some of the most important power differentials that pervaded the world around him as matters of sin worth speaking to, perhaps in part because his theorization of power remained somewhat abstract and ahistorical, and because white men like Niebuhr—and like me—possess multiple forms of power that actively challenge their (our) ability to discern the dynamics of power and our complicity in them as clearly as others. And yet, Niebuhr's elaboration of sin as pride, sharpened and concretized through synthesis with liberation and feminist elaborations of sin, provides important insight into the nature of sin made manifest in the very phenomena that produce the oppressions to which liberation and feminist theologians speak. Human history, Gutiérrez argues, is salvation history, which is why sin manifests not just personally but socially: sin is "a turning in of individuals on themselves" that produces social fragmentation and oppression.[60] And yet, feminist theologies clarify, the (social) sin of excessive self-concern does not always adequately describe the crux of "sin" for those dispossessed of power by oppressive social forces. The insight made available by thinking liberation, feminist, and Niebuhrian theologies of sin together is that it is precisely the (social) sin of self-idolatrous

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[60] Gutiérrez, *A Theology of Liberation*, 85.

pride that produces the oppressions that diminish other peoples' personal and social power to begin with. In other words, while the sin of pride does not adequately describe the essence of sin for those on the receiving end of oppressions of various sorts, it does describe the crux of the sin that brings about such oppression in the first place. In the end, the sociality and power differentials made clear by liberation and feminist theologies of sin, on the one hand, and Niebuhr's elaborations of the dimensions of sin as pride, on the other, tell two parts of the same story. The oppressions that liberation and feminist theologies theologize against find their source in the prideful pursuit of self-deification that Niebuhr describes, and that liberation and feminist theologies help us concretize.

Theological Anthropologies of Whiteness and Private Property (and Patriarchy)

Whiteness and private property possession (along with patriarchy) are both "positions" and "powers" of theological anthropology: they are finite *positions* in a theological-political vision of what humans are and should be in relation to one another, the world, and God. Seeking to transcend their finite place in the world, however, whiteness, private property possession, and patriarchy also become *powers* of theological anthropology in the sense that they claim and in part become the power to make and remake others in inferior relation to their own fabricated supremacy. Understanding whiteness, private property possession, and patriarchy as finite subject positions that seek to become transcendent subject-making and world-ordering powers, enables us to discern that these phenomena actually embody and express not the godlike power to which they aspire but the sinfulness that they believe describes primarily the "others" upon whose exploitation and dehumanization their own power depends, and thus as principalities and powers. Christian theological anthropology in its predominant conception understands all

humans as both, and equally, created in the image of God (*imago dei*) and inheritors of an inherent sinfulness that separates humans from God, and from one another. Claiming godlikeness to the near exclusion of inherent sinfulness, which they displace—via projections of inherent immorality, savagery, monstrosity, criminality, and so on—onto their "others," whiteness, absolutely exclusive private property, and patriarchy embody not godlikeness but the sin of self-idolatrous pride that inevitably produces evil and death. In place of the *imago dei* of traditional Christian anthropologies, whiteness and private property (along with patriarchy) are means by which their possessors and inhabitors become simply *deus*, closing the distance between the human self and God, and indeed displacing by seeming to become God altogether. The histories of whiteness, private property, and patriarchy show that they become *deus* precisely through the dehumanization and exploitation of others, escaping the vulnerabilities of finitude by climbing on the bent backs of nonwhite and non-propertied peoples. Whiteness becomes powerful by systematically disempowering those defined as nonwhite; absolutely exclusive and unlimited private property is a mode of possession that requires *dis*possessing and excluding others from access to resources necessary for life; and patriarchy functions by perpetuating sexisms that render non-masculine (and gender nonconforming) peoples less powerful than the men who (think they) run the world. Dropping the "*imago*" from the *imago dei* in which they were made, and displacing by projecting the sinfulness that also describes their condition onto others, the possessors of whiteness, absolutely exclusive private property, and patriarchy lose sight of the God who does in fact reside within them and in so doing become extreme expressions of the sin that they believe especially characterizes everyone else. We better understand whiteness, private property, and patriarchy—phenomena that most interpret only politically or philosophically— when we understand their oppression-producing power both theologically and politically, with

"theological" and "political" naming two sides of the same coin: whiteness, absolutely exclusive and unlimited private property, and patriarchy are sinful, self-idolatrous aspirations to the godlike power to transcend, possess, and manage the world and its peoples—a power that works only by exploiting and proliferating suffering and death for those excluded from it, and even, ultimately, those who inhabit and possess it. It is the world-altering, idolatrous self-deifications of whiteness, absolutely exclusive and unlimited private property, and patriarchy—theorized and theologized in conversation with those dispossessed by them—toward which I now turn.

Whiteness and/as Godlike Ownership

In addition to being one of the first to discern the fundamental connections between white supremacy, colonialism, and the political economy of global and plantation capitalism,[61] W. E. B. Du Bois was also one of the first to discern the way such interconnections demonstrate the theological scope of whiteness's power. In his 1920 essay "The Souls of White Folk," Du Bois subtly traces the subject-making and world-rearranging religiosity of a whiteness that produces and depends upon black subjugation and dispossession. If his classic text *The Souls of Black Folk* is a meditation on the spirit of black survival in a world where to be black is to be a "problem" from the moment one is born,[62] then "The Souls of White Folk" is a meditation on the spirit of white supremacy that depends for its survival on blackness being at once a "problem" and an exploitable resource. The art and depth of the theological-political meditation that opens his text invites quoting at length:

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[61] W. E. B. Du Bois, *Black Reconstruction in America: 1860-1880* (New York, NY: The Free Press, 1935). For scholarship that elaborates upon and furthers Du Bois's core insights, see: David Roediger, *The Wages of Whiteness* and *How Race Survived U.S. History*; Theodore Allen, *The Invention of the White Race, Volumes 1-2*; Edmund Morgan, *American Slavery, American Freedom*; Cedric Robinson, *Black Marxism*; Walter Johnson, *River of Dark Dreams*; Joel Olson, *Abolition of White Democracy*.
[62] W. E. B. Du Bois, *The Souls of Black Folk*, Dover Thrift Editions (New York: Dover, 1994).

High in the tower, where I sit above the loud complaining of the human sea, I know many souls that toss and whirl and pass, but none there are that intrigue me more than the Souls of White Folk. Of them I am singularly clairvoyant. I see in and through them. I view them from unusual points of vantage. Not as a foreigner do I come, for I am native, not foreign, bone of their thought and flesh of their language. Mine is not the knowledge of the traveler or the colonial composite of dear memories, words and wonder. Nor yet is my knowledge that which servants have of masters, or mass of class, or capitalist of artisan. Rather I see these souls undressed and from the back and side. I see the working of their entrails. I know their thoughts and they know that I know. This knowledge makes them now embarrassed, now furious. They deny my right to live and be and call me misbirth! My word is to them mere bitterness and my soul, pessimism. And yet as they preach and strut and shout and threaten, crouching as they clutch at rags of facts and fancies to hide their nakedness, they go twisting, flying by my tired eyes and I see them ever stripped,—ugly, human. The discovery of personal whiteness among the world's peoples is a very modern thing…. [T]he world in a sudden, emotional conversion has discovered that it is white and by that token, wonderful! This assumption that of all the hues of God whiteness alone is inherently and obviously better than brownness or tan leads to curious acts; even the sweeter souls of the dominant world as they discourse with me on weather, weal, and woe are continually playing above their actual words an obligato of tune and tone, saying: "My poor, un-white thing! Weep not nor rage. I know, too well, that the curse of God lies heavy on you. Why? That is not for me to say, but be brave! Do your work in your lowly sphere, praying the good Lord that into heaven above, where all is love, you may, one day, be born—white!" I do not laugh. I am quite straight-faced as I ask soberly: "But what on earth is whiteness that one should so desire it?" Then always, somehow, some way, silently but clearly, I am given to understand that whiteness is the ownership of the earth forever and ever, Amen!"[63]

Du Bois's depiction of whiteness begins with the precision of black knowledge and perception. "High in the tower," Du Bois the black philosopher claims clairvoyance, the special ability to perceive what cannot otherwise be perceived, namely, the spirit of that power that orders the modern world of colonialism, global capitalism, and imperialism: whiteness. What for others is a mystery—the substance of the souls of white folk—is, from his vantage point, no mystery. This ability to discern the heart of whiteness is a consequence not of the kind of distance that permits

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[63] Du Bois, *Darkwater*, 17-18. To avoid confusion, I have omitted Du Bois's claim that whiteness emerges in the nineteenth and twentieth centuries. While it is certainly the case that "personal whiteness" solidifies during these centuries, scholars who elaborate on Du Bois's work convincingly argue, as I do in the first chapter, that whiteness first takes coherent shape in the early eighteenth century.

an aerial view, Du Bois suggests, but of an intimacy derived from the original contingency of the

"races" upon one another. Whiteness depends for its existence upon the devalued blackness that

it had to invent for its own supremacy.[64] Du Bois can see in and through whiteness because

whiteness created—pseudo-divinely spoke into existence—a world in which blackness exists

only as "problem." This black ability to perceive the hidden secret of whiteness embarrasses and

infuriates white people, Du Bois writes. Like the Jewish and Christian God whose fullness

transcends conceptual grasp, so whiteness is (godlike) whiteness only if it transcends black

knowledge's disempowering circumscription of it: as the thought and language that creates

devalued blackness, whiteness is supposed to be the power to conceptually and materially

circumscribe blackness, not the other way around. Black knowledge of the whiteness that is

supposed to overpower it is precisely the threat that black agency and black freedom pose to

white supremacy, which is why black knowledge of whiteness makes white people

"embarrassed" and "furious."[65] In response to the expression of black knowledge of the

"entrails" or inner workings of whiteness and the agency of which that knowledge is an

expression, whiteness unmasked of its illusory power lashes out, denying the right of black

people "to live," to "be," redefining black existence as "misbirth," an abnormality in the natural

order of things. Calling to mind the fervent religiosity of white Christians, Du Bois describes the

desperation of white people to hide the shame of being as finitely human as their allegedly

inferior others, calling to mind biblical narratives of first awareness of sin: "And yet as they

preach and strut and shout and threaten, crouching as they clutch at rags of facts and fancies to

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[64] James Baldwin traces a similar dynamic regarding the inherent relation between white empowerment and black disempowerment and dehumanization. See, for example: James Baldwin, "The Nigger We Invent" in Baldwin, *The Cross of Redemption*.
[65] Baldwin also attends to the embarrassment and shame inherent in whiteness. See, for example: Baldwin, "On Being White…and Other Lies" in *The Cross of Redemption*, 166-170.

hide their nakedness, they go twisting, flying by my tired eyes and I see them ever stripped,—ugly, human." Du Bois's vision of whiteness is vision of a base, sinful humanity stripped of its idolatrous aspirations to wield a godlike power that it pursues in an effort to cover the anxiety and insecurity of its finitude. Like Adam and Eve who sinned by aspiring to divine knowledge and power, white people are naked and ashamed before a black vision that sees through their pseudo-divine mimicry.

"The discovery of personal whiteness among the world's peoples is a very modern thing," Du Bois writes. But the word "personal" should not lead us to understand whiteness as an exclusively "personal" matter. Whiteness is not just skin deep, but worldwide: "the world in a sudden, emotional conversion has discovered that it is white and by that token, wonderful!" When Du Bois writes that "the world…discovered that it is white," he does not mean that all the people of the world realized they were white. Du Bois is suggesting, rather, that the discovery of personal whiteness implied the whitening of the earth itself, the global extension—through colonialism, imperialism—of the white power to possess the world, which is a power to remake the world in its own image: with the religious zeal of "conversion," the world itself becomes the exclusive possession and extension of whiteness. Even relatively well-meaning white people presume without question the God-ordained naturalness of racial hierarchy: "My poor, un-white thing! Weep not nor rage. I know, too well, that the curse of God lies heavy on you. Why? That is not for me to say, but be brave!" All the same, Du Bois perceives behind their pity an urging to accept black subjugation, work hard—"do your work in your lowly sphere"—and pray "that into heaven above, where all is love, you may, one day, be born—white!"

If one asks what is whiteness that it should be so desired—which is to say so inherently valued—the answer is that whiteness is the means by which humans come into possession of the

world without limitations of time or space. The value of whiteness is therefore expressed in terms of a social, political, and economic capacity: "ownership of the earth forever and ever, Amen!" The "Amen!" in Du Bois's description of whiteness is far from a mere rhetorical flourish. On the contrary, punctuating "the ownership of the earth forever and ever" with "Amen!" clarifies that time-and-space-transcending possession of the earth constitutes a capacity of godlike proportions and presumptions. The central prayer of the Christian tradition, the Lord's Prayer, which has its source in the gospel of Luke (11.2-4), is a confession of dependence upon the power of a universe-creating God whose loving provision makes human flourishing possible. It ends by proclaiming the infinite, merciful power of the God who provides for and empowers reconciled, trespass-forgiving human community: "For thine is the kingdom, the power, and the glory, forever and ever, amen." The "forever and ever, Amen!" of Du Bois's definition implies that whiteness takes the place of the God to whom, in the Lord's prayer, belongs "the kingdom, the power, and the glory," which is to say, "ownership of the earth forever and ever, Amen!" Whiteness, Du Bois helps us see, is not just an identity position. Nor is it merely a form of political power. Whiteness is not even simply a god that people worship. Whiteness is the means by which those who possess it get to be as powerful as gods—gods to whom belong "the kingdom, the power, and the glory." Whiteness is the aspiration to a power that transcends human finitude, that governs the world from a security beyond the world's vulnerabilities and the anxieties they produce. Indeed, the transcendent power of whiteness does not merely avoid worldly precarity; it transcends the precarity of finitude by trapping others within it. Whiteness escapes the world by climbing on the bent backs of black people, other people of color, and even, as we will see, white people who have failed to live up to their raced, classed, and gendered calling as private possessors. The aspiration to world-encompassing ownership is not merely a

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byproduct of whiteness; it is, Du Bois suggests, its "soul." Whiteness comes into being via theological reasoning expressed through social, political, and economic machinations, conceptualizing itself as the apex of moral and anthropological superiority. As such, whiteness not only emerges but lives on as a kind of pseudo-divine presence and power in the world.

Written during the early twentieth century rise of U.S. imperialism—and resistance to it—across the globe, Du Bois's essay keenly discerns that the world-possessing pretensions of whiteness make it more like a "religion" than a mere identity position.[66] Claiming a "title to the universe," white folks act like "world-mastering demi-gods" guided by "the doctrine of the divine right of white people to steal."[67] Such a divine right is, of course, utterly illusory, Du Bois argues. And yet, it is precisely such a "phantasy"—and the material accumulations of wealth and power deriving from it—that spirals the world (especially Africa and other third world nations) into "Hell."[68] The godlike claim to "ownership of the earth forever and ever, Amen!" may be a false one, but the power of such a pretension, such an aspiration, has altered the shape of the world in irrevocable ways.

Du Bois is not the first or only figure who discerns and resolutely criticizes the pseudo-divine aspirations of whiteness. Writing nearly a century before Du Bois, black revolutionary abolitionist David Walker, an early member the African Methodist Episcopal (AME) tradition, a member of "Mother Emanuel" AME Church in Charleston, South Carolina,[69] and an early

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[66] Du Bois, *Darkwater*, 18.
[67] Ibid., 18, 20, 27.
[68] Ibid., 19.
[69] Emanuel AME Church is the congregation from which co-founder Denmark Vesey preached an early iteration of black liberation theology based primarily in the exodus account of Israel, and where he and others plotted what would have been, had it not been foiled, the largest enslaved people's uprising in U.S. history. Vesey and others were executed in Charleston in 1822. White supremacist Dylann Roof murdered nine black churchgoers during a bible study at Emanuel AME on June 17, 2015, three days after the 193rd anniversary of the planned date of Vesey's uprising.

forerunner of the black liberation theology tradition,[70] wrote that white Christians were far more evil than the white "heathens" that preceded them. Like Du Bois, Walker berates the hypocrisy of white Christians, preachers, and slave-owners who claim a faith that requires treating others as one wants to be treated, and yet claim ownership of African peoples as "their natural inheritance," holding them in wretched, degrading, and deadly conditions. White Christians, Walker suggests, enslaved Africans with a zeal that can only be described as religious—as indeed it widely was.[71] Having "always been an unjust, jealous, unmerciful, avaricious and blood-thirsty set of beings, always seeking after power and authority," white people, and especially white Christians, Walker writes, aspired to take the place of God in the world. Even if "God were to give them more sense," Walker writes, "[i]f it were possible, would they not *dethrone* Jehovah and seat themselves upon his throne?"[72] Whiteness, Walker critically discerns, is the aspiration to become, and even to displace God, deifying itself by dehumanizing others. If white humanity believes the lie that to be white is to be more than human—divine—then all forms of nonwhiteness, and blackness in particular, must, by necessity, be only human, and indeed, *less* human than the humanity that whiteness actually embodies but pretends not to. As James Baldwin points out, the "lie" that is whiteness is, by definition, "genocidal": it exists only

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[70] James H. Cone, *Risks of Faith: The Emergence of a Black Theology of Liberation, 1968-1998* (Boston, Mass: Beacon Press, 1999), 42-45, 127.

[71] David Walker, *David Walker's Appeal to the Coloured Citizens of the World*, ed. Peter P. Hinks (University Park, Pa: Pennsylvania State University Press, 2000), 21, 43; James A. Morone, *Hellfire Nation: The Politics of Sin in American History* (New Haven: Yale University Press, 2003), 169-182; Richard Furman, "Exposition of the Views of the Baptists Relative to the Coloured Population of the United States in Communication to the Governor of South Carolina," Charleston, 1823. Reprinted in James A. Rogers, *Richard Furman: Life and Legacy* (Macon, GA: Mercer University Press, 1985), 274-286; Albert J. Raboteau, *Slave Religion: The "Invisible Institution" in the Antebellum South*, Updated ed (Oxford: Oxford University Press, 2004), 213, 295.

[72] David Walker, "Whites as Heathens and Christians" in *Black on White: Black Writers on What It Means to Be White*, ed. David R. Roediger (New York, NY: Shocken Books, 1998), 54-55.

insofar as others are made inferior in relation to it, it thrives only when the rest of humanity is brought "to the edge of oblivion."[73]

Contemporary theologians elaborate upon Walker's and Du Bois's insights in ways that help us further discern the pseudo-godlike and death-dealing scope of the power of whiteness in the world. The first modern Christian theologian to formally and systematically analyze the relationship between Christian theology and racial oppression was James Cone, a founder of the tradition known as black liberation theology. Following and elaborating upon the black religion and theology that emerged from enslavement and abolition, and catalyzed by the black freedom movements of the 1950s, 60s, and 70s, as well as his own experience as a black man born and raised in Arkansas, Cone revolutionized Christian theology altogether by arguing that in the context of white supremacy and the oppressions it unleashes on black people, "Christian theology must become *black theology*, a theology that is unreservedly identified with the goals of the oppressed and seeks to interpret the divine character of their struggle for liberation."[74] As such, Cone argues, "the task of the Christian theologian is to do theology in the light of the concreteness of human oppression as expressed in color and to interpret for the oppressed the meaning of God's liberation in their community."[75] Toward that end, Cone's primary undertaking across his writing is to develop a theology that provides a foundation for the liberation of black people. For this reason, any analysis of what he refers to most regularly as "white theology" is a concern that is secondary to the primary task of developing a liberating *black* theology. J. Kameron Carter critiques Cone for taking for granted the existence of "white theology" without adequately attending to the origins and contours of the theology of whiteness

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[73] Baldwin, "On Being White…and Other Lies" in *The Cross of Redemption*, 169.
[74] James H. Cone, *A Black Theology of Liberation*, 40th anniversary ed (Maryknoll, N.Y: Orbis Books, 2010), ix.
[75] Cone, *A Black Theology of Liberation*, x.

itself.[76] And yet, even if Cone's primary concern is not expositing whiteness as much as it is

nurturing theological pathways for black liberation, his pursuit of that goal nevertheless lays the

groundwork for understanding how whiteness constitutes a theological problem.

To begin with, the very idea of black *liberation* invites the question: liberation from

what? For Cone, the answer is simple: black liberation is liberation from whiteness. Blackness,

Cone argues, is the quintessential "ontological symbol" that "best describes what oppression

means in America." America, for Cone as for Du Bois, Baldwin, and so many others, is a place

thoroughly pervaded by the "satanic" power of whiteness: "insofar as this country is seeking to

make whiteness the dominating power throughout the world, whiteness is the symbol of the

Antichrist. Whiteness characterizes the activity of deranged individuals intrigued by their own

image of themselves, and thus unable to see that they are what is wrong with the world."[77] In a

world pervaded by the pseudo-divine, god-displacing power of whiteness, the work of black

theology, Cone writes, is "to analyze the satanic nature of whiteness" not just as an exercise in

abstract reasoning, but as a way "to prepare all nonwhites for revolutionary action." If whiteness

is satanic, then blackness constitutes a site of "divine activity"—the activity of liberation from

the evil of whiteness's dehumanizing oppression.[78] In a world where "whiteness is 'being' and

blackness is 'nonbeing,'" where black people "live under sentence of death," where life itself is

defined according to the supremacy of whiteness, Cone argues, theology must be theology for

the surviving and the thriving of black people against the whiteness that assails them from all

sides.[79] By arguing that "Christianity and whiteness are opposites," Cone points implicitly to the

fact that modern history has been a history in which Christianity and whiteness have been more

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[76] J. Kameron Carter, *Race: A Theological Account* (Oxford: Oxford University Press, 2008), 157-193.
[77] Cone, *A Black Theology of Liberation*, 8.
[78] Ibid.
[79] Ibid., 12-16.

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or less interchangeable. As Ladelle McWhorter shows, before Europeans colonialists in America were ever commonly understood to be "white," they were identified simply as "Christian," which was another way of saying "not negro, not mulatto, not Indian."[80] It is this original and ongoing definitional interchangeability of "white" and "Christian" that Cone rejects as an affront to both God in God's self and to God's liberating work in the world: "satanic whiteness is a denial of the very essence of divinity."[81] Indeed, whiteness, Cone writes, must be understood as "sin" precisely because it consists in "the desire of whites to play God in the realm of human affairs."[82] This sinful, self-obsessed, self-promoting desire to "play God," Cone argues, echoing Walker and Baldwin, is "the source of human misery in the world."[83] In light of these realities, God's future consists of black liberation from the threat of the black annihilation that whiteness pursues and puts into motion. For this reason, the divine and human work of black liberation means the annihilation of the death-dealing power of whiteness.[84]

Developing Augustinian and Niebuhrian understandings of sin as pride in directions they had not yet been taken, Cone helps us discern how whiteness is sin because it is a manifestation and means of the idolatrous "desire…to play God in the realm of human affairs"—a desire that proliferates "human misery in the world." Writing in Cone's wake, black theologian (and Cone's student) Dwight Hopkins shows how the protestant faith of European American slave masters "played an essential part in the pervasive process" of "constituting" the anthropological fiction of moral, valued whiteness and immoral, devalued blackness.[85] Slave master religion and the newly

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[80] McWhorter, *Racism and Sexual Oppression in Anglo-America*, 74. See also: Roediger, *How Race Survived U.S. History*, 6.
[81] Cone, *A Black Theology of Liberation*, 68.
[82] Ibid., 115.
[83] Ibid., 114.
[84] Ibid., 114-115.
[85] Dwight N. Hopkins, *Down, Up, and Over: Slave Religion and Black Theology* (Minneapolis, MN: Fortress Press, 2000), 93.

emerging power and identity of personal whiteness, Hopkins helps us understand, were not two separate phenomena, but two mutually reinforcing dimensions of a single system and culture of plantation capitalism. The religious and economic self-valuating construction of whiteness and the religious and economic devaluating construction of blackness are, Hopkins suggests, two sides of the same coin—a coin generated and multiplied under racial capitalism and the chattel slavery that was a cornerstone of it. As Hopkins writes, "the intentional deployment of all the power and language of Euro-American Christianity and culture—its political-economic structure, its grammatical style, and its textured racial cultural way of living—served to create a unifying definition of what it meant to be white in the New World."[86] Shedding various particular national identities in exchange for designation as "white," European Americans empowered themselves by forcibly inventing and defining "black" people as inherently "less-than-human work animals." Hopkins echoes historians' accounts when he argues that this process was not peripheral but integral to the "Christian faith" of "slave-owning communities."[87]

In an effort to forge docile, profit-yielding subjects out of people of African descent kidnapped from their native lands, Hopkins shows that slave-owners developed Christian catechisms specifically for their enslaved subjects.[88] One such catechism used in white Episcopal churches for enslaved Africans began by establishing the alleged historical naturalness of African slavery by marking the God-cursed biblical figure Cain as black, and by explicitly

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[86] Ibid., 52.
[87] Ibid., 52.
[88] Before slaveowners permitted enslaved people to become Christians, the idea their becoming Christians through baptism was a threat to the solidity of plantation capitalism and the Christianity of which it was a part, which is why, when they were permitted to become Christians, it was only as resolutely inferior subjects whose inferiority was articulated in theological terms. For more, see: M. Shawn Copeland, *Enfleshing Freedom: Body, Race, and Being* (Minneapolis, Minn: Fortress Press, 2010); Raboteau, *Slave Religion*; Katharine Gerbner, *Christian Slavery: Conversion and Race in the Protestant Atlantic World*, Early American Studies (Philadelphia: University of Pennsylvania Press, 2018).

claiming that "the Southern slave [came] from him."[89] Citing Abraham's God-fearing, obedient

slaves, Jesus's relative silence (as recorded in scripture) on slavery, and Paul's moral

encouragement to the runaway slave Onesimus to return to his owner Philemon, the catechism

established the order of chattel slavery as a biblically and divinely ordained feature of the natural

order of things. More specifically, Hopkins argues, white-made slave catechisms forged

whiteness as a religious subjectivity naturally proximate to God and blackness as a religious

subjectivity naturally distant from God. The Episcopal slave catechism makes this allegedly

inherent sinfulness of enslaved Africans clear:

> Q. Did Adam and Eve have to work?
> A. Yes, they were to keep the garden.
> Q. Was it hard to keep that garden?
> A. No, it was very easy.
> Q. What makes the crops so hard to grow now?
> A. Sin makes it.
> Q. What makes you lazy?
> A. My own wicked heart.
> W. How do you know your heart is wicked?
> A. I feel it every day.
> Q. What teaches you so many wicked things?
> A. The Devil.[90]

This catechism accomplishes two seemingly separate things as part of the same process: it

theologically establishes the moral and anthropological inferiority of enslaved black people as

part of the natural order of things, and it integrates that inferiority into the racial capitalist

political economy in the context of which the words were uttered for the sake of building up

white wealth and power. As Hopkins writes, "this catechism syncretized God, the Devil, and

human labor" and in so doing established that "the immediate, long-term, divine, and ultimate

purpose of black humanity (that is, its theological anthropology) was to work for the masters'

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[89] Quoted on Hopkins, *Down, Up, Over*, 90.
[90] Quoted on Hopkins, *Down, Up, and Over*, 91.

wealth." In other words, forging subjects was both a theological and a political act that white Americans carried out in order to secure their own power and wealth. In so doing, Hopkins writes, white slave owners "acted like God and invented a new racial religious identity—the black American."[91] In addition to being "invented" and forged by the quest for white dominance, Hopkins also shows at length that black Americans were more than mere passive recipients of dehumanizing anthropological inscriptions. On the contrary, enslaved Africans constituted themselves in contradiction to white definitions and subjections by integrating active resistance and religious practice grounded in understandings of God's liberating power.[92] Nevertheless, black American religious resistance was a response to the European American invention of valued whiteness and devalued blackness that preceded it and that ordered a world whose foundations we still live upon today.

Cone's claim that whiteness consists in the sinful desire to "play God in the realm of human affairs" and Hopkins' contention that European Americans "acted like God" by forging blackness as a "new racial religious identity" made to enable white power both echo Du Bois's insight that "whiteness is the ownership of the earth forever and ever, Amen!" and Walker's claim that white people strive to seat themselves upon God's throne. The kind of power that "ownership of the earth" implies is unmistakably political and economic in scope: "ownership" designates a relationship between humans and the world characterized by possession and control, and possession and control of power and wealth in particular. That "whiteness"—an anthropological identity position—*is* this power to possess the world points us back to the possessive origins of whiteness explored in the first chapter. Whiteness is more than a neutral

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[91] Hopkins, *Down, Up, and Over*, 93.
[92] Ibid., 107-154. M. Shawn Copeland also explores the religious dimensions of black freedom-seeking subjectivity in *Enfleshing Freedom*, 38-53. See also: Raboteau, *Slave Religion*.

descriptor of human difference; it is a strategy for exclusively owning and ordering the world. What Cone, Hopkins, and other theologians—including Willie Jennings and J. Kameron Carter, whose work I engaged in chapter 1—help us understand is that whiteness is not just a political but a theological-political phenomenon. Whiteness is a theological-political phenomenon not only because it comes to be via theological thought and practice but because, having been born by way of theological thought and practice, it still shows up in our midst as a power of pseudo-godlike proportions, which can be seen in the sheer scope of the social, political, economic, and cultural power of whiteness over the course of the last three to four hundred years.

As seen in the first chapter, Jennings and Carter develop Cone's and Hopkins's work—and Du Bois's original insight—by investigating more thoroughly the precise theological and political contours of the origins of the world-ordering power that is whiteness. What Jennings and Carter help clarify, among many other things, is that whiteness is not just a secular phenomenon that subsequently gets theologized as a way of justifying colonialism and plantation capitalism; rather, the history of its emergence and the ongoing character of its power in the world shows that whiteness constitutes a theological category in itself. The aspiration to godlike power that is whiteness is marked fundamentally by the desire to own in quite material ways: whiteness comes into being as a kind of property possession. Jennings helps us perceive the continuity between whiteness and property implied in Du Bois's definition by showing how whiteness entails the reconfiguration of creation itself, which it achieves through colonial acts that separate people from places—places transformed into "raw, untamed land" in service of Christian European wealth, power, and control.[93] "With the emergence of whiteness," Jennings writes, "identity was calibrated through possession of, not possession by, specific land."[94] In

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[93] Jennings, *The Christian Imagination*, 43.
[94] Ibid., 59.

contrast to peoples whose relationship to the created world is more reciprocal, whiteness, in its origins, is a designation that describes an act of exclusive possession—"ownership of the earth forever and ever, Amen!"

The articulation and material formation of whiteness as a world-possessing power, Jennings writes, means that "whiteness comes into being as a form of landscape," which resonates with Cheryl Harris's insight—also explored in chapter 1—that whiteness emerges and subsists as a kind of property, including as exclusive possession of a landscape.[95] More than simply an isolatable, inhabitable identity position abstracted from the geographies in which we live, whiteness, Carter and Jennings help us understand, is the pseudo-godlike power to re-arrange and re-create the world, the capacity to forge and implement anthropological delineations geographically, politically, economically, and culturally, and to do so under the presumption of divine legitimacy—and indeed as an expression of pseudo-divine power in itself. As the power to quite concretely rearrange the world according to its transcendent, "boundary-less" supremacy, whiteness does not just aspire to but to some extent obtains a degree of godlike power over creation.[96]

White Male Godlikeness and Sacred Property

As I explored in the previous chapter, the formation of modern race took place in and through gendered forms of power and normalization. If whiteness comes into being in and through gendered social and political arrangements, and if whiteness emerges and persists as a kind of aspiration to godlike power, does patriarchal power also consist in such aspirations?

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[95] Jennings, *The Christian Imagination*, 59; Cheryl I. Harris, "Whiteness as Property," *Harvard Law Review* 106, no. 8 (June 1993): 1707–91.
[96] Jennings, *The Christian Imagination*, 60, 37, 31.

Starting in the 1970s, (white) feminist theologians developed already existing non-theological feminist theory and philosophy by analyzing the ways in which patriarchy constitutes a theological problem. Early feminist theologian and philosopher Mary Daly captured the critical importance of feminist theological intervention when she wrote that "if God is male, then the male is God."[97] White feminist theologies contemporaneous with and in the wake of Daly engaged in the work of critiquing patriarchy in social, political, and religious realms by critiquing the prevailing God concepts that depend upon and thereby proliferate patriarchy, all in pursuit of a world where women are perceived and treated as full human beings.[98] Because God in God's own self transcends human knowledge, all human speech about God (*theo-logy*) cannot avoid using aspects of human experience to understand who God is and how God acts in the world. What feminist theologies make clear is that whatever aspect of human reality we use to describe God in turn risks becoming "consecrated," holy, pseudo-divine, particularly if it is already a foundation of the dominant social, political, and ecclesial order of things.[99] As Elizabeth Johnson writes, "The symbol of God *functions*," which is to say that the way we conceptualize God shapes the world and our experiences of it in concrete ways. "If there is an absolute heavenly patriarch," Johnson argues, "then social arrangements on earth must pivot around hierarchical rulers who of necessity must be male in order to represent him and rule in his name. […] Exclusive and literal imaging of the patriarchal God thus insures the continued

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[97] Mary Daly, *Beyond God the Father: Toward a Philosophy of Women's Liberation* (Boston: Beacon Press, 1985), 19.

[98] Anne M. Clifford, *Introducing Feminist Theology* (Maryknoll, N.Y: Orbis Books, 2001). In addition to Mary Daly, a few early examples among the many feminist theologians who engage in this work are: Elizabeth A. Johnson, *She Who Is: The Mystery of God in Feminist Theological Discourse*, 10th anniversary ed (New York: Crossroad, 2002); Rosemary Radford Ruether, *Sexism and God-Talk: Toward a Feminist Theology: With a New Introduction*, 10th anniversary ed (Boston: Beacon Press, 1993); Sallie McFague, *Models of God: Theology for an Ecological, Nuclear Age* (Philadelphia: Fortress Press, 1987).

[99] Johnson, *She Who Is*, 37.

subordination of women to men in all significant civic and religious structures."[100] In addition to critique and reformulation of God concepts, early white feminist theology and ethics also developed constructive theologies and ethical frameworks that did not simply add the concerns of (white) women to some separately conceived proper Christian theology, but reconstructed Christian theology altogether to show how liberation from patriarchal oppression expresses God's intentions for the world, and in some cases to show how Christian religious traditions are limited in what they can offer the project of women's liberation.[101]

In the 1970s and 1980s, black feminist activists and scholars argued that oppression as experienced by black women was and is not reducible to *either* racism *or* sexism—or classism— alone but could only be understood through the convergence of all three.[102] In the late 1980s, black feminist theologians and ethicists developed womanist theology and ethics to elaborate and extend the insights of black liberation and feminist theologies to better understand and equip resistance to (and moral agency in spite of) the intertwined oppressions of racism, sexism, and classism.[103] While most womanist scholars locate their work within the black liberation theology tradition, they also critique that tradition for the ways it tends to universalize the black male experience as the "black" experience writ large. As womanist scholars like Delores Williams argue, in articulating a universal black experience from the perspective of black men, black liberation theology tends to invisiblize the experiences of black women.[104] As with black

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[100] Ibid., 36.
[101] Clifford, *Introducing Feminist Theology*.
[102] Keeanga-Yamahtta Taylor, ed., *How We Get Free: Black Feminism and the Combahee River Collective* (Chicago, Ill: Haymarket Books, 2017); Angela Y. Davis, *Women, Race & Class*, 1st Vintage Books ed (New York: Vintage Books, 1983); bell hooks, *Ain't I a Woman: Black Women and Feminism*, Second edition (New York: Routledge, Taylor & Francis Group, 2015).
[103] Two early landmark texts, both published in 1989, that established this frame were: Katie G. Cannon, *Black Womanist Ethics* (Eugene, Oeg: Wipf and Stock, 2006); Jacquelyn Grant, *White Women's Christ and Black Women's Jesus: Feminist Christology and Womanist Response* (Atlanta, Ga.: Scholars Press, 1989).
[104] Williams, *Sisters in the Wilderness*, 149.

liberation theology, early texts in womanist theology and ethics also show an appreciation for certain aspects of white feminist theology, while ultimately producing work that critiqued and expanded upon it. Just as Angela Davis, bell hooks, and other black feminists argued of (white) feminist theory, philosophy, and social movements, so womanist theologians and ethicists argue that "feminist" theology actually means "white feminist" theology that is detrimentally inattentive to the experiences of women of color. As such, black women theologians and ethicists reformulate the feminist theo-ethical task as a womanist theo-ethical task.[105] If black liberation theology reveals and critiques the alignment of whiteness with divinity, and if white feminist theology reveals and critiques the alignment of patriarchal and masculinist power with divinity, then womanist theology and ethics enables discernment of how both whiteness and patriarchy—in tandem with realities of class oppression—constitute not separate but deeply intertwined theological and ethical problems. Because black women's experience is not reducible to either racial or gender (or class) oppression alone, womanist theology and ethics show that writing and speaking from the particularities of black women's experiences produces insights that are unavailable to theologies that implicitly presume either a black men's or white women's perspective of the world.

In pursuit of societies and lives liberated from the intertwined oppressions of racism, sexism, and classism, womanist scholarship focuses its primary energies on the moral agency and survival experiences of black women as a source of moral meaning-making. Indeed, womanist scholarship operates on the conviction that it is black women's agency and survival in the face of oppression that can best inform critical understanding of both the theological-political problems of race, gender, and class oppression, on the one hand, and theological-political

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[105] *Mujerista* theology developed by Latinx women also strives to extend the lack of attention to ethnicity, gender, and class in both male-dominated Latin American liberation theologies and white feminist theologies.

pathways to freedom from them, on the other. According to womanist ethicist Stacey Floyd-Thomas, there are four primary tenets of womanist epistemology: radical subjectivity, traditional communalism, redemptive self-love, and critical engagement. Womanism rests, in other words, on (1) the assertive and self-determining capacities of black women, (2) the commitment to the familial, relational, and collective bonds of solidarity that brought one into being, (3) the need to love oneself deeply in one's particularity in a world that will not do it for you, and (4) the importance of taking stock of the "interlocking systems of oppression" within which black women exist and the "strategic options" at hand for subverting them—all together—as the multi-dimensional foundation upon which black women have always survived and will continue to survive into the future.[106]

Grounded in such epistemologies, womanist scholarship clarifies that the oppressions that black women have for centuries struggled against and survived—beginning with and persisting beyond chattel slavery—find their root in the sinful desire to claim a power akin to God's. By reducing African women to objects of property, production, reproduction, and sexual violence, womanist theologian Shawn Copeland argues, slaveowner Christianity "aimed to deface the *imago Dei* in black human beings" in general, and black women in particular. The white supremacist capitalist patriarchy of slaveowner Christianity seeks to "unmake the God-image" in its raced, classed, and gendered others, Copeland argues, because slaveowner Christianity begins and ends in the "sacrilegious" desire to "displace God."[107] Like Copeland, womanist theologian Kelly Brown Douglas argues that so long as whiteness is "cherished property" that makes Anglo-

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[106] Stacey M. Floyd-Thomas, *Mining the Motherlode: Methods in Womanist Ethics* (Cleveland, Ohio: Pilgrim Press, 2006), 8-11; Stacey Floyd-Thomas, "Womanism as a Resource for CRT and Social Ethics" (class handout), "Critical Race Theory and Social Ethics," Vanderbilt University Divinity School, Spring 2015. As I will explore more fully in the fifth and final chapter, womanist epistemologies, emerging from the raced, classed, and gendered oppressions with which this project is concerned, provide essential resources for anthropologies and soteriologies in pursuit of a world beyond whiteness, private property, patriarchy, and the criminalization that emerges from them.
[107] Copeland, *Enfleshing Freedom*, 24, 28-29.

Saxon peoples "human incarnations of a divine reality," then nonwhiteness, and blackness in particular, will inevitably be defined as "an expression of sin."[108] The constructed godlikeness of whiteness and the constructed sinfulness of blackness are two sides of the same coin. And yet, despite its pretensions, the reality, as womanist theologies help make clear, is that white, property-owning, patriarchal Christianity expresses not godlikeness but the sinful, pseudo-divine desire to possess—by holding captive—the world and its peoples. Copeland cites a sermon by Gregory of Nyssa to drive home the point that slaveholder Christianity's aspiration to godlike power is precisely what makes it a sinful contradiction of God's liberating purpose: "But if God does not enslave what is free, who is he that sets his own power above God's?"[109]

Black feminist and womanist scholarship help concretize what it means to suggest, as I did in the first chapter, that the racial capitalism and European colonialism through which whiteness and private property came into existence were and are thoroughly gendered regimes. Whiteness—"ownership of the earth forever and ever, Amen!"—is a power of pseudo-infinite, godlike possession, which is why it shares a history and present with the modern institution of absolutely exclusive and unlimited private property. Purveyors of absolutely exclusive private property possession as it emerged in early modernity viewed private possession as a capacity natural and inherent only to (European) men. As such, all women have long been defined and treated as "extensions" of men's allegedly natural and inherent right to property, with women of color being particularly at the disposal of white propertied men as objects of sexual violence and capital accumulation.[110] In addition to Copeland, other womanist scholars engage the experience

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[108] Kelly Brown Douglas, *Stand Your Ground: Black Bodies and the Justice of God* (Maryknoll, NY: Orbis Books, 2015), 43.

[109] Quoted on Copeland, *Enfleshing Freedom*, 23.

[110] Kimberlé Crenshaw, "Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color" in *Critical Race Theory: The Key Writings that Formed the Movement*, eds., Kimberlé Crenshaw, et al. (New York, NY: The New Press, 1995), 373. See also: Roediger, *How Race Survived U.S. History*, 29.

of black womanhood as a condition of existing *as* someone else's property, exploited in service

of the production and reproduction of the evils of racial capitalism and chattel slavery.[111]

Womanist ethicist Emilie Townes, for example, explores the dehumanizing cultural

commodification of blackness, and black womanhood more specifically: "Black identity has

been made property and it should leave a sickening weariness in the pit of our collective stomach

for property means things owned, possession."[112] A world in which "a community of people has

been reduced to exchange values that can be manipulated for economic gain,"[113] a world in

which communities "can be owned by someone else, defined by someone else, created by

someone else, shaped by someone else," Townes writes, is a fundamentally unfree world.[114]

Such is the condition of black manhood and womanhood—not just during but even beyond

chattel slavery—in the United States of America.

Womanist theologian Delores Williams also explores the relation of black womanhood to

the question of property by interpreting black women's experience through the biblical figure

Hagar's experience in the "wilderness" of Beersheba. Hagar, the slave of Abraham's wife Sarah,

served as Sarah's surrogate and gave birth to a son with Abraham named Ishmael, before

Abraham and Sarah eventually exiled Hagar and Ishmael to wander in the wilderness (Genesis

16, 21). Hagar's condition of enslavement and exile, along with her quest for survival, Williams

shows, has long resonated with people forced into similar conditions by European-American

colonialism and the chattel slavery of racial capitalism.[115] The African American experience of

wilderness exemplified by Hagar, Williams writes, has both positive and negative aspects. In

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[111] See: Cannon, *Black Womanist Ethics*; Copeland, *Enfleshing Freedom*; Emilie M. Townes, *Womanist Ethics and the Cultural Production of Evil*, Black Religion, Womanist Thought, Social Justice (New York: Palgrave Macmillan, 2006).
[112] Townes, *Womanist Ethics and the Cultural Production of Evil*, 43.
[113] Ibid., 44.
[114] Ibid., 45.
[115] Williams, *Sisters in the Wilderness*, 33.

contrast to the modern European-American colonial and (racial) capitalist perspective that viewed the wilderness as a place to be "conquered" and subdued like the allegedly uncivilized and "savage" people who lived there, enslaved black people in America, like Hagar, often encountered the wilderness as a "sacred space" of release from captivity, as shelter, healing, and a site of transformational encounter with God. And yet, on the other hand, Williams writes, especially after the formal end of chattel slavery, wilderness for African American people became the "hostile," economically insecure experience of displacement in a supposedly "free" world.[116] As someone else's property, enslaved people were, by definition, excluded from the right to possess property themselves. The "ruling class economics" of racial capitalism and chattel slavery consigned black people to a state of economic dispossession in which the untamed and untamable wilderness of creation invited a mutual, non-possessive relation, exemplified in Hagar's resilient self-determination and transformative encounter with God in exile. The formal end of a regime that reduced black people to property that white people possessed brought about transformation from the dispossession of *being* property to the dispossession of *having* little to no access to property of one's own.[117] From the life-giving commons of the wilderness to the life-threatening wilderness of a land in which whiteness as property makes property ownership inaccessible to black people, the experience of black womanhood in the United States, Williams helps us discern, has been one of perpetual dis-possession, of being closed out from and threatened by the enclosures of whiteness, property, and patriarchy.[118]

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[116] Ibid., 113-117.
[117] Ibid.
[118] Even black people who came to obtain and "own" private property often had it stripped away for challenging white supremacy in any way, including by empowering themselves through property ownership. See: Du Bois, *Black Reconstruction in America*.

While the oppressions that black women have experienced over the last four centuries is unique and arguably doubly severe as a result of the anti-black racism undergirding it, lower class women of European descent also experienced versions of the same class and gender-based oppressions that black women do. Indeed, before the emergence of race in its modern sense, in the centuries leading up to the global proliferation of chattel slavery through European colonialism and racial capitalism that Williams and other womanist scholars explore, proletarian women's relationship to property in Europe was characterized by expulsion from common property through private enclosure, on the one hand, and transformation into a kind of human commons exploitable through monetarily unrecognized forms of "women's labor," on the other.[119] According to Silvia Federici, the "social function" of pre-enclosure commons "was especially important for women, who, having less title to land and less social power, were more dependent on them for their subsistence, autonomy, and sociality."[120] As such, the privatization of common lands impacted women in especially negative ways, which is why women dispossessed of their access to the commons were regular participants and even leaders in acts of resistance against the hedges, fences, and gates of enclosure in early modern Europe.[121] During the same period of time that Europe began its colonial and capitalist pursuit of worldwide ownership, women (the extensions of men's property) and men dispossessed of access to property in England engaged in theoretical and material antagonism to enclosure that was as theological as it was political. Indeed, for the same reason that liberation, feminist, and womanist theologies—theologies developed by those rendered "other" by whiteness and patriarchy in particular—enable us to better discern the ways in which whiteness and patriarchy are

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[119] Silvia Federici, *Caliban and the Witch*, 2., rev. ed (New York, NY: Autonomedia, 2014), 97. I explored these transformations in chapter one.
[120] Ibid., 71.
[121] Ibid., 73-74.

expressions of self-deifying power that exploits and dehumanizes others for its survival, so the theologizing of peoples dispossessed of property can give us deeper insight into how it is that absolutely unlimited and exclusive private property constitutes self-deifying sin.

As explored in the first chapter, the early modern enclosure movement transformed millions of acres of commonly tenured land across England (and beyond) into privately possessed property, and in so doing dispossessed tens of thousands of people from their means of livelihood. For the early purveyors of absolutely exclusive private property in the early modern world, the fences, gates, and walls of enclosures were mechanisms for bringing the created order into alignment with God's intentions for it. Property-owning elites rationalized their enclosure of common lands with a political theology of private possession grounded in the mandate to subduing and making the earth productive.[122] But political theology did and does not belong to enclosers alone. One of the most common forms of popular literature that circulated in early modern England, the "anti-enclosure tirade," appealed frequently to scripture and deployed theological rationales to oppose the actions of powerful private property owners.[123] One of the most prominently cited passages of scripture in such tracts was Isaiah 5:8, which, in the Great (English) Bible of 1539, reads: "Wo unto them that joyne one house to another, and bring one lande so nygh unto another, that the poore can get no grounde, & that ye maye dwel upon the earth alone."[124] Just as pro-enclosure elites argued that anti-enclosure rioters were "greedy" for claiming entitlement to gleanings at the edge of fields, so the counter-accusation of avarice or covetousness was central to *anti*-enclosure pamphlets and "complaints" in circulation from the

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[122] See chapter one for more on the political theology of enclosure.

[123] Andrew McRae, *God Speed the Plough: The Representation of Agrarian England, 1500-1660*, Past and Present Publications (Cambridge, UK: Cambridge University Press, 1996), 43.

[124] Quoted on McRae, *God Speed the Plough*, 23. We can see here a continuity of early modern anti-enclosure Christianity with the thought of Ambrose of Milan (late fourth century) who also references Isaiah 5:8 in order to critique private wealth: "How far, O ye rich, do you push your mad desires? *Shall ye alone dwell upon the earth?*" Quoted on Pierson, *Just Property: A History in the Latin West, Volume 1: Wealth, Virtue, and the Law*, 67-68.

sixteenth century on. In the tradition of late medieval texts including More's *Utopia* and Langland's *Piers Plowman*, anti-enclosure preachers and pamphleteers regularly imitated the Hebrew prophets by condemning enclosure for allowing commoners to be "devoured" by the sheep that replace them, and calling landlords to be stewards of God's creation rather than oppress the poor.[125] One English text from 1632 captures an essential aspect of commoners' perspective by describing the typical wealthy encloser, in theological terms, as one whose desire to possess the earth without limitation makes him not like God, but the devil. The enclosing landlord, the text reads, "loves to see the bounds of his boundlesse desires; hee is like the Divell, for they both compasse the earth about: Enclosures make fat Beasts, and leane poore people."[126] For the authors of such pamphlets and sermons, earth-encompassing covetousness was an expression of self-satisfying sin that disenfranchises others, and no one embodied it more excessively than wealthy men who increased their lot by taking land away from poor people through the privatization of the common lands upon which thousands of people depended for survival.

The most famous political theology in opposition to enclosure comes from the seventeenth century radical theologian and pamphleteer Gerrard Winstanley, who nineteenth and early twentieth century communist and communitarian social movements would claim as a forefather or precursor to their own movements.[127] Early in his life, when he worked as a cloth

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[125] Quoted on McRae, *God Speed the Plough*, 50.

[126] Donald Lupton, *London and the Countrey Carbonadoed and Quartred into Severall Characters* (London 1632), 307. Quoted in part on William C. Carroll, "'The Nursery of Beggary': Enclosure, Vagrancy, and Sedition in the Tudor-Stuart Period" in Richard Burt and John Michael Archer, Eds., *Enclosure Acts: Sexuality, Property, and Culture in Early Modern England* (Ithaca: Cornell University Press, 1994), 38.

[127] In 1918, one year after the Russian Revolution, Vladimir Lenin led the repurposing of a czarist obelisk in Moscow. Removing the names of former kings, the new Soviet government installed the names of figures who they viewed as socialist and communist forerunners to their revolution. There among names like Karl Marx, Friedrich Engels, Mikhail Bakunin, and Thomas More, was "Gerrard Winstanley." John Gurney, *Gerrard Winstanley: The Digger's Life and Legacy*, Revolutionary Lives (London: Pluto Press, 2013), 1-3.

merchant, Winstanley was defrauded of £274 by slave-trading merchant Matthew Backhouse, leaving him in dire poverty, an experience and subsequent condition that likely influenced his theological-political thought and practice.[128] As outlined in the first chapter, the predominant view on property in the Christian tradition holds that the sinfulness made inevitable by the fall makes commonly tenured property untenable, thereby necessitating property that is privately owned as a means of guarding against the chaos that would otherwise ensue. For Winstanley, however, private, exclusive possession of the earth, a mode of relation that requires stealing land tenured by others, is not a consequence but the very origin and sign of the sinfulness introduced by the fall of humankind. In his "True Levellers Standard Advanced," published in 1649, he writes: "so long as we, or any other, doth own the Earth to be the peculiar Interest of Lords and Landlords, and not common to others as well as them, we own the Curse, and hold the Creation under bondage."[129] Possession that excludes people from the means of their livelihood is not a God-ordained institution that guards against sinful disorder; it is, itself, Winstanley argues, a manifestation of the sinful selfishness that Adam and Eve, seeking to become God, introduced into God's creation. Discerning the inherent connection between private and carceral enclosure—a connection that I explore further in chapters 3 and 4—Winstanley argues that "buying and selling the earth" "breeds discontent, and divides the creation, and makes mankind to imprison, enslave, and destroy one another."[130] Just as the earth itself is held captive by the sinful bondage of the privatization of the commons, so such privatization brings about and even necessitates the captivity of humans displaced from them. Likewise, in his "Declaration From the

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[128] Peter Linebaugh and Marcus Rediker, *The Many-Headed Hydra: Sailors, Slaves, Commoners, and the Hidden History of the Revolutionary Atlantic* (Boston, Mass: Beacon Press, 2003), 140-141; R. J. Dalton, "Gerrard Winstanley: The Experience of Fraud 1641," *The Historical Journal* 34, no. 4 (1991): 973–84.

[129] Gerrard Winstanley, "The True Levellers Standard Advanced" in Gerrard Winstanley, *The Works of Gerrard Winstanley*, ed. George H. Sabine (Ithaca, NY: Cornell University Press, 1941), 257-258.

[130] Quoted on McRae, *God Speed the Plough*, 127.

Poor Oppressed People of England," also from 1649, Winstanley writes that England cannot be a free people until the country be "set at liberty from [private] proprietors, and become a common Treasury to all her children, as every portion of the Land of *Canaan* was the Common livelihood of such and such a Tribe, and of every member in that Tribe, without exception, neither hedging in any, nor hedging out."[131] Winstanley here deploys the imagery of one of the primary instruments of early modern enclosure—the hedge—in order to proclaim that the powers of private possession and the law that upholds it are "members and actors of the curse, which is the destruction and bondage of the Creation; you are that power that hedges some into the Earth, and hedges others out." Private proprietors and those who protect them with the law, Winstanley argues, wrongfully claim the power to "rule over the labours and persons of your fellow-creatures, who are flesh of your flesh, and bone of your bone…[doing] the very same things…for which you hang other men for, punishing others for such actions as you call sinne, and yet you live in the daily action your selves; taking the Earth from the weaker brother, and so killing by poverty or prison all day long."[132] For Winstanley, private (and carceral) enclosure is a manifestation—and indeed a proliferating source—of sin, rather than a mechanism for righting or punishing it, as enclosers, with much of the Christian tradition, argued.

For Winstanley and other lay theologians and commoners of his time writing and acting in opposition to enclosure, the theological problem with enclosers is that they define the essence of personhood before God too narrowly, which is to say, too individualistically. As seen above, multiple pamphlets from this period use Isaiah 5:8 to criticize the way that enclosure enables wealthy people to "dwell on the earth alone" by using hedges and fences to cut their neighbors

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[131] Gerrard Winstanley, "A Declaration from the Poor Oppressed People of England" in *The Works of Gerrard Winstanley*, 275.
[132] Gerrard Winstanley, "Fire in the Bush" in *The Works of Gerrard Winstanley*, 492-493.

off from the land, the source of their livelihood. According to historian Andrew McRae, in the post-Reformation seventeenth century, the theology of enclosers expressed a shift from a more corporate vision of the world to a more atomized vision idealized in the figure of the "godly individual" whose industriousness was not only the apex of virtue but helped bring the rest of society more closely in line with God's purposes.[133] Enclosers understood enclosure as an instrument that promoted such godly alignments for people on both sides of the fence: through enclosure, possessors obeyed God by subduing and thereby making the earth industrious, and in so doing, exposed commoners to the corrective discipline and morality that hedges, fences, and gates make possible. For those dispossessed by enclosure, on the other hand, the self-enlarging, others-disregarding individualization of the person before God—a malformed theological anthropology—also entailed a malformed theology of creation. According to Winstanley and those like him—including church fathers like John of Chrysostom, Ambrose of Milan, Gregory of Nyssa, and Basil of Caesarea, whose thought I engaged in the first chapter—God created the earth to be a "common treasury" for all, not a private possession for a few.[134] To enclose—to privatize—is, for Winstanley, to hold creation "in bondage," which "dishonours God," and subsequently kills "the weaker brother" "by poverty or prison."[135] As I outline more thoroughly in the next chapter, rural villagers dispossessed by early modern European enclosure, and so deprived of access to land, were displaced in droves to overcrowded and industrializing cities where they were subject to compulsory labor laws, and struggled to survive as relatively "rightless" apprentices and wage laborers.[136] Failing to maintain steady employment,

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[133] McRae, *God Speed the Plough*, 158-168.
[134] Gerrard Winstanley, "A Declaration from the Poor Oppressed People of England" in *The Works of Gerrard Winstanley*, 275.
[135] Gerrard Winstanley, "Fire in the Bush" in *The Works of Gerrard Winstanley*, 492-493.
[136] Karl Marx, *Capital, Volume 1: A Critique of Political Economy*, trans. Ben Fowkes (London: Penguin Books in association with New Left Review, 1981), 895-897.

dispossessed peoples were also subject to brutal vagrancy laws that resulted in either public

punishment or captivity and forced labor in prisons and workhouses. Locked *out* of common

lands by the fences and gates of private enclosure, displaced peoples often found themselves

subsequently—by virtue of either their vagrancy or their organized resistance—locked *up* by the

fences, gates, and walls of carceral enclosure. Such is the fundamental continuity, historically

and conceptually, between private and carceral enclosure: they are, as it were, two sides of the

same boundary—a boundary, Winstanley and anti-enclosure pamphleteers and rioters discern,

that is as theological as it is political. In the years following Winstanley's life and work, private

property would merge with the "whiteness" that was then germinating, and that would, as we

have seen, change the shape of life on earth in fundamental ways. Rooted as it is in the notion of

liberation from bondage—a bondage that, through the merger of property with race (and gender),

describes an aspect of the same enslaving, confining, and criminalizing realities that forerunners

of black liberation theology such as David Walker would describe a century and a half after

Winstanley—it is possible and perhaps fruitful to read Winstanley and his anti-enclosure

contemporaries in continuity with the black liberation and womanist theologies explored above.

Having come into existence through a fusion of theological and political thought and

practice, whiteness and private property (together with patriarchy) are positions in a theological-

political vision of the world in which, standing at the center and towering above, they afford

themselves the power to make and remake others in inferior relation to their own supremacy. As

such, whiteness, property, and patriarchy are means by which their possessors remake the world

itself in a multitude of ways. It is this power to make subjects and rearrange the world itself that

clarifies the truth of Du Bois's claim that whiteness (and/as private property) is "ownership of

the earth forever and ever, Amen!" Emerging from Christian European colonial and capitalist

pursuits for power over and possession of the world beyond Europe's borders, whiteness and private property (together with patriarchy) are manifestations of the aspiration to the godlike power to escape the vulnerabilities of earthly finitude in order to own and manage the finite world itself.

What we learn from the theological-political interventions of people dispossessed by the pseudo-godlike aspirations of whiteness, absolutely exclusive and unlimited private property, and patriarchy is that the aspirations that give birth to such phenomena are expressions of *sin*, and indeed sin understood as much of the Christian tradition understands it: prideful self-deification that wreaks havoc upon the world and its peoples, including, ultimately, self-deifiers themselves. It is for this reason that whiteness, private property, and patriarchy may be understood as what the New Testament calls principalities and powers—instantiations of separation from God that, by "insinuating [themselves] in the place of God," wreak havoc on earth through exploitation, violence, and death.[137] Bent on their own self-preservation at the expense of everyone and everything else, principalities and powers, by definition, serve dehumanization and death, and thus oppose God's will, and as such may be characterized as "demonic."

It might be easy for some to dismiss oppressed peoples' theological condemnations of oppressors as the unfair, broad-brush-stroke over-simplifications of people who just so happen to have had bad experiences at the hands of particularly sinful individuals who just so happen to be white propertied men. But naming whiteness, private property, and patriarchal power themselves as expressions of self-absolutizing sin that proliferate evil and death—and thus as principalities and powers—is more than just a way of calling their possessors immoral people. The deeper

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[137] Stringfellow, *An Ethic for Christians & Other Aliens in a Strange Land*, 81.

point such theologies help us discern is that the hierarchies and power differentials underlying the oppressions of white supremacist capitalist patriarchy find their source not in some general, abstract personal moral deficiency but, more concretely, in the self-deifying desire to "play God in the realm of human affairs"[138] that people inherit and embrace both personally and collectively. The crux of the problem that whiteness, private property, and patriarchy make manifest, in short, is the desire to become God, to transcend and manage the world, which is possible only by climbing on the backs of nonwhite, non-propertied, and non-masculine peoples. As principalities and powers, whiteness, absolutely exclusive private property, and patriarchy obtain pseudo-godlike power by exploiting, binding, condemning, and dealing death to others. This is precisely the sin of pride in its social form: seeking to become and so displace—and so become separated from—God by creating hell for others. What these theologies make clear is that separation from God and creating hell for others are, in fact, two ways of talking about the same thing. Whiteness, absolutely exclusive private property, and patriarchy are concretions of the desire to establish heaven for a few and hell for many—the desire to play God in relation to others defined as inherently alienated from God.

Whiteness and private property (together with patriarchy) not only come into existence through a fusion of theological and political thought and practice; having come into existence through such a convergence, they very much continue to persist in the world as phenomena of pseudo-godlike proportions, even when they do not explicitly define or present themselves as such. We adequately grasp whiteness, property, and patriarchy today only when we attend to the theological depth dimension that midwifes their emergence and buttresses their persistent presence and power among us. Grasping the fact that whiteness, absolutely exclusive and

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[138] Cone, *A Black Theology of Liberation*, 114.

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unlimited private property, and patriarchy are expressions of sin that proliferates evil and death is a critical starting point in reframing the theological anthropologies they actually manifest, as opposed to the theological vision of the world as they discern and desire it to be. But we can take one more step: if whiteness, private property, and patriarchy are experiments in playing God, we can discern their nature—aspirational and actual alike—at a more fundamental level by engaging them through the lens of the traditional "attributes" of God as theologized by Christian theologies over the millennia. In other words, if the conglomerate power of whiteness and private property (together with patriarchy) consists, as Du Bois put, in "ownership of the earth forever and ever, Amen!" then we might better understand these forces by interpreting them through the divine attributes they aspire to and understand themselves to embody.

The Pseudo-Divine Attributes of Whiteness and Private Property (and Patriarchy)

It is commonplace to understand "whiteness," "private property," and "patriarchy" as more or less natural features of the world as it already happens to be. As I have aimed to show, however, these phenomena first emerged and continue to persist in and through one another as expressions of the pursuit to possess the world absolutely by exploiting and excluding others. In theological terms, whiteness, absolutely exclusive private property possession, and patriarchy—three intertwined historical phenomena—are expressions of the aspiration to godlike power over the world, and thus fundamental expressions of the sin of prideful self-deification made possible by the exploitation and dehumanization of others. In order to more thoroughly draw out how these historical identity positions and possessions are manifestations of the aspiration to pseudo-godlike power, I conclude this chapter by exploring in more explicitly theological terms how the present-day form and function of these phenomena resemble some of the traditional divine

"attributes" of God. The purpose in doing so is not to suggest that they are in fact expressions of the spirit of the God; the purpose, rather, is to demonstrate that they are, by seeking to become God on the backs of others forced into living hell, manifestations, instead, of the sin, evil, and death that stands in opposition to God. To explore the attributes of these phenomena as pseudo-godlike attributes, then, is not to "center" them and reify their power but to dig deeper in order to uproot, to look closer in order to unmask, the illusory and sinful aspirations of which they consist. In the end, I argue, the illusory pursuit of godlike power over the world deals death not only to the rest of the world, but also to those who have inherited and remain caught up in such a pursuit.

The Divine Attributes

All theological endeavors, including the specifically Christian theologies with which this project is concerned, are in the most basic sense words or reasoning (*logoi*) about God (*theo*). Throughout their history, most Christian theologies also fit Anselm's definition of theology's underlying task: "faith seeking understanding." Most Christian theology, in other words, begins with and emerges out of a commitment to the practice of Christian faith itself, which makes reasoning about God an expression of the desire to better understand God and the faith through which Christians pursue God, and perhaps through which God pursues relation with Christians. The paradox of Christian theology is that it pursues greater understanding of a God who ultimately exceeds what human understanding can grasp, which is why such a pursuit is, in most cases, an expression not just of philosophical curiosity but of faith.[139] Within the broad enterprise

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[139] While it is a discussion that exceeds the scope of this project or even this chapter, I should note that I do hold that it is possible to "do theology" without also confessing Christian faith. One form of such a theology is critical analysis that deploys (and so therefore accepts at least the conceptual legitimacy or relevance of) Christian theological concepts in pursuit of understanding not "God" but a world shaped in fundamental ways by reasoning

of theology, there are many so-called "doctrines" or categories of reasoning about God that, when synthesized, form a theology that is systematic, meaning it coheres as a holistic framework for interpreting and living in the world. One of the central sub-categories of Christian theology is the doctrine of God, which is concerned with the nature of God both in God's self and in relation to the created world. Theologies concerned with the specific characteristics or nature of God articulate a number of things that are not, in their origins, mere philosophical abstractions but theological formulations of faith. Emerging out of the faith of the people of Israel, predominant Christian faith and theology understand God as "the beginning and end" of all things (Revelation 22.13). Orthodox Christian doctrine, elaborating upon Christian scripture, also understands God as three "persons" in one: Father, Son, and Holy Spirit. God is "triune" both in God's own self and in God's relation to the world.[140] For most orthodox theologies, the God of Christian faith, the triune beginning and end of all things, is not a God who resides in uncaring distance from God's creation but is, rather, a God who so loves the world (John 3.16) that God becomes incarnate in it in the form of Jesus the Christ, the Palestinian Jew who was fully human and fully divine. For orthodox Christian faith, God's love for and incarnate immanence within God's creation does not mean that God is indistinct from the created order. God is only God, for predominant Christian theologies, if God both relates intimately to and yet also remains essentially distinct from God's creation. Clarifying how and why it is that the triune God of Christian faith is both within and yet outside the created order is a central task of Christian theologies generally speaking.

(*logy*) about God (*theo*). It is also possible for a confessing Christian to theologize in such a way. This project, which engages in theological-political analysis of theological-political phenomena, is, I hope, an example. See the introduction for more on methodology and my working understanding of the theological and the political.

[140] These two forms of God's triunity—immanent trinity and economic trinity—are a later (modern) elaboration of the ancient doctrine of the Trinity. As such, Karl Rahner argues that they should be understood as fundamentally inseparable, two aspects of a single reality. Karl Rahner, *The Trinity* (New York: Crossroad Pub, 1997), 22-24.

The tradition of the divine names or "attributes" developed as a way of conveying the nature of the Christian God as discerned through scripture, Christian tradition, and even, inevitably, human reasoning and experience.[141] The early (ancient) purpose of theologizing about the divine attributes—the nature of God—was not, again, to make philosophical abstractions, but to provide guidance in Christian disciples' practice of imitating God as revealed in Christ, to clarify the distinctively monotheistic nature of Christian faith, and to elaborate Christians' understanding of God's triunity, all of which was, in the ancient Christian church, inseparable from the life of Christian faith, including prayer, communal worship, and mutually supportive life together.[142] While there are many divine attributes, a few central attributes are worth exploring in brief in order to better grasp, by extension, the aspirational pseudo-divine nature of whiteness, absolutely exclusive private property, and patriarchy.

Most Christian theologies hold that God is utterly "transcendent," which is to say that God in God's fullness cannot be fully grasped or encountered from within finite human conceptuality or materiality. God, Maximus Confessor writes, "does not fall within any limit."[143] Transcending all delimitations of finitude, God, in contrast to God's creation, is *in*finite, without limitation of any kind. In Augustine's thought in particular, as in much ancient and medieval Christian thought, God's transcendence and infinitude are at once a matter of (1) God's incomprehensibility and unknowability, (2) God's transcendence of all spatial and temporal boundaries, and (3) the limitlessness of God's power.[144] The notion of God's incomprehensibility is the notion that God exceeds—meaning God cannot be conceptually circumscribed by—human

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[141] The so-called Methodist quadrilateral understands the four general sources of theology to be scripture, tradition, reason, and experience.
[142] Ysabel de Andia, "Attributes, Divine" in Jean-Yves Lacoste, ed., *Encyclopedia of Christian Theology*, 3 vols. (New York: Routledge, 2005), 113.
[143] Quoted on Antoine Coté, "Infinite" in *Encyclopedia of Christian Theology*, 778.
[144] Antoine Coté, "Infinite" in *Encyclopedia of Christian Theology*, 778.

faculties of reason and imagination. As Augustine writes, "If you think you have grasped him, it is not God you have grasped."[145] "Apophatic" traditions of Christian thought and practice in particular emphasize that God can only be encountered beyond the faculties of human rationality, and indeed beyond language itself, which often translates into contemplative spiritualities based in silent awareness of the God who is, paradoxically, both everywhere and nowhere.

God can be both everywhere and nowhere because God in God's self is distinct from the order that God created. God is in no way bound by the laws of materiality: "God…does not live in shrines made by human hands" (Acts 17.24). God, in short, possesses the attribute of omnipresence: "God cannot be localized or circumscribed" within the dimensions of space and time because God is the author of the (finite) dimensions of space and time themselves.[146] As the author or originator of the created order, God's "knowledge" of God's creation is also without limit: God is omniscient, all-knowing. As the Apostle Paul put it prayerfully in his letter to the Romans: "O the depth of the riches and wisdom and knowledge of God! How unsearchable are his judgments and how inscrutable his ways!" (Romans 11.33). Jewish and Christian scripture imagine a God whose loving and knowing presence covers and permeates the created order. For the psalmist, God's omniscience and omnipresence go hand in hand: after reflecting upon God's limitless care for and knowledge of human life, "knowledge that is too wonderful…so high that I cannot attain it," the psalmist writes: "Where can I go from your spirit? Or where can I flee from your presence? If I ascend to heaven, you are there; if I make my bed in Sheol, you are there" (Psalm 139.6-8). Likewise does the author of the letter to the church at Ephesus speak of "one God and Father of all, who is above all and through all and in all" (Ephesians 4.6). For

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[145] The Latin phrase is: "*Si comprehendis, non est Deus*." Augustine, Sermon 117, *The Works of Saint Augustine: Sermons, Volume 4 (54A-147A)*.
[146] Cyrille Michon, "Omnipresence, Divine" in *Encyclopedia of Christian Theology*, 1153.

Augustine, God's omnipresence is not a matter of being partly here and partly there. Nor is God's omnipresence like created elements extended into larger, more expansive forms. Rather, "[God] is wholly present in all of [the world] in such wise as to be wholly in heaven and wholly in earth alone and wholly in earth and heaven together; not confined in any place, but wholly in himself everywhere."[147] God is at once intimately present and yet absolutely un-circumscribable within the (finite) world that God created.

God is non-localizable, omnipresent, because God is absolutely transcendent. The Christian idea of God's transcendence, theologian Kathryn Tanner argues, is the idea that "God is not a kind of thing among other kinds of things," "a kind of being over against other kinds of beings," but is instead "beyond any such contrasts."[148] The point of positing such a radical distinction or transcendence, Tanner argues, is not to posit a God who exists at a radical distance from humans, but to clarify that God, as loving creator, redeemer, and giver of gifts to God's creation, can only be the God who gives God's own self to humans if God is radically distinct from humans. In Tanner's terms, creatures and God exist in a "non-competitive relation," which simply means that God's increase does not require that creatures decrease: "The glorification of God does not come at the expense of creatures."[149] God's transcendence, infinitude, and omnipresence are theological expressions of the idea—and practiced faith—that God, as the source of all life, is the powerful and benevolent creator, sustainer, and (through Jesus Christ) redeemer of all things. God cannot be these things, most Christian theologies suggest, if humans are also all of these things in the same way—or even a lesser version of the same way—that God

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[147] Augustine, *Letter 187 (to Dardanus)*, ch. 7, "On the Presence of God", in W. Parsons, trans., *Saint Augustine Letters, Vols. III* and *IV*, *The Fathers of the Church* (New York: Fathers of the Church, Inc., 1953).
[148] Kathryn Tanner, *Jesus, Humanity and the Trinity: A Brief Systematic Theology* (Minneapolis, MN: Fortress Press, 2001), 4, 11, 13. Some philosophical theologians even argue that God "is" beyond the category of "being" altogether. See, for one example, Jean-Luc Marion, Thomas A. Carlson, and David Tracy, *God without Being: Hors-Texte*, Second edition, Religion and Postmodernism (Chicago: The University of Chicago Press, 2012).
[149] Tanner, *Jesus, Humanity and the Trinity*, 2.

is. God is absolutely transcendent, infinite, which enables God to be limitlessly present, immanent—incarnate—in the world without, in so doing, ceasing to be God. The divine attributes of transcendence and infinitude, of omnipresence and omniscience, and indeed all other divine attributes, are premised, therefore, on the fact that they apply *only* to God, which, again, is not a matter of decreasing humans' inherent value and increasing God's, but facilitating union between the God who is distinct from and yet relates intimately to the creatures that God creates.

As the beginning and end of all things, as transcendent, infinite, omnipresent and omniscient, God is also "omnipotent," all-powerful. Jewish and Christian scripture convey an "almighty" God whose power knows no bounds. The power of God in scripture is seen in God's creation of the world and all that is in it, the preservation or holding-together of the universe, and the (promised) power to restore and redeem the world from the power of death and sin. Christian scripture and many Christian theologies therefore also understand God as a beneficent sovereign Lord whose providential power embraces and maintains the cosmos and all who live in it. A power without limitation, God's omnipotence is the power to do anything.[150] Christian theologies throughout the tradition have also explored the implications of such limitless power: does omnipotence *actually* mean that God can will *anything*, including even evil? Most Christian theologies answer that God's will, on the one hand, and God's goodness and love, on the other, are two sides of the same coin, which is why God cannot, properly speaking, will evil or injustice. As Olivier Boulnois writes, "Omnipotence should be seen not as an isolated attribute but as that of the good God, who would cease to be himself if he ceased to be good…."[151] Or, as Augustine writes, "If God can be what he does not want to be [namely, evil], he is not

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[150] Olivier Boulnois, "Omnipotence, Divine" in *Encyclopedia of Christian Theology*, 1150-1151.
[151] Ibid., 1151.

omnipotent."[152] God the loving creator is God the almighty is God whose power knows no finite bounds. This means that God's will, while not arbitrary, is effective, meaning that the good that God wills to create or bring about, God creates or brings about. Because God is all-powerful, God's (loving) will is what orders reality: what God wills is what is and what is—with the exception of the creation-negations of sin and evil—is what God wills. An important implication of God's omnipotent will, then, is that sin and evil are privations of the good, which is to say the absence of the good that God can only create. God does not—strictly speaking, *can*not, as a good God—create sin or evil, only a world in which humans have the agency to choose to create sin and evil, and the death that scripture understands to derive from them (Romans 6.23). Whatever evil or sin that exists comes not from God, then, but the sin that free humans enact through seeking to become God themselves.

Because God, in most Christian theologies, is understood to radically transcend the limitations of finitude—of human knowledge, space, time, and power—God is also said to possess the attribute of "aseity," which means originating and existing "in oneself," and therefore utterly independent in the most absolute sense: God originates from God's self and therefore depends in no way upon anything outside God's self.[153] As the creator, origin, or cause of all things, the agent who puts all created things into motion, God, according to Aristotelian and Thomist theologies, is the "unmoved mover."[154] Deriving from God's own self, Aquinas argues, "God is his own being."[155] The notion of God's aseity is a way of apprehending how it is that God creates the world without having first been created by someone or something outside God. Additionally, God's aseity is a way of understanding how God exists in relation to humanity

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[152] Quoted on ibid., 1151.
[153] "Aseity" comes from the Latin *a*, "from," and *se*, "self."
[154] Thomas Aquinas, *Summa Theologica*, Ia, Question 3.
[155] Quoted on Coloman Viola, "Aseity" in *Encyclopedia of Christian Theology*, 102.

without that relation implying that God *needs* humanity in any sense. The notion of aseity, therefore, is related to the notions of divine "impassibility" and "immutability." Impassibility describes the state of being invulnerable to or unaffected by anything outside oneself. The notion of impassibility derives in part from the ancient Greek philosophical concept of *apatheia*, which means "nonsuffering, freedom from suffering, a creature's inability to suffer."[156] Stoic and other Greek philosophies encouraged pursuit of a life that rose above or avoided pain, and conceptualized God as one who, transcending finitude, logically speaking, cannot be affected in any way by the forces of finitude, and thus can be said to "feel" no "pain." In Stoic and Platonic philosophy, the "passions" are understood as marks of bodily creaturehood that, opposed to transcendent, universal "reason," sharply distinguish humans from God. Though Jewish and Christian scripture depict a God who "feels" various emotions regarding the state of creation— love, anger, and so on—the idea of a passionless God who does not, properly speaking, "need" and likewise is not impacted by creation ultimately took hold in many strands of Christian theology as the more logically consistent way of conceptualizing the God who transcends finitude absolutely.[157] As impassible—invulnerable to feeling and therefore suffering—God is also understood to be characterized by the divine attribute of immutability, the inability to change. To be finite and vulnerable is to possess the ability to be affected by what lies outside oneself, to be transformed by it in some way, whether for better or for worse. Because God is "perfect," God is invulnerable to finitude, and thus impassible; for that reason, God is also immutable, free from the possibility of being changed by anything finite or infinite.[158]

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[156] Dorothee Soelle, *Suffering* (Philadelphia, PA: Fortress, 1986), 36.
[157] John Milbank, "Immutability/Impassibility" in *Encyclopedia of Christian Theology*, 760-761. See also: Soelle, *Suffering*, 36-45.
[158] Keller, *From a Broken Web*, 36.

The divine attributes are a means of making sense of God's nature, including the various ways in which God transcends finitude, and the implications of God's transcendence for the life of faith. Posited, at least in their earliest forms, not as ways of describing God's absolute distance from creation but God's non-circumscribable love for and proximity to creation, the divine attributes (imperfectly) contribute to finite knowledge of the God who ultimately transcends finite knowledge. Every divine attribute is premised on the fact that each attribute can only apply, by definition, to God. As we have seen, however, the theologies and resistance of peoples dispossessed by the finite, historical realities of whiteness, absolutely exclusive private property, and patriarchy help us discern those phenomena as expressions of the sinful desire to wield power akin to God's. If whiteness, private property, and patriarchy are finite expressions of the desire to become God, then we might better understand what animates them and the scope of their impact on peoples' lives by interpreting them in relation to the divine attributes to which they aspire in their origins and present-day power alike.

As outlined in the introduction, a key methodological presumption undergirding this project is that we understand social forces like whiteness, private property, and patriarchy through a combination of the self-definitions of such phenomena, on the one hand, and the experiences and perspectives of those oppressed by them, on the other. As we saw in the first chapter, Christian theological thought and practice, fused with European colonialism and racial capitalism, helped give birth to whiteness and private property as markers of normative personhood. More than three centuries later, whiteness and private property (along with patriarchy) tend to articulate themselves in ways that keep their religious and theological origins hidden from view. And yet, having come into existence through thought and practice that fuses the theological and the political, it should be little surprise that it is peoples oppressed by

whiteness and private property (and patriarchy) who help us discern how these phenomena still materially approximate aspects of a kind of pseudo-divine power, even when they seldom express themselves today in the more explicitly theological terms they once did.[159] Understanding the nature of oppressive forces requires attention to the lived realities of people impacted by them. Thus, in the same way that race, class, and gender are historical "constructs" that become real by impacting reality fundamentally, whiteness, private property, and patriarchy are not in fact expressions of divine power, but their aspiration to and imitation of godlike power has indeed impacted the shape of life on earth in deep and abiding ways. Likewise, from the perspective of critical race theory, racism (along with other oppressions) is at work not only when people who harbor racial animus clearly racially discriminate against others; racism is also at work when systems and structures implement policies that produce racial inequities, which is to say different social, political, economic, and other outcomes for white versus nonwhite peoples.[160] For the same reasons, the theological-political character of whiteness and private property are observable and at work not only in the historically documented *intention* to ascribe a moral superiority to whiteness and private property possession, but, centuries later, in the material *outcome* of subject positions that, having emerged from such intentions, remain

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[159] The primary exception to this "seldom" is white nationalist and white supremacist organizations and discourses that explicitly conceptualize whiteness in pseudo-religious terms as morally superior.

[160] Kimberlé Williams Crenshaw, "Race, Reform, and Retrenchment: Transformation and Legitimation in Anti-Discrimination Law," in *Critical Race Theory: The Key Writings That Formed the Movement*, ed. Kimberlé Williams Crenshaw and Neil Gotanda (New York, NY: The New Press, 1995), 104-107. This is the distinction between "discriminatory intent" and "discriminatory impact." Discriminatory intent names the clearly demonstrable intention to discriminate motivated by clearly observable personal racial animus. The white supremacist roots of law in the United States were on clear display in the 1960s when, in response to efforts by black freedom movements to shift the law toward greater racial equity, lawmakers fought to establish discriminatory intent as the higher and more challenging legal threshold required for demonstrating the presence of racism in court. Black freedom movements and critical race theorists have long argued, however, that racism manifests not only where there is a clear, demonstrable discriminatory racist "intent," but where there is a racially differentiated outcome or "impact." For more on the legal legacy of the distinction between intent and impact, see: Ian Haney-López, *Dog Whistle Politics: How Coded Racial Appeals Have Reinvented Racism and Wrecked the Middle Class* (Oxford: Oxford Univ. Press, 2014), 85-87.

functionally pseudo-godlike in their concrete form and function as manifestations of the godlike

power to possess and manage the world absolutely. From the self-deifying articulations of those

who brought them into the world, to the perspective of those who, subjected to their violence,

experience them as expressions of the desire to play God in the world, it is clear that whiteness

and private property (together with patriarchy) constitute theological-political phenomena, and

invite being interpreted as such.

The Pseudo-Divine Attributes

What does it mean to say that whiteness and absolutely exclusive and unlimited private

property, together with patriarchal power, constitute theological or theological-political

phenomena? What does it mean to say that these phenomena are expressions of the desire for

"ownership of earth forever and ever, Amen!"? To begin with, as outlined in the first chapter, it

is Christian theological reasoning that provides what J. Kameron Carter calls the "inner

architecture of modern racial reasoning."[161] In Carter's account, the modern idea of "race," and

the "racial imagination" with which the modern west views and orders the world, comes about as

a result of Christianity's "quest to sever itself from its Jewish roots." Through that quest,

Christianity equated (superior) Christian-ness with Western-ness (whiteness) and racialized Jews

as inferior. As a result, whiteness "came to function as a substitute for the Christian doctrine of

creation, thus producing a reality into which all else must enter."[162] As such, Carter argues,

whiteness "signifies not merely pigmentation but a regime of political and economic power for

arranging (*oikonomia*) the world."[163] Willie Jennings likewise argues that just as God is revealed

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[161] Carter, *Race*, 5.
[162] Ibid.
[163] Ibid., 35.

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through the divine action of creation, so whiteness's action in the world reveals it to be a pseudo-divine "creative authority" that *re*creates the world according to its supremacy.[164] To say that whiteness is the "creative authority" to "arrange" the world is to say, in short, that whiteness exists not merely as an isolatable, inhabitable identity position but as the power to forge and implement anthropological delineations geographically, politically, economically, and culturally, and to do so under the presumption of—and indeed as an expression of—divine legitimacy. Whiteness, therefore, is a theological-political phenomenon not only for the reason that it comes to be via Christian theological reasoning, nor only because it conceptualizes itself as the apex of moral superiority and a medium of divine presence, which it certainly does. In addition to these things, whiteness, in both its capacities and concrete operation in the world, is a theological-political phenomenon because it exercises power that *materially* mimics and approximates aspects of divine power.[165]

In the modern west, particularly in the U.S., the power of whiteness is all-pervasive, approximating omnipresence, and yet, both its presence and the extent of its power remain more or less hidden from popular view. As political theorist George Lipsitz demonstrates at length in his work, whiteness is at once "everywhere" and yet "very hard to see": having helped order social, political, and economic life in modernity, whiteness structures western society in such a way that being "white" means the likelihood of access to greater wealth, health, employment, education, security, and power.[166] And yet, because it is "the unmarked category against which

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[164] Jennings, *The Christian Imagination*, 60.

[165] Earlier versions of portions of this paragraph and those that follow first appeared in the following: Andrew Krinks, "The Color of Transcendence: Whiteness, Sovereignty, and the Theologico-Political," *Political Theology* 19, no. 2 (February 17, 2018): 137–56.

[166] For more on racial inequities in wealth and access to resources, see: George Lipsitz, *The Possessive Investment in Whiteness: How White People Profit from Identity Politics*, Rev. and expanded ed (Philadelphia: Temple University Press, 2006); George Lipsitz, *How Racism Takes Place* (Philadelphia: Temple University Press, 2011); Roediger, *How Race Survived U.S. History*, 70-71. Roediger shows the differences between white and black property

difference is constructed, whiteness never has to speak its name, never has to acknowledge its role as an organizing principle in social and cultural relations."[167] Willie Jennings likewise argues that whiteness in the context of theologically legitimated European colonial ventures came to signify not just European identity but "the rarely spoken but always understood organizing conceptual frame" of the modern world altogether, thereby leaving blackness to signify "the ever-visible counterweight of a usually *invisible* white identity."[168] The invisibility and unspoken-ness of whiteness is a consequence of its self-construction as absolutely distinct from nonwhiteness to the point that whiteness tends, in most casual discussions of "race," to transcend the category of race altogether. To talk about "race" in most contexts, in other words, is to talk about being anything other than white. Whiteness operates as the non-racial position— or position that transcends position altogether—against which "race," as black, brown, Native, and so on, come into existence and into view.[169] As such, philosopher George Yancy writes, "whiteness as a racial marker [is] the 'great unsaid'" that, under a western dualist frame that opposes spirit and matter, occupies the transcendent universality of immaterial, disembodied mind, in contrast to the particularity of irrational, material bodiliness occupied by all forms of nonwhiteness.[170] Racialized patriarchy also articulates manhood and womanhood in much the

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possession throughout U.S. history, which has stayed inequitable at roughly the same rate from late chattel slavery to today.

[167] Lipsitz, *The Possessive Investment in Whiteness*, 1.

[168] Jennings, *The Christian Imagination*, 25.

[169] Carter, *Race: A Theological Account*, 82-96.

[170] George Yancy, *Black Bodies, White Gazes: The Continuing Significance of Race* (Lanham, Md: Rowman & Littlefield Pub, 2008), 49. See also: Robert E. Birt, "The Bad Faith of Whiteness," in *What White Looks Like: African-American Philosophers on the Whiteness Question*, ed. George Yancy (New York: Routledge, 2004); Stacey M. Floyd-Thomas, "Plato on Reason," in *Beyond the Pale: Reading Ethics from the Margins*, ed. Stacey M. Floyd-Thomas and Miguel A. De La Torre (Louisville, KY: Westminster John Knox Press, 2011). I use the term "nonwhiteness" here not to collapse specific racial identities into one monolithic whole, but to be specific about the way in which whiteness is the founding principle that invents and empowers itself by setting itself over against what it is not. For the world as whiteness arranges it, there is whiteness, and there is everything and everyone that is nonwhite. "Nonwhiteness" serves as a functional descriptor of this process, and thus is a term that is in fact more about whiteness than about black, brown, and other nonwhite subject positions. For more on this fundamental

same dyadic terms: men (especially white men) manifest transcendent, disembodied rational intelligence while women (especially women of color) manifest irrational fleshliness.[171] Whiteness tends not to name itself as a racial category, therefore, because to do so would mean that "whiteness becomes simply one more element in a system of differences as opposed to the transcendental norm or that site from which racial differences are established and identified,"[172] which would threaten the basis of its supremacy. Indeed, from its colonial beginnings, Jennings writes, "Whiteness transcended all peoples because it was a means of seeing all peoples at the very moment it realized itself."[173] Whiteness, in short, comes into being as a way of viewing, ordering, and exercising power over the world "from the commanding heights."[174]

Philosopher Jacques Derrida's early work critiques the fundamental underlying presuppositions of western metaphysical philosophy and linguistics. In his 1971 essay, "White Mythology," Derrida interrogates the world-transcending pretensions of the language of western philosophy, which works by erasing evidence of its own finite invention, casting itself as natural and original, and thereby of universal, infinite value.[175] Such universalist aspirations are evident, Derrida suggests, in the fact that western metaphysics makes meaning and articulates reality by way of concepts that negate, transcend, and strive for mastery over worldliness: "*ab-solute, in-finite, in-tangible, non-Being*."[176] The world-transcending aspirations of metaphysics, Derrida

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othering of whiteness that produces what Du Bois called the "white world" and the "dark world," see: Joel Olson, *The Abolition of White Democracy* (Minneapolis: University of Minnesota Press, 2004), 17-30, 131-133.

[171] Floyd-Thomas, "Plato on Reason."

[172] Yancy, *Black Bodies, White Gazes*, 46.

[173] Jennings, *The Christian Imagination,* 59.

[174] Ibid., 6-8.

[175] Derrida cites a passage in a work by Anatole France in which the character Polyphilos posits that metaphysicians are like "knife-grinders" that efface inscriptions on coins that signify their value and origin. In so doing, metaphysicians carry out the multivalent work implied in the word "*usure*": both erasing and producing surplus value—two "indistinguishable" parts of the same process. Freed "from all limits of time and space," Polyphilos, and Derrida, suggest, the coins—the language—of metaphysics are re-inscribed with "an inestimable value," an "exchange value extended indefinitely." Derrida, "White Mythology: Metaphor in the Text of Philosophy" in *Margins of Philosophy* (Chicago: University of Chicago Press, 1982), 210.

[176] Derrida, "White Mythology," 211.

ultimately argues, make it a "white mythology" for the reason that it "reassembles and reflects the culture of the West," and in so doing serves as the means by which "the white man" defines himself and his reason as the manifestation of "universal" "Reason" writ large.[177] Bound together with the tradition of western philosophy and metaphysics, whiteness is characterized by the desire to negate, transcend, and master the world.[178] Derrida also explores the value-producing effacement of origins and transcendence of finitude through the concept of "phantasm." For Derrida, "phantasm" is that which aspires to transcend phenomenality and finitude in pursuit of an "unscathed" "life beyond life," an existence beyond the limits of facticity.[179] Phantasm names a theological-political power because it consists in the "omnipotent fantasy"[180] that it is possible to exceed and master time, space, and life itself. This "phantasm of infinitization" that manifests especially in the calculation and mastery exercised through carceral death penalties, Derrida argues, might indeed be understood as "the origin of phantasm in general. And perhaps of what is called religion."[181] Derrida argues that racism in its many forms is a prime manifestation of the phantasmatic pursuit of purity, particularly in the context of state racism, as in the case of South African apartheid.[182] "Deconstruction"—the philosophical project with which Derrida is most

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[177] Ibid., 213.

[178] As Barnor Hesse, elaborating on Derrida's work, suggests, white mythologies comprise the "rhetoric of modernity" that make meaning and shape the world through western, Christian, European colonialism. Barnor Hesse, "Racialized Modernity: An Analytics of White Mythologies," *Ethnic and Racial Studies* 30, no. 4 (July 1, 2007): 643–663. While the particularities of whiteness in Europe and North America—and the racisms they deploy—are not entirely identical throughout history, it is nevertheless the case that racialized colonialism binds these continents to the extent that we may speak of "whiteness," as Hesse does, presuming a transatlantic coherency. As James Baldwin put it, to speak of whiteness in the North American context is to speak of "the European vision of the world…the European vision of the universe." Baldwin, "On Being White…and Other Lies," 166.

[179] Michael Naas, *Derrida from Now On*, Perspectives in Continental Philosophy (New York: Fordham University Press, 2008), 203. Derrida theorizes phantasm largely in terms of sovereignty, but I argue that it is a concept that provides critical insight beyond strictly sovereign political configurations.

[180] Jacques Derrida, *Paper Machine*, Cultural Memory in the Present (Stanford, Calif: Stanford University Press, 2005), 106; Naas, *Derrida From Now On*, 195.

[181] Jacques Derrida, *The Death Penalty, Volume 1*, trans. Peggy Kamuf (Chicago: University of Chicago Press, 2014), 258.

[182] Jacques Derrida, "Racism's Last Word" in Jacques Derrida, *Signature Derrida*, ed. Jay Williams (Chicago / London: University of Chicago Press, 2013), 57. By theorizing racism as a phantasmatic pursuit of purity, Derrida

popularly associated—is, according to philosopher Michael Naas, "first and foremost, a

deconstruction of the phantasm, a deconstruction of any putatively pure origin, indeed, of any

phantasm of purity."[183] Because deconstruction is deconstruction of phantasms of purity,

deconstruction is also, Derrida suggests, "the deconstruction of racism," of "the conditions of the

possibility of racism," of "the roots of racism."[184] Phantasm names the theological-political

aspiration to exercise powers and capacities that transcend the limits of finitude and its manifold

vulnerabilities. If racism is one such phantasmatic aspiration, and, as Derrida argues, if Carl

Schmitt is right that every instance of the political is also an instance of the theological-political,

then "every racism *as* political is theological-political through and through."[185] Elaborating upon

Derrida's theorization, we might argue more explicitly that more than just "racism" in general,

whiteness in particular constitutes a phantasm, a theological-political instantiation of the

phantasmatic pursuit of a purity beyond the limits of finitude and its vulnerabilities.

 Freed from the limits of racial particularity, and indeed of time and space, whiteness

takes on an "inestimable value"[186]—or at least so it seems. As a phantasm—an "*as if*…that tries

always to pass itself off as an *as so* or *as such*"[187]—whiteness's aspiration to divine power is

ultimately just that: an aspiration. For Derrida, phantasm only "*seems*" to do what it sets out to

do, without actually doing so, because phantasms are ultimately unreal.[188] And yet, making the

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aligns somewhat with Foucault, who understands (biopolitical) racism as the means by which societies purify themselves of perceived abnormalities. Foucault, *Society Must Be Defended*, 255.

[183] Naas, *Derrida From Now On*, 191.

[184] Derrida, Jacques, "Keynote Response to Étienne Balibar," tRACEs: Race, Deconstruction, and Critical Theory Conference, University of California Research Institute, April 10, 2003. https://www.youtube.com/watch?v=LfXdYefgKjw.

[185] Ibid. Derrida is referring to Schmitt's famous line, "All significant concepts of the modern theory of the state are secularized theological concepts…." Carl Schmitt, *Political Theology: Four Chapters on the Concept of Sovereignty* (Chicago: University of Chicago Press, 2005), 36. See also: Jacques Derrida, "But, beyond…(Open Letter to Anne McClintock and Rob Nixon)" in *Signature Derrida*, 74, where he insists that "the history of apartheid…would have been impossible…without Judeo-Christian ideology…."

[186] Derrida, "White Mythology," 210.

[187] Naas, *Derrida From Now On*, 188.

[188] Derrida, *The Death Penalty, Volume I*, 258.

unreal seem real is precisely why phantasms like whiteness are so powerful, and thus so dangerous. Despite imbuing itself with moral value and imitating aspects of divine power, the "transcendence" of whiteness, in contrast to classical Christian understandings of God's transcendence, does not enable life-giving, humanity-embracing relation, but is rather what Robert Birt calls "*exclusive transcendence*."[189] Theorizing an existentialist philosophical anthropology in which humans are understood to exist authentically only when they accept both their transcendence *and* their facticity, Birt argues that whiteness exemplifies "bad faith" self-deception that seeks to escape the facticity of existence precisely by denying transcendence to its nonwhite others. Whiteness as a form of exclusive transcendence, Birt writes, "can live as such only through the denial of the transcendence of an Other, the reduction of that Other to an object, to pure facticity. At least in America, that Other has been primarily the black. Whiteness could not exist without that Other."[190] Whiteness, in other words, is a force produced by the aspiration to transcend and master the material world by holding its nonwhite others in the captivity of facticity, a captivity that takes many forms, including, as I show more thoroughly in the next two chapters, carceral ones.

The finitude-transcending aspiration of whiteness expresses the desire not just to escape facticity but to maintain a godlike invulnerability to worldly precarity altogether—to manage and govern the world from beyond the vulnerabilities of the world. As noted above, the doctrine of aseity holds that God does not derive causally from and is not sustained by anything outside God, meaning God is utterly independent and self-existent.[191] Related to it, the doctrine of divine impassibility holds that God is not affected by (i.e., does not suffer as a result of) anything

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[189] Birt, "The Bad Faith of Whiteness," 58.
[190] Ibid.
[191] See: Milbank, "Immutability/Impassibility, Divine" and Viola, "Aseitas" in *Encyclopedia of Christian Theology*.

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outside God. Whiteness aspires to the invulnerability of a kind of aseity and impassibility in the sense that it consists in the desire to secure itself—socially, politically, economically, and so on—against that which whiteness perceives as a threat against it, and even against basic creaturely finitude or facticity itself, enabling it to survive on itself, by itself, and for itself. Whiteness imagines itself to have acquired its power and come into existence by its own resources: it is a state of (imagined) absolute independence and a natural capacity to manage and possess the finite world without being subject to the vulnerabilities that come with being a creature in it. The reality, however, is that the seeming self-existent independence of whiteness comes not from some sort of self-generating power but by extracting resources from nonwhite (and dispossessed white) labor and suffering, which is why its aseity and impassibility, like all its other godlike attributes, can only be said to be approximate or aspirational—a pseudo-divinity. Whiteness, in other words, as a phantasm, is a power that seems by most accounts to transcend and master the vulnerabilities of finitude, sustaining itself by its own inherent resources, when the reality is that whiteness is powerful only by accumulating others' resources through acts of dispossession,[192] the evidence of which it subsequently erases from its history. In so doing, whiteness makes the power it does possess seem natural and original, as though it always has been and therefore always should be.[193] As James Baldwin suggests, the "false identity" and power that is whiteness requires the subjugation of black people for its own safety and survival. The result of "so genocidal a lie," Baldwin writes, is that whiteness has "brought humanity to the edge of oblivion."[194]

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[192] For more on the notion of "accumulation by dispossession," see: David Harvey, *The New Imperialism* (Oxford: Oxford University Press, 2005).
[193] Derrida, "White Mythology."
[194] Baldwin, "On Being White…and Other Lies," 169.

The desire of whiteness—personified in the desire of white people—for absolute and exclusive security and power obtained at the cost of others' security and power is also seen in the way whiteness takes the form of a kind of "property" that provides political, economic, and bodily securities not available to nonwhite persons, and against which nonwhite and even non-propertied white persons inevitably register as modes of "trespass" that legitimate carceral intervention. Whiteness and absolutely exclusive private property come into existence in and through one another.[195] Thus, for the same reasons that whiteness expresses the pursuit of godlike power over and transcendence of the finite world, so private property in its most absolute forms may be interpreted as an especially material instantiation of the godlike powers of possession conveyed in Du Bois's definition of whiteness: "ownership of the earth forever and ever, Amen!" Following Cheryl Harris's work on "whiteness as property," George Lipsitz explores the world-altering effects of what he calls the "white spatial imaginary." Characterized by a "hostile privatism" and "defensive localism" that pursue "pure" and "homogenous spaces, controlled environments, and predictable patterns of design and behavior," the white spatial imaginary, Lipsitz writes, "promotes individual escape rather than encouraging democratic deliberations about the social problems and contradictory social relations that affect us all."[196] From its origins to the present, whiteness shows up in the world as an expression—sometimes subtle sometimes not so subtle—of the desire to escape the vulnerabilities of the world in order to safely possess it to the exclusion of others. Viewing the material "space" of the created world "primarily as a locus for the generation of exchange value," the white spatial imaginary is characterized fundamentally, therefore, by the need to purge space of those whose presence

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[195] Brenna Bhandar, *Colonial Lives of Property: Law, Land, and Racial Regimes of Ownership*, Global and Insurgent Legalities (Durham: Duke University Press, 2018), 8, 5.
[196] Lipsitz, *How Racism Takes Place*, 28-29.

registers as threat or at least impediment to the progress that whiteness is understood to inherently bring about. If whiteness is property, then blackness must be trespass. As imprisoned black radical George Jackson wrote of the white racist who creates and yet does not take responsibility for the inadequate conditions that black people live in, "We were never intended to be part of his world."[197]

Such a valuating and devaluating vision of creation is a cornerstone of the whiteness that, as Jennings writes, "comes into being in the form of a landscape." From its origins in European colonialism and racial capitalism up through today, whiteness is a fundamentally geographical phenomenon: European definitions of normative personhood are rooted in the possessive individualism that allows Du Bois to discern "whiteness" as an act of world-encompassing ownership whose full scope can only be conveyed theologically—"forever and ever, Amen!" Indeed, more than just a secular political vision of the world, the white spatial imaginary is, as Lipsitz puts it, a "moral geography,"[198] a theological-political frame that views racial capitalism's accumulative, value-generating practices as a faithful response to God's mandate to subdue, privately enclose, and make industrious use of the earth.[199] Indeed, the limitless accumulation that Locke understands to create value and capital through exclusive possession does not just respond to the divine will, but imitates it. Possessive whiteness in the form of a landscape acts as a "creative authority" that creates and recreates the world in quite concrete ways.[200] Whiteness and private property—whiteness *as* private property—function by creating value out of the valueless-ness and nothingness of wasted commons. As such, whiteness and

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[197] Quoted on George Lipsitz, *How Racism Takes Place*, 40.
[198] Lipsitz, *How Racism Takes Place*, 29.
[199] John Locke, *Two Treatises of Government*, ed. Peter Laslett (Cambridge, UK: Cambridge University Press, 1988), 290-291; Onur Ulas Ince, "Enclosing in God's Name, Accumulating for Mankind: Money, Morality, and Accumulation in John Locke's Theory of Property," *The Review of Politics*, Vol. 73, No.1 (2011), 52-53.
[200] Jennings, *The Christian Imagination*, 60.

private property, together, function as a kind of pseudo-omnipotence in the sense that they presume and enact the capacity to imitate the divine power to create value and so both transform and transcend materiality in a way that alters the material conditions of those positioned on either side of whiteness's and private property's boundaries. White, propertied will approximates the creative and re-creative authority of divine omnipotence for the reason that it is effective: what it wills it creates, what it desires it makes material. The omnipotent will of whiteness, especially in its fusion with private property, is discernible in what Cornel West calls whiteness's "normative gaze."[201] The normative gaze is the powerful vision of whiteness that both surveys and surveils (and so recreates) its non-normative others, optically capturing black and other nonwhite lives within conceptual and spatial boundaries as a means of determining, controlling, and protecting itself against the "dark world" outside its boundaries. While it might seem that a mere "gaze" would be rather innocuous, the opposite is true of the gaze of a whiteness that presumes and pursues power approximating the divine: what the normative gaze of whiteness sees or needs to see becomes materially and conceptually real through its seeing. The normative gaze sees blackness and other forms of nonwhite and non-propertied existence as non-normative, inferior, and potentially criminal threats to the security of whiteness and/as property. Just by surveying and surveilling the dark world—by gazing upon it from a perspective that can only see its others as antagonistic threats or exploitable resources—whiteness and/as property transforms nonwhite and non-propertied life into the dual resource and threat that it needs it to be for its own fragile cohesion and power. The normative gaze of whiteness realizes the pseudo-divine will of whiteness and/as property to recreate the world, at the expense of the world, for its own exclusive benefit.

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[201] Cornel West, *Prophesy Deliverance! An Afro-American Revolutionary Christianity* (Louisville: Westminster John Knox Press, 1982), 53-61.

Indeed, beyond just a gaze, the political, economic, and cultural policy of white propertied men (and women) has long resorted to constructing the world beyond its boundaries as both resource and threat in order to justify expanding its ownership of the earth. As one example, some early American colonists, basing their theft of indigenous lands on the alleged uncivilized savagery of the people who lived there, often intentionally created antagonizing conditions that would lead to acts of seeming "barbarity" from indigenous people in order to justify their displacement or extermination. One commander wrote that the purpose of his Indian policy was to "excel them in barbarity," which his troops accomplished by destroying indigenous crops before harvest time, thereby creating what David Roediger calls "cycles of destruction and starvation" that left those starved people with no option but to become the people that white, propertied men perceived and needed them to be: murderous savages that needed to be purged to in order for white propertied civilization to thrive.[202] What whiteness and/as property wills it creates: white propertied will is (largely) effective, which is to say it corresponds to—because it creates—the material and political order within which it is conceptually and materially superior.

Another (personal) example of the way in which white, propertied perception of the world *makes real* what it perceives took place across the street from my house in Nashville, Tennessee. I live in North Nashville, a community that is historically black and that has therefore experienced institutional racism in the form of centuries-long systematic underinvestment from local government, making it one of the most economically distressed and criminalized communities in the nation.[203] Today, real estate developers and speculators are transforming

[202] Roediger, *How Race Survived U.S. History*, 52.
[203] Steven Hale, "History Repeats Itself in North Nashville," *Nashville Scene*, June 7, 2018. https://www.nashvillescene.com/news/cover-story/article/21007855/history-repeats-itself-in-north-nashville; Christopher Ingram, "Where America's Future Prisoners Are Born," *Washington Post*, March 14, 2018. https://www.washingtonpost.com/news/wonk/wp/2018/03/14/where-americas-future-prisoners-are-born/?noredirect=on&utm_term=.0234a013101b.

North Nashville—along with the rest of the city—into a present and future playground for wealthy people.[204] One day in 2016, when I was taking out the trash, I saw that my neighbor, Vernon, a black man in his 60s who lives with diabetes and (hardly) pays the bills by working odd jobs around the neighborhood, was being handcuffed by police across the street. I hurried over and his partner's adult niece told me that a white man renovating a house a few doors down—a house listing for $270,000 in a neighborhood where, a few years ago, houses of the same size sold for $90,000—called the police on Vernon for allegedly breaking into an abandoned house across the street. He claimed he saw Vernon knock down the door of the abandoned house before walking back across the street to his own place (a low-rent boarding house), where police came to question and arrest him. The white house-flipper was working on the roof when he saw who he was certain was Vernon breaking into the boarded-up home. As it turns out, the white gentrifier saw not Vernon but his partner's family member who also lived in the neighborhood. The family member allegedly kicked the door down before walking back over to Vernon's house, then leaving out the back door when the police came. Vernon fit the description—a thin black man—and the police took the white gentrifier's perception and word as the unquestionable truth. Three black men rented a house between Vernon and the flipped house. When the police approached their gate to ask them some questions, they told the cop to turn around and leave. After a few minutes, seeing me—a white man—among my black neighbors, the white gentrifier called me up to the flipped house so he could speak privately, presumably

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[204] My wife and I, who are both white, live in North Nashville in the first place because we were displaced by gentrification—our apartment overtaken by bed and breakfast operations—from a gentrified neighborhood in south Nashville, and North Nashville was one of the only places left in the city where we could afford to live. We do our (imperfect) best to wrestle constantly with the complexities of our presence as white (and propertied) people in a predominantly black neighborhood, in part by participating in local social movements for racial justice, affordable housing, and anti-criminalization efforts. Our social justice work is not absolution for our race and class inheritances, but it is an effort at deploying our energies and resources in pursuit of a world beyond the one that distributes power and resources according to distinctions in race, class, and gender.

beyond earshot of my black neighbors. "Do you live around here?" he asked quietly. When I

pointed to my house a few doors down, he responded: "A word of advice: watch your back

around here." His white construction co-worker warned me about the "riff-raff" in the

neighborhood who were out to get people like me. I told them they had been misled, that they did

not in fact understand this neighborhood, and that Vernon would not and could not have broken

into the abandoned home, in part because he takes it upon himself to be a kind of neighborhood

watchmen on behalf of his neighbors. The house-flipper who called me up to offer his racist

word of warning expressed a patronizing regret: "I know it must be hard. I know you thought

you knew your neighbor, but I know what I saw." What the white man saw the police believed,

and they placed Vernon in the back of a squad car in handcuffs while his aging partner wailed on

the sidewalk and her niece filmed the police while she excoriated them for taking an innocent

man. My wife and I went to the night court judge to speak to Vernon's character and to implore

him not to charge Vernon with any crime. We ran into the house-flipper outside the night court

chambers where he told me, my wife, and the arresting officer that he would be carrying his gun

onto the property for the remainder of the renovation. The law treated the (false) knowledge and

perception of a white man—a white man catalyzing the white-wealth-generating gentrification

and displacement of an historically black community—as the truth against the word of the black

family members of a man who was visiting with his family one minute, and who was handcuffed

in the back of a police car the next.[205] Whether they perceive rightly or not, white, propertied

knowledge and will has the power to capture a non-propertied black man in his home and place

him in a cage for over a week, despite his innocence. Such realities are mundane manifestations

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[205] That the police disbelieved black women against the word of a white male property-owner is consistent with the perception that women are unreasonable and therefore unreliable, and that black women living in poverty regularly manipulate the system to get by and so therefore cannot be trusted to tell the truth to an officer of the law.

of a long history of legal recognitions of whiteness and/as property and the devaluation and non-recognition of black and other nonwhite lives, and they take place on a near daily basis across the nation.[206]

Striving to transcend the dangers of the finite world, whiteness and private property imitate a kind of pseudo-divine power in the sense that they function in the world as the capacity to more or less secure their possessors against the vulnerability and precarity of existence outside their boundaries. As Cheryl Harris reminds, whiteness as property is a right not only to possession but to protection from the vulnerabilities that others experience in the world.[207] Functioning like the material guarantor of a kind of human aseity and impassibility, independent from and unmoved by that world beyond its boundaries, whiteness as a mode of property both transforms and aspires to transcend the threatening complexities of finitude. Private property itself, reinforced as it often has been with hedges, fences, and gates, helps realize this transcendent aspiration of whiteness and/as property in quite material ways. As explored above, private property in its more absolutely exclusive forms—starting with the private enclosures of early modern England—came into being as a mechanism that was viewed as sacred insofar as it helped align creation with what powerful people understood to be God's intentions for a world subdued, accumulated, and made industrious by human labor. As historian Douglas Hay writes, private property in early modern England was essentially "deified" through the proliferation of laws focused on managing the behavior and mobility of dispossessed people whose condition of forced poverty led to acts of survival that propertied people experienced as threatening and

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[206] Richard Rothstein, *The Color of Law: A Forgotten History of How Our Government Segregated America*, First edition (New York: Liveright Publishing Corporation, a division of W. W. Norton & Company, 2017); *Rise of the Renter Nation: Solutions to the Housing Affordability Crisis*, a report by the Homes for All campaign of the Right to the City Alliance (June 2014); Metro Human Relations Commission, *Understanding Nashville's Housing Crisis* (2017).
[207] Harris, "Whiteness as Property."

disorderly.[208] Much like—and later actually concurrent with—the "color line," the private property line has long been conceived as a defense against the chaos of a dangerous and immoral world filled with people perceived and defined in terms that emphasized their finitude in contrast to the transcendence of those behind the walls of private property.[209]

As we have seen, the racial capitalist and Eurocolonial project that produced whiteness and private property are also thoroughly gendered regimes structured according to patriarchal power. Like whiteness and private property, patriarchy works by defining its possessors and those dispossessed by it in hierarchical opposition to one another. As white feminist theologies argue, the traits of patriarchal masculinity are also the traits of predominant western conceptions of God: the possessors of power under patriarchal regimes are defined as naturally superior because they, like God, possess the traits universal reason (free from the passions of the flesh), self-possessing independence, and inherent capacities for sovereign governance and management of the world. Those rendered inferior by patriarchal power tend to be defined in terms that imply distance from predominant conceptions of divinity: women—and especially women of color— and men who fall short of the expectations of expectations of masculinity, are defined as essentially unreasonable, consumed by passions of the flesh, and, in the case of women, useful only for their reproductive labor capacities.[210] Plato's theory of the soul helps establish the superiority of the rational faculties over and above the perceived lowly, fleshly, and overly sensual inclinations of the body. As Stacey Floyd-Thomas notes, Platonic notions of rationality and irrationality have been utilized throughout the history of the west to develop racialized and

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[208] Douglas Hay, "Property, Authority and Criminal Law" in Douglas Hay, Peter Linebaugh, and E.P. Thompson, *Albion's Fatal Tree: Crime and Society in Eighteenth Century England* (London: Verso Books, 2011), 19.
[209] See: Andrew McRae, *God Speed the Plough*; Peter Linebaugh, *The London Hanged: Crime and Civil Society in the Eighteenth Century*, 2nd ed (London: Verso, 2006), 42-73; Hay, "Property, Authority and Criminal Law"; David Graeber, "Manners, Deference, and Private Property: Or, Elements for a General Theory of Hierarchy" in *Possibilities: Essays on Hierarchy, Rebellion, and Desire* (Oakland, CA: AK Press, 2007).
[210] Cannon, *Black Womanist Ethics*, 31-57; Copeland, *Enfleshing Freedom*, 33-34.

gendered conceptions of value in which maleness (and later whiteness) were understood to be approximations of godlike transcendence, leaving femaleness (and later blackness) to be characterized as essentially irrational, sensual, and hypersexual. These theories would be deployed to help legitimize institutions including chattel slavery, and they continue to operate today in the essentializing constructions of blackness—and black womanhood in particular—as inherently criminal, untrustworthy, hoarding, sneaky, and hypersexual.[211] The pursuits of godlike power that comprise patriarchy hinge, like the self-aggrandizements of whiteness and private property possession, upon casting women and non-masculine men (especially black women and men) as thoroughly consumed by fallen finitude, and thus as a threat to the sanctity of social order.

Racial capitalism and European colonialism are thoroughly gendered, patriarchal regimes that utilized and utilize sexual violence in pursuit of power. Fused with race- and class-based oppression, patriarchal power is a manifestation of the desire to transcend delimiting finitude and the anxieties it produces. Related to sexual violence is what critical race theorist Angela Harris calls "gender violence." According to Harris, gender violence is the masculine enactment of violence against women—and even against other men—that uses sexualized violence to harm and reduce women or men as a way of liberating men from their anxiety about an inability to fulfill their masculinity and to re-empower them as superior in a patriarchal social system that promises them a material and psychic sense of mastery. As Harris notes, "violent acts committed by men, whether these break the law or are designed to uphold it, are often a way of demonstrating the perpetrator's manhood," a manhood that has been questioned or compromised in one way or another, often through the raced and classed dispossessions catalyzed by racial

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[211] Floyd-Thomas, "Plato on Reason," 3-13.

capitalism. In order to remedy the compromising of that manhood, the compromising of the right

to operating as master in every social environment, men—and white men in particular—resort to

acts of violence that reestablish that sense of mastery.[212] Patriarchy in general, and white

patriarchy in particular, entails, by definition, the aspiration to godlike transcendence and

mastery, which is why challenges to that supremacy produces insecurities that catalyze violence

against others—a desperate grasping after some sense of power and control that men often

identify as a natural birthright.

Whiteness, property possession, and patriarchal power share a common pursuit of the

sense of power that comes with absolute independence. In colonial and post-revolutionary

America, and arguably still today, the idea of manhood is measured by economic independence,

culminating especially in the possession of private property. There can only be "full patriarchal

authority," Roediger writes, where there is absolute independence, in both a domestic and

national sense.[213] Because capacities for private property possession were defined according to

modern European and patriarchal ways of "knowing, doing, and being," private property

possession first emerged as a right belonging inherently only to white men.[214] In addition to

claims to property, the title and rights of "citizen" belonged first to white, propertied men, before

only later being granted to white men without property, women, and nonwhite peoples.

According to historian Dana Nelson, from the revolutionary period well into the nineteenth

century, full citizenship and personhood in the United States was defined according to a fraternal

notion of white "national manhood" that was in fact resolutely antidemocratic and

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[212] While this is especially a trait of white patriarchy, black men in certain contexts can also embody this quest for retrieving a sense of mastery as well. See: Angela P. Harris, "Gender, Violence, Race, and Criminal Justice," 52 *Stanford Law Review* 777 (1999-2000), 780.

[213] Roediger, *How Race Survived U.S. History*, 79-80.

[214] Ellen Armour, engaging and elaborating upon Michel Foucault's "archaeological" and "genealogical" accounts of modernity, describes the formation of the modern subject of "Man" as a formation that occurred alongside significant shifts in ways of "knowing, doing, and being." Armour, *Signs & Wonders*.

individualistic, hinging as it did upon absolute independence, and superiority to and separation from anyone who wasn't a white, propertied man.[215]

Theologian Catherine Keller clarifies the aspirations-to-godlike-independence that ground the "separation" and "sexism" at work in predominant patriarchal understandings of personhood in the modern west. The twin assumptions that the human self is constituted by its separation from other selves, and that the supremacy and authority of men as independent and invulnerable, together ground the cultural and political frameworks of the world in which we live. What is more, these two assumptions produce two gendered offspring: the myth of the heroic, independent, invulnerable man, on the one hand, and the "soluble" selfhood of the female who waits upon and for him, on the other. Expressed through the dualities of subject/object, body/soul, sacred/profane, the twin realities of separation and sexism, Keller argues, are theological problems in the sense that they both produce and are produced by conceptions of a male God defined by the divine invulnerabilities of aseity and impassibility.[216] Keller's argument, though it suffers at times from second wave (white) feminism's essentialism and inattention to race, helps clarify that sexism is a phenomenon of not only social, political, economic, and cultural dimensions, but theological dimensions: sexism works by aspiring to and reflecting attributes of a God conceived in terms of patriarchal independence from and invulnerability to all others.

Theologian Ellen Armour also explores the theological dimensions of the modern "Man," focusing on the dimensions of "his" desire to master self, world, and others through institutions and practices that secure his preeminence by constructing his others in ways that dehumanize in

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[215] Dana D. Nelson, *National Manhood: Capitalist Citizenship and the Imagined Fraternity of White Men*, New Americanists (Durham: Duke University Press, 1998). See also: Roediger, *How Race Survived U.S. History*, 54-59.
[216] Keller, *From a Broken Web.*

order to establish his own superiority. A project and product of the modern era, the figure of "Man," Armour writes, came into being as "both knowing subject and known object," and indeed as the subject who replaces God as the ultimate "one-who-knows-things," who "stands above and outside of things."[217] The paradox of the normative Man of modernity is that his others—especially his raced and sexed others—"simultaneously ground and threaten the project of achieving mastery."[218] Aspiring to a kind of godlike transcendence of and power over others requires the presence and labor of others defined as abnormal and inferior to oneself, which is why modern definitions of "abnormal" personhood are in fact definitions that help forge the normativity of those whose power and normativity depends on others being powerless and abnormal. In Armour's words, with the advent of modernity, "Man occupies the center, while his others surround him like a network of mirrors that reflect him back to himself, thus securing his sense of identity and of mastery—over self, over nature, and over his others."[219] And yet, though "he periodically tries to deny it," the self-, world-, and others-mastering Man of modernity is, in fact, as finite as those "others" he seeks to control. It is that illusory quest to both transcend and master finitude—through whiteness, absolutely exclusive mastery of nature, and patriarchal control—that wreaks havoc upon the world.

The Christian theological tradition of enumerating and elaborating the attributes of God has as its purpose deepening the faith that seeks understanding, drawing Christians into fuller union with God. My purpose in undertaking a brief exploration of the pseudo-divine attributes of whiteness, private property, and patriarchy in their intertwining is not to invite deeper union with

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[217] Armour, *Signs & Wonders*, 18-22.
[218] Ibid., 47.
[219] Ibid., 2-3. As noted above, James Cone describes whiteness in a similar way: "Whiteness characterizes the activity of deranged individuals intrigued by their own image of themselves…." Cone, *A Black Theology of Liberation*, 8.

whiteness, private property, and patriarchy, but to contribute to clarifying the ways in which, in seeking to exercise godlike power in the world, these phenomena are expressions of sin that proliferate evil and death on a worldwide historical scale, and thus as what the Christian tradition calls principalities and powers. As such, my purpose is indeed to invite people of faith into deeper union with the God whose salvation, I will argue in the final chapter, is salvation from the sin, evil, and death of whiteness, absolutely exclusive private property regimes, and patriarchy.

Deification and Destruction: Conclusion

Christian theological anthropology in its predominant conception holds that all humans are both—and equally so—created in the image of God (*imago dei*) and inheriting an inherent sinfulness that separates humans from God and one another. Whiteness and absolutely exclusive private property—along with the patriarchy with which they are intertwined—are manifestations of a malformed understanding of human personhood because they claim a proximity to and even embodiment of godlikeness to the near exclusion of inherent sinfulness, which they displace— via projections of savagery, monstrosity, criminality, and so on—onto those nonwhite and non-propertied (and non-masculine or gender-nonconforming) peoples who white propertied men (and women) believe exist outside and beneath them. In place of the *imago dei* of traditional Christian anthropologies, whiteness, private property and patriarchy are means by which their possessors and inhabitors not only define themselves in greater proximity to God but drop the "*imago*" altogether and become simply *dei* themselves. The histories of whiteness and private property (and patriarchy) show that they "become" *dei* precisely through the dehumanization and exploitation of others, escaping the vulnerabilities of finitude by climbing on the bent backs of nonwhite and non-propertied (and non-masculine) peoples. Whiteness, absolutely exclusive

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private property possession, and patriarchy, in short, are subject positions that seek to transcend finitude in pursuit of the godlike power to possess and re-create—often by *de*-creating—the world and its peoples for the building up of their own power and control. Whiteness, private property, and patriarchy obtain the status of *deus* only by "unmaking" the *imago dei* in their others, defining them as inherently (naturally) distant from God: the *dei*fication of whiteness, property, and patriarchy and the condemnation of their others as inherently and fundamentally sinful, are two aspects of the same reality.[220] Such phenomena are creation-disrupting forces, to use Niebuhr's language, because they pursue and obtain power and (seeming) invulnerability by dispossessing and holding captive masses of nonwhite and non-propertied people, a pursuit they have carried out on a global scale over the last four hundred years.

As pursuits of godlike power over the earth and those who inhabit it, whiteness, absolutely exclusive private property, and patriarchy are manifestations of the sin of pride, of absolutizing the self at the expense of others. These positions and powers imitate God not in the sense that the Christian tradition invites disciples to "imitate" God in Christ. Whiteness, private property, and patriarchy, on the contrary, aspire to the unlimited power of God without the goodness or love of God. For the Jewish and Christian traditions—and indeed for most religious traditions—there is no such thing as "God" without beneficent love, for "God is love" (1 John 4.8). For Augustine, as for most Christian theologies, divine omnipotence is not divine omnipotence apart from divine love: they are two sides of the same coin. The pseudo-omnipotence of whiteness, private property, and patriarchy is a power for itself at the often violent and deadly expense of others, as opposed to a power for the wellbeing of the world. This is the difference between the pseudo-omnipotence of whiteness, property, and patriarchy, on the

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[220] See: Copeland, *Enfleshing Freedom.*

one hand, and God's omnipotence, on the other: God's omnipotence does not require the debasement or disempowerment of humans, while the pseudo-omnipotence of whiteness, property, and patriarchy does: they are powerful only when those rendered other and inferior by them are disempowered. Divine power in the Jewish and Christian traditions is oriented fundamentally toward relation with and provision for its human others; the pseudo-divine power of whiteness, private property, and patriarchy are oriented fundamentally toward the forced dispossession of its others—a dispossession quite distinct from the positive Christian notion of spiritual detachment or dispossession. As I have aimed to show, whiteness, private property, and patriarchy are not neutral, naturally occurring positions and possessions; they are positions and possessions, principalities and powers, that come into existence—from the beginning and still today—as expressions of the aspiration for godlike power and control over others and indeed the world itself. Possession of and control over the world is the raison d'être of whiteness, private property, and patriarchy; there is no other reason for their existence. As such, whiteness, property, and patriarchy do not just happen to debase others; they only *are* at all by debasing others. Whiteness is not a neutral category; whiteness is not whiteness apart from its supremacy. Whiteness, by definition, entails white supremacy. Likewise does private property possession entail dispossession, and patriarchy the debasement of peoples defined as inadequately embodying superior masculine traits and the allegedly natural capacities that supposedly correspond to them. Whiteness, private property, and patriarchy are not neutral realities; they are means of escaping—transcending—the vulnerabilities of finitude in order to come into possession of finitude and its creatures, which it accomplishes by climbing on the bent backs of nonwhite, non-propertied, non-masculine, and gender-nonconforming peoples.

According to predominant Christian understanding, the crux of sin is "pride," the inclination to turn in toward oneself so severely that one turns away from God, which is to say, in such a way that one turns away from and does harm to the others in whom we encounter God.[221] Pride, as liberation, womanist, and white feminist theologians help us discern, does not adequately describe sin for all people. Indeed, the notion of sin as pride has been used as a weapon to further victimize people already made victims by oppression. But as liberation, womanist, and white feminist theologies also help us discern, victimizing oppression itself finds it source in the (social) sin of pride, in the idolatrous deification of self or selves at the expense of others. As James Cone puts it, whiteness is opposed to God—it is "satanic"—because it consists in the "desire to play God in the realm of human affairs." The problem with playing God is not, most fundamentally, that God doesn't like competition, it is that such an aspiration is "the source of human misery in the world,"[222] because playing God entails striving for an infinitude that requires that others be reduced to and trapped in finitude. The sin of whiteness is sin that proliferates and indeed requires suffering and death.

Like whiteness, absolutely exclusive and unlimited private property possession—property that depends upon the dispossession of others along with laws and physical structures to discipline and keep them out—may also be understood as sin for the reason that it is a quite material manifestation of persons turning in toward the self (via private accumulation) to such a radical degree that it necessarily brings about harm (dispossession) for others. If private property is a manifestation of the sin of pride, then why is it that figures like Augustine who understand the crux of sin as pride do not also identify private property as a manifestation of sin? Does

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[221] Luther describes sin as *homo invurvatus in seipsum*, "man as curved in upon himself to such an extent that he bends not only physical but spiritual goods toward himself, seeking himself in all things." Quoted on Keller, *From a Broken Web*, 33.
[222] Cone, *A Black Theology of Liberation*, 114.

deploying the sin-as-pride frame to name private property as sin contradict the idea that sin is pride if the figures who originated the notion of sin as pride do not also view property in such a way? As we saw in the previous chapter, the predominant view of private property in the Christian tradition is that finite, sinfully self-centered humanity needs privately possessed property because human finitude and sinfulness dictate that commonly possessed property inevitably leads to conflict and chaos. Private property is necessary, in other words, because it provides a safeguard against the chaos that ensues when we try to share in a way that our sinful nature does not allow. It is important to remember that up until the modern period, even those who provided theological sanction for private property understood private property to have built-in limits defined by the responsibility to prioritize the needs of others should such needs arise. The right to private property, therefore, was far from unlimited or absolute. For this reason, figures like Augustine and Aquinas would also likely recognize the absolutely exclusive and unlimited nature of private property in its more modern forms as manifestations of sin.

In addition to the idea that sinful finitude requires private property, late medieval and early modern theologians and philosophers also justified private property on the proto-liberal basis that it provides a means of protection against tyrannical interference and theft. Indeed, figures including Luther and Melanchthon based their defense of private property on the seventh commandment: "thou shalt not steal," which itself was premised in part on the notion of the rights of "first possession."[223] It is in this context, Christopher Pierson argues, that "the idea of individual subjective rights to private property" first emerges,[224] which helps clarify why it is also in this context where theological justifications for private property arguably lose touch with

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[223] Pierson, *Just Property, Volume 1*, 144-145.
[224] Ibid., 96-124.

the full scope and implications of the sin of pride.[225] As figures as early as the late fourth century church father John Chrysostom and as late as Gerrard Winstanley argue, property held privately, to the absolute exclusion of others, necessarily finds its origin in the theft of sinfully claiming and accumulating for oneself what God intended for all, and what all actually enjoyed before acts of accumulation by dispossession.[226] Early modern figures who justified private property on this dual basis of the limitations of human sinfulness and of the freedom-preserving rights of first possession tended to either willfully ignore or simply fail to understand that the seeming innocence of "first possession" is no innocence at all for the reason that it fails to recognize the rights of those who in fact occupied a piece of land or enjoyed a common resource before they were transformed into private and exclusive possessions.[227] It is perhaps the early modern individualization of theological and philosophical anthropology that most contributes to this inability to recognize the theft upon which private possession depends. Indeed, understanding sin as pride in a more social register helps us more clearly discern the moral status of private property beyond personal possession alone, which subsequently enables us to grasp—as John of Chrysostom, Winstanley, and others did—how private possession constitutes sin, especially in its absolutely exclusive and unlimited forms. Put otherwise, when we understand the problem of self-centered pride less as a matter of a God who arbitrarily demands self-abnegating allegiance and more as a matter of the evil and death that pride necessarily proliferate in the (social) world, we can discern that radically self-absolutizing acts of possession that originate in and so require theft and dispossession fit the definition of the social sin of pride precisely. It is for these reasons that it is possible and indeed theologically consistent to both understand sin as pride and to

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[225] For more on this dynamic, see chapter one.
[226] Harvey, *The New Imperialism*.
[227] Pierson, *Just Property, Volume 1*, 144.

understand private property as a manifestation of that sin, even if other theologians in the tradition do not.

As aspirations to a godlike power that depends upon the dispossession and containment of others, whiteness, absolutely exclusive private property, and patriarchal power are manifestations of sin that proliferates evil and death for others—in short, principalities and powers. But based as they are in illusory self-deceptions about the capacity of humans to transcend the limitations of finitude, whiteness, private property, and patriarchy are also powers that eventually proliferate death—physical and spiritual alike—for those who possess them. The aspirations-to-godlike-power that characterize whiteness, absolutely exclusive private property, and patriarchy are aspirations rooted in anxiety and insecurity regarding the limitations of finite existence: they are what happens when the vulnerabilities of finitude are treated as threats to be avoided rather than gifts to be embraced as means to union with God in and through others.[228]

The pursuit of whiteness is, in Baldwin's words, the pursuit of "safety instead of life." The reality, however, is that the safety and survival that whiteness seems to bring about are illusions—phantasms: in debasing others, Baldwin argues, whiteness debases even itself.[229] In his 1970 letter to imprisoned black freedom fighter Angela Davis, Baldwin argues that what he elsewhere calls the genocidal lie that is whiteness is ready and willing to terminate everyone in its path—even white people: "as long as white Americans take refuge in their whiteness—for so long as they are unable to walk out of this most monstrous of traps—they will allow millions to be slaughtered in their name…. They will perish (as we once put it in our black church) in their sins—that is, in their delusions."[230] European colonialism and racial capitalism exploit and

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[228] Farley, *Good and Evil.*
[229] Baldwin, "On Being White…and Other Lies," 169.
[230] Baldwin, "An Open Letter to My Sister, Miss Angela Davis" in *The Cross of Redemption*, 258-259. The notion of whiteness as a "genocidal" lie is found in James Baldwin, "On Being White…and Other Lies," 169.

dispossess—and criminalize—nonwhite peoples, but even white people are their victims as well. While poor and working-class white people still enjoy what Du Bois called the "public and psychological wage" of their whiteness, the fact that possessing whiteness does not always mean possessing the wealth and security that was the original goal of racial capitalist and Eurocolonial whiteness clarifies that whiteness, based as it is on accumulation by dispossession,[231] is so narrowly self-obsessed that it does not consistently care for all its own, and indeed never intended to.[232] As Baldwin writes, "White people don't *give* nothin' to each other, so I know they ain't gon' *give* to me. They had children dragging carts through mines before they got to me."[233]

Coming into being as a mode of exclusive possession, whiteness shares a history with private property: the two are fundamentally intertwined throughout history up to the present day. At their root, whiteness and private property are fundamentally exclusive phenomena that survive only by drawing strong boundaries that delineate, insulate, and protect themselves against what lies outside them: whiteness *is* only by defining and defending itself against what it is not, just as private property can be said to exist only by making an absolute, exclusive claim of possession over against the claims of others. As such, whiteness and property are, by definition, fundamentally *threatened* phenomena: by defining their existence exclusively or defensively over against what they are not, they necessarily construct what they are not in terms of hindrance to their supremacy or threat to their survival. Whiteness and private property—together with patriarchal power—are means of separation from the rest of the world. As means of separation from the world, whiteness and property are also means of separation from God, and thus a means

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[231] Harvey, *The New Imperialism*.

[232] Whiteness was deceptive in its origins: the privileges afforded to poor Europeans in colonial America at the founding of "whiteness" were limited by design, and ultimately served European elites above anyone else. See: Edmund S. Morgan, *American Slavery, American Freedom: The Ordeal of Colonial Virginia* (New York: W.W. Norton & Co, 2003); Theodore Allen, *The Invention of the White Race, Volume 1*, Second edition (London: Verso, 2012); Roediger, *How Race Survived U.S. History*.

[233] James Baldwin, "Black English: A Dishonest Argument" in *The Cross of Redemption*, 159.

of spiritual death. As illusory, self-deceiving pursuits of self-deification, whiteness and property (together with patriarchy) are also means of existential—and ultimately physical—self-destruction.[234] Even Du Bois, whose condemnation of the "religion of whiteness" is as scathing as anyone's, discerned that the "phantasy" upon which whiteness rests, in addition to bringing immense suffering to the "dark world" and its peoples, eventually destroys "white folk" as well: "above the suffering, above the shackled anger that beats the bars, above the hurt that crazes there surges in me a vast pity,—pity for a people imprisoned and enthralled, hampered and made miserable for such a cause, for such a phantasy!"[235] The hell in which whiteness confines its others is the hell in which it too will eventually be consumed. Whether by the uprisings of the people who will not take it anymore, by the spiritual death of absolute independence from all others, or by natural death, those who grasp at whiteness and private property like rags to hide the shame of their (finite, sinful) nakedness will die too. Too, as with whiteness and absolutely exclusive private property—"ownership of the earth forever and ever, Amen!"—so with the death-dealing power of the patriarchy with which whiteness and private property possession have historically been intertwined. To possess patriarchal power is to be utterly independent, self-subsistent, separate; as such, it is to believe a lie that destroys others at the same time that it destroys the self through alienation from the interrelations that give life.[236]

Whiteness, private property possession, and patriarchy are historical manifestations of the anxiety that emerges from the inability to fully transcend the vulnerabilities that come with being a finite creature, and not God. Lashing out against their limitations, they maim others; flailing

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[234] There is much research that suggests, for example, that in addition to harming others, patriarchy also limits the freedom of men. See, for example: bell hooks, *The Will to Change: Men, Masculinity, and Love* (New York: Atria Books, 2004).

[235] Du Bois, *Darkwater*, 19.

[236] hooks, *The Will to Change*.

wildly to cover the shame of being human among other humans and the world, whiteness, private property, and patriarchy eventually harm even those who possess them. Seeking to outrun the finitude they share with those they imagine to be inherently inferior, whiteness, private property possession, and patriarchy are means of transforming those they render other and inferior to them into a ladder upon which they try to escape the world into some imagined heaven purified of those who they can only perceive as threats. Seeking to reach heaven alone, they create hell for others, and ultimately find themselves there as well. The quest for godlike transcendence and infinitude, for omnipotence, omnipresence and omniscience, for aseity and impassibility, is a quest doomed before it ever begins because it seeks to create a world in contradiction to the one that God's love has brought into being and sustains (and, one hopes, eventually redeems in fullness, with and perhaps through God's people). Whiteness, absolutely exclusive private property, and patriarchal power are what happen when the vulnerabilities of finitude are treated as threats to be avoided rather than gifts to be embraced as means to union with God in and through others.[237]

As this chapter concludes, one remaining ambiguity invites further comment: is the crux of my critique directed at the God concepts that whiteness, property, and patriarchy seek to embody, or at the human agency that seeks to embody divine attributes or power at all? Part of the issue does indeed lie, as many liberation and feminist theologies point out, in the inadequacy of some of our ways of conceptualizing and talking about God, which have tended throughout history to be articulated in the image of white, property-possessing men. How we conceptualize God tells us a great deal about who gets to "play God" in the world. As Feuerbach criticized: "theology is anthropology," which is to say that humans tend to create God in their own

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[237] Farley, *Good and Evil*.

image.[238] Indeed, many of the forms of (godlike) power that white, propertied men have pursued have also been the kinds of power God is traditionally understood to have. And yet, while it is true that our God concepts carry their own power for the reason that they often reflect already existing power arrangements and thereby potentially further sanction it, it is not in every instance God concepts alone that fuel oppression, which is why simply altering our God concepts will not fix all the problems of oppression. Nevertheless, interrogating our understandings of God and how those understandings materialize in our social, political, and economic arrangements—and how those arrangements in turn shape our God concepts—is critically important. And yet, my concern does not end with God concepts in themselves, but is ultimately concerned with the human aspiration to possess godlike power in the world, which is obtained only by unleashing hell upon earth for others. Because God concepts and the human agency that seeks to become God exist in mutual relation, with each informing the other, both require attention and critical (and reconstructive) intervention.

Related to this question of God concepts versus human embodiment of divine power is the question of whether, by contrasting the pseudo-godlike attributes of whiteness, private property, and patriarchy with the traditionally conceived attributes of God, I am implicitly endorsing all of the traditional attributes of God as either precise or constructive ways of talking about God. Human idolatry is a perennial concern of Christian theology and has catalyzed a wide variety of theological responses. For some, the answer to the problem of humans trying to play God in the world is to more radically establish the chasm between divinity and humanity, as in the early theology of Karl Barth or, in different ways, in the theology of so-called radical

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[238] Ludwig Feuerbach, *The Essence of Christianity*, trans. George Eliot (New York, NY: Cosimo, 2008).

orthodoxy. For others, the answer lies in foregoing more traditional God concepts altogether and thinking God in ways that narrow more than reify the chasm between humans and God.[239]

In the end, I do not find either option—over-exaggerating or flattening the difference between God and humans—to be an all-purpose solution to the problem of the aspiration to godlike power made manifest in whiteness, private property possession, and patriarchy. On the one hand, hinging theology on a radical, rigorous, and arbitrary divine sovereignty in a way that necessarily relies upon human conceptions of abusive, non-relational power may indeed diminish our capacity to pursue the world that God desires, namely, one in which humans do not exercise absolute power over others.[240] On the other hand, conceptualizing God in such a way that God is understood to be wholly manifest within some aspect of finite particularity—immanentizing God more entirely—may prove a resource in some ways, but not without also risking repeating the same problems that the idolatries of whiteness, private property, and patriarchy embody. That said, every theology need not be everything for everyone, which is why conceptualizing God in terms that do not so much reduce God to finite terms as expand the scope of God's transcendent immanence to incorporate aspects of human particularity is a component of theologies that promote God's liberative work on earth without thereby seeking to make humans God in ways that inevitably deal death.[241] In the end, what such theology at its best does is not so much radically alter God concepts as clarify and elaborate who God is and what God does in light of the realities of human oppression with which God is fundamentally concerned. I follow Tanner in maintaining fundamental distinctions between God and the world, and I follow her too in the

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[239] Much process theology exemplifies this approach, which tends toward immanentizing God. See, for example: Catherine Keller, *On the Mystery: Discerning Divinity in Process* (Minneapolis, MN: Fortress Press, 2008).

[240] For a constructive critique of the radical transcendence of radical orthodoxy, which is conceived in especially hierarchical and spatially distant terms, see: Mayra Rivera, *The Touch of Transcendence: A Postcolonial Theology of God*, 1st ed (Louisville: Westminster John Knox Press, 2007).

[241] Many works in black liberation theology, womanist theology, mujerista theology, and other theologies of liberation exemplify such theologizing.

premise that radical distinction does not entail radical distance.[242] Moving perhaps a step beyond

Tanner, though, I also follow liberation theologians like Gutiérrez and Cone in discerning the

scope of divine realities not just cosmically but politically. Salvation history and human history,

Gutiérrez argues, are one: divine and human history are not wholly reducible to one another, and

yet, there is no salvation history apart from God's (and God in humans') work of liberation in

human history.[243] God and humans are absolutely distinct and yet fundamentally connected.

Because God's salvation entails human liberation from oppression—and because that intention

for humans' liberation tells us something fundamental about who God is and what God does—

nourishing God concepts that contribute to liberation in all its dimensions and practicing

liberation in a way that contributes to understanding God in new ways are all part of the work

that theology can and should pursue.[244] In the end, so long as the divine attributes convey not

radical distance but distinction for the sake of life-giving relation, they can and do function as

part of God's project of liberation from the death-dealing aspirations to dominative and

exploitative power over the world that God so loves and wants to see flourish.

In the end, the crux of the problem of the pseudo-divine pretensions of whiteness, private

property possession, and patriarchy is not a God who can't deal with competition, but that trying

to become God necessarily entails doing violence to others and even to creation, the natural

world itself.[245] As I argue in the next two chapters, we can understand the death-dealing carceral

and dispossessing realities put into motion by whiteness, property, and patriarchy as expressions

of a demonic, pseudo-soteriological pursuit of the "salvation" of those threatened by the

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[242] Tanner, *Jesus, Humanity and the Trinity*; Kathryn Tanner, *Christ the Key*, Current Issues in Theology (Cambridge, UK: Cambridge University Press, 2010).
[243] Gutiérrez, *A Theology of Liberation*; James Cone makes a similar argument in Cone, *A Black Theology of Liberation*; Cone, *God of the Oppressed*. I further explore these texts in chapter five.
[244] I further explore these matters in chapter five.
[245] See: James Cone, "Whose Earth is it Anyway?" in Dieter T. Hessel and Larry L. Rasmussen, eds., *Earth Habitat: Eco-Injustice and the Church's Response* (Minneapolis, MN: Fortress Press, 2001).

allegedly inherent "trespasses" of their nonwhite and non-propertied others. In other words, just as every theological anthropology also entails a soteriology—a theory of how "salvation" takes place—so the theological-political anthropologies of whiteness and absolutely exclusive private property (and patriarchy) entail a vision of theological-political salvation, and how it comes about. Whiteness, private property, and patriarchy together correspond to and even catalyze what I call a theo-carceral soteriology. If whiteness and private property order a world, the world they order is, by necessity, one that deploys criminalizing mechanisms of policing and carceral captivity (and boundaries and borders) as means of their protection. In order to understand criminalization as an expression of a theo-carceral soteriology, I start (in the next chapter) by connecting some dots: how do we get from whiteness, private property, and patriarchy to the criminalization of black and economically dispossessed communities? Once I have made that trajectory clear, I will proceed in chapter four, much like I have with whiteness, property, and patriarchy in this chapter, by showing how criminalization is a phenomenon of not just political but theological-political dimensions.

CHAPTER 3

From Whiteness and Private Property to Criminalization

In October 2014, I spoke about the criminalization of homelessness at a gathering of social

service providers working with unhoused people in Nashville, Tennessee. My co-panelist was

the Central Precinct Commander of the Metro Nashville Police Department (MNPD), whose job

is to oversee and authorize all policing operations in downtown Nashville. The previous year, I

had published a study comprised of statistics and interviews with people who had been cited or

arrested by police for sitting, sleeping, standing, or otherwise trying to survive in public in

Nashville.[1] I spoke first. After explaining at length how Metro officers target and criminalize

unhoused people in the city, and how these unjust actions harm people already struggling to

survive, it was the commander's turn to speak. Stepping up to the podium, he smiled, thanked me

for my words, said that he agreed with virtually everything I said, and then proceeded to praise,

in quite explicit terms, a philosophy called "broken windows" that he said guides the city's

policing strategies. As I outline later in this chapter, since its emergence in the 1980s, broken

windows policing has been the guiding philosophy by which police forces across the nation and

the world have criminalized and caged peoples dispossessed by neoliberal racial capitalism. I

was baffled by the ease with which the commander claimed to agree with my critiques of his

police force that criminalizes unhoused people at the same time that he lauded the approach to

policing that catalyzes that criminalization. Either he did not make the connection, or he was

trying to pull one over on a room full of service providers working with people experiencing

broken windows criminalization every day. During his comments, he completely avoided the

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[1] Andrew Krinks, "Criminal: When Existing in Public Becomes Illegal," *The Contributor* Volume 7, Number 31 (July 11-31, 2013). For more on *The Contributor*, visit *www.thecontributor.org*.

content of my critiques about how police victimize unhoused peopled, shifting focus instead to the ways in which people experiencing homelessness endure victimization at the hands of others living on the street.

But that was only the beginning. When the commander and I continued our conversation outside the meeting hall, I tried to press the issue by getting more specific. I told him about Anthony, an unhoused black man in his forties with a disability that requires him to use a motorized scooter. Police cited Anthony for Obstructing a Passageway at 4:09 a.m. on February 15, 2013 at the corner of 7th & Commerce in downtown Nashville. As the arresting officer describes in the affidavit, Anthony and others were on a heating grate, which blocked the sidewalk, forcing one individual to step off the sidewalk in order to get around them. Anthony pled guilty and was fined $259.33 in court costs. The commander stopped me before I could go any further, telling me that it is impossible that Anthony was cited for merely sitting on the sidewalk, and suggesting that he must have been intoxicated, otherwise the officer would not have cited him. But the charge wasn't for Public Intoxication, and the affidavit mentioned nothing of the sort; the charge was for Obstructing a Passageway. The commander did not believe me. So I told him about William, a white, unhoused 73-year-old man who was arrested for criminal trespass while seeking shelter during a rainstorm under the overhang of an unused property downtown. For trespassing while seeking shelter during a storm, William spent a night in jail and owed the court $365.65. "Who was William hurting when he sat under that overhang during a rainstorm?" I asked. Quick to correct what he took to be the misguided premise of my question, the commander fired back. "You have to remember, there's no crime without a victim," he said. "When that man trespassed on that property, he turned the owner of that property into a victim of crime."

This chapter, together with the next, seeks to explain the *why* and the *how*, the origins and stubborn persistence, of a social order in which states of dispossession—economic, racial, and gendered—constitute states of criminality.

The "Why" and "How" of Criminalization

As I outlined in the previous two chapters, whiteness and private property—together with patriarchy—are historically intertwined manifestations of the desire to transcend and master the finite world and its peoples. Emerging together from the confluence of European colonialism, racial capitalism, and the Christian theological thought and practice that buttress them, whiteness and private property, together with patriarchy, are aspirations to infinite and invulnerable power that work by treating those they render inferior as exploitable resources, on the one hand, and as criminal threats that necessitate carceral intervention, on the other. Powerful only when they dispossess those they render "other" and secure only when they hold others in carceral captivity, whiteness, private property, and patriarchy dispossess and criminalize in pursuit of their idolatrous, self-deifying survival. In the first two chapters, I explored how whiteness, private property, and patriarchy are forces that work by dispossessing others in pursuit of their own power. In this chapter, I explore how the label of "criminal" functions as one of the foremost designations that constructs and conveys the threat that black, other nonwhite, and non-propertied peoples pose to whiteness, private property, and patriarchy, whether through their mere existence or their active resistance to the systems that treat them as less than human. If "whiteness comes into being as a form of landscape,"[2] a kind of property or mode of possession,[3]

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[2] Willie James Jennings, *Christian Imagination: Theology and the Origins of Race* (New Haven: Yale University Press, 2011), 59.
[3] Cheryl I. Harris, "Whiteness as Property," *Harvard Law Review* 106, no. 8 (June 1993): 1707–91.

and if the greatest offense against property is to have none,[4] then to be nonwhite and/or non-propertied in a world made for white propertied men (and women) is to trespass, to be fundamentally "out of place,"[5] to live under the realization that one does not belong,[6] and to seek survival within geographies and materialities that make that non-belonging concrete.

The fundamentally dispossessing and criminalizing work of whiteness and/as property also takes shape through the gender differentiations and power allocations of patriarchy. Women have historically been "extensions" of men's property, both de jure and de facto.[7] Forced into inadequately compensated or altogether unrecognized and uncompensated labor—productive and reproductive, public and domestic alike—women have long been subject to systemic exploitation, sexual violence, and dispossession in ways that men have not. Moreover, when women (as well as gender non-conforming people) have carved out life for themselves outside normative social, political, and moral economies, they have been subject to various and unique forms of patriarchal criminalization. But "gender" by itself does not determine the shape of dispossession and criminalization. With the advent of modern racialization, women of European descent and women of African descent came to constitute property in significantly different ways. The crux of that difference is that white women became the protected objects and thereby beneficiaries of men's property-owning powers. Black and other nonwhite women continued to be objects of men's property, but whereas white women were protected objects of men's property, black women were fundamentally vulnerable, unprotected objects of property subject

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[4] E. P. Thompson, *The Making of the English Working Class* (New York: Vintage Books, 1966), 61.

[5] Patrick Wolfe, *Traces of History: Elementary Structures of Race*, First published (London New York: Verso, 2016), 17.

[6] W. E. B. Du Bois, *The Souls of Black Folk*, Dover Thrift Editions (New York: Dover, 1994); James Baldwin, *Notes of a Native Son*, ed. Edward P. Jones, Revised ed (Boston: Beacon Press, 2012); George Jackson, *Soledad Brother: The Prison Letters of George Jackson* (Chicago, IL: Lawrence Hill Books, 1994).

[7] Kimberlé Crenshaw, "Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color" in *Critical Race Theory: The Key Writings that Formed the Movement*, eds., Kimberlé Crenshaw, et al. (New York, NY: The New Press, 1995), 373.

to more expansive forms of exploitation and violence. Indeed, the protection of what came to be seen as the sanctity of white womanhood (and, by biological, reproductive extension, whiteness altogether) was conceived precisely as protection against the social and sexual threat that black men and women posed to white men and their property, which includes white women. And yet, while white women were in one sense protected objects of white men's property—indeed precisely *because* they were still objects of white men's property—they were (and are) still vulnerable to sexual and other forms of violence even from their alleged protectors, a state of vulnerability in which black and other nonwhite women have long been confined in even more thorough and systematic ways throughout the ongoing histories of European colonialism and racial capitalism up to the present day.

As concrete manifestations of the "right to exclude,"[8] whiteness and private property— together with patriarchal power—already contain within them the seeds of criminalization. Whiteness and private property are fundamentally exclusive phenomena that survive only by dispossessing and then drawing strong boundaries that delineate, insulate, and protect against those who exist outside them: whiteness *is* only by defining and defending itself against what it is not, just as private property can be said to exist only by making an absolute, exclusive claim of possession over against the claims of others. Likewise do possessors of patriarchal power maintain that power by maintaining rigid gender boundaries, by exploiting and subjecting women to violence, and by keeping women (and gender non-conforming people) from being full sharers in the resources and powers men enjoy. As such, whiteness and private property and patriarchy are, by definition, fundamentally fragile, threatened phenomena: by defining their existence exclusively or defensively over against what they are not, their possessors necessarily

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[8] Harris, "Whiteness as Property," 1721, 1744.

construct what they are not in terms of either exploitable resources or criminal hindrance to their supremacy and survival. Whiteness and private property—fused with patriarchal power—require keeping out those whose presence constitutes a hindrance or threat to the social, political, economic, and legal order upon which whiteness and private property and patriarchy depend. Criminalization is a means of defense against such threats. By defining black and economically dispossessed peoples as inherently criminal—or rather, by defining criminality according to aspects of black and economically dispossessed life—whiteness, property, and patriarchy utilize the law as a means of incapacitating and managing what it defines and experiences as threats against it. In so doing, whiteness, property, and patriarchy secure their survival and their supremacy, which itself is built, from the beginning, on the "accumulation by dispossession" of their others.[9] Dispossession and criminalization are two sides of the same coin.

In a society structured according to the power and value allocations of white supremacist capitalist patriarchy,[10] the criminalization of black, other nonwhite, and economically dispossessed peoples is not an accidental aberration carried out by individual "bad apples" but an original and ongoing function of the institution of policing itself. We better understand criminalization in this systemic or structural valence when we begin by asking what criminalization is *for*, what it is that criminalization protects or defends.[11] "*Who do you serve?! Who do you protect?!*" was one of the most popular and incisive chants shouted by protesters toward crowds of police officers lining the streets of cities during uprisings in 2014 and 2015 in the wake of state violence against Michael Brown, Eric Garner, and hundreds of other black,

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[9] David Harvey, *The New Imperialism* (Oxford: Oxford University Press, 2005).

[10] The term "white supremacist capitalist patriarchy" was coined by bell hooks. See: bell hooks, "bell hooks: Cultural Criticism and Transformation," interview by Media Education Foundation, 1997. https://www.mediaed.org/transcripts/Bell-Hooks-Transcript.pdf.

[11] This question is informed by Michel Foucault, *Society Must Be Defended: Lectures at the Collège de France, 1975-76*, trans. David Macey (New York: Picador, 2003).

brown, and poor people across the United States.[12] Indeed, it is a question that dispossessed and criminalized communities have been asking for decades, and one that implies its own answer. Counter-deploying the popular policing slogan that suggests that the reason police exist is to keep us all safe,[13] black radical, anti-capitalist, abolitionist, and feminist social movements and theorizations clarify that modern-day policing "serves and protects" primarily the possessors and beneficiaries of whiteness, private property, and patriarchal power by surveilling, harassing, searching, citing, arresting, confining, and killing those "others" they construct as criminal threats to the secure order of things.

Criminalization, in short, is a tool for maintaining the supremacy and security of some by managing, confining, or disappearing others. The criminalization of black, other nonwhite, and non-propertied peoples carried out by modern policing is a means of protecting whiteness and absolutely exclusive private property regimes, and the patriarchy with which they are intertwined, from those who register, from the perspective of whiteness, private property, and patriarchy, as threat or trespass against them. Being an exploitable resource, on the one hand, and being a threat, on the other, in such a world are not two separate or mutually exclusive realities. Indeed, those criminalized as threats are often subsequently exploited as cheap or free labor, and those exploited for their labor often live in situations of precarity with well-worn pipelines to carceral confinement.[14] The means and mechanisms of criminalization have evolved over the last four hundred years, but its purpose—the punishment and/or social control of surplus populations for the purpose of profit and/or security from the threat they seem to pose—remains more or less

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[12] For an up-to-date record of police killings in the United States, see: Mapping Police Violence, https://mappingpoliceviolence.org/.

[13] Alex Vitale, *The End of Policing* (New York, NY: Verso, 2017), 31-34.

[14] See: Jackie Wang, *Carceral Capitalism*, Semiotext(e) Intervention Series 21 (South Pasadena, CA: Semiotext(e), 2018); Loïc Wacquant, *Punishing the Poor: The Neoliberal Government of Social Insecurity* (Durham, NC: Duke University Press, 2009).

intact, even as other functions have been added to the institution that carries it out.[15]

Criminalization, then, is more than just arbitrary repression *against* nonwhite, non-propertied, and other allegedly "abnormal" people; criminalization is always criminalization *for* the preservation and power of whiteness and private property and patriarchy.[16]

As we saw in the first two chapters, whiteness, private property, and patriarchy are subject-making and world-arranging phenomena: they claim and deploy the power to define and circumscribe peoples, radically altering the very shape of societies in the process.[17] As part of their subject-making and world-arranging powers, whiteness, property, and patriarchy help create the conditions in which their others struggle to survive, and yet refuse to take responsibility for that suffering, instead proliferating the idea that the peoples they dispossess choose, deserve, or are naturally disposed to poverty and servitude. If it can be made believable that people choose, deserve, or are naturally disposed to their conditions of suffering, then it is possible to define their suffering as a self-made manifestation that also threatens the social order more broadly, for which they must be either punished and corrected, or managed and disappeared from the community altogether.[18]

Despite these realities, most popular discourse on matters of criminal justice presumes that "crime" and "punishment" correspond to one another in neutral and objective ways:

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[15] Vitale, *The End of Policing*, 50-54.

[16] Foucault, in his *Society Must Be Defended* lectures, makes a similar argument regarding "racism against" and "racism for" the preservation of the species whose apex is whiteness. See also: Ladelle McWhorter, *Racism and Sexual Oppression in Anglo-America: A Genealogy* (Bloomington: Indiana University Press, 2009); Ellen T. Armour, *Signs & Wonders: Theology after Modernity*, Gender, Theory, and Religion (New York: Columbia University Press, 2016).

[17] For an exploration of some of the concrete ways that whiteness in its connection with private property reshapes the world, see: George Lipsitz, *The Possessive Investment in Whiteness: How White People Profit from Identity Politics*, Rev. and expanded ed (Philadelphia: Temple University Press, 2006); George Lipsitz, *How Racism Takes Place* (Philadelphia: Temple University Press, 2011).

[18] For more on the idea that some people are naturally disposed to subjection and that punishment is a natural and legitimate means of restoring social order, see: Michel Foucault, *Discipline and Punish: The Birth of the Prison*, trans. Alan Sheridan, 2nd Vintage Books ed (New York: Vintage Books, 1995), 301-303; McWhorter, *Racism and Sexual Oppression in Anglo-America*, 125-139.

criminals are people who, due to either their corrupted moral agency or social environment, break the law that protects the moral and social order, which necessitates punishment that fits the crime and enacts some semblance of justice, and perhaps "corrects" the criminal dispositions that led to the crime in the first place. At the start of a guided tour at Philadelphia's Eastern State Penitentiary I took in 2013, our guide asked our group of approximately ten tourists an excellent question: "why do we have prisons?" The first person to respond channeled the perception of prisons arguably most common among everyday people: "There's a lot of bad people out there," the man said, the implication being that we need some place to deal with them. Explanations for why we have prisons and thus how we deal with people who have broken the law, social theorist Ruth Wilson Gilmore argues, tend to fall under a mixture of the categories of "retribution," "deterrence," and "rehabilitation." As Gilmore and others show, these traditional understandings of crime and punishment, of why we have prisons at all, may help explain part but far from the full scope of the reality of prisons and why we have them. According to Gilmore, while aspects of these reasons for prisons might be or have been true at various times, the overwhelming reason for prisons is today, and arguably has been for some time, "incapacitation."[19] Prisons deal with "crime" by disposing of—by warehousing—those accused of committing it.

Historically speaking, and today, "crime and punishment," along with the institutions that define and execute them, are not first of all matters of neutral and objective justice but the management of marginal populations. Indeed, the very idea of "criminalization"—that ruling classes deliberately define and treat entire populations of people as inherently disposed to criminality that threatens the social order—helps clarify that legal justice systems do not so much punish criminals as define certain people and actions as criminal in order to justify carceral

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[19] Ruth Wilson Gilmore, *Golden Gulag: Prisons, Surplus, Crisis, and Opposition in Globalizing California* (Berkeley: University of California Press, 2007), 14-15.

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interventions that bring them under state control, thereby managing the threat they are understood to pose to a world made for the possessors and beneficiaries of whiteness, private property, and patriarchy.[20] As Gilmore puts it, prisons function as "catchall solutions" to social, political, and economic crises.[21] Such claims might sound exaggerated to some, but if we listen to the voices and stories of those so criminalized, as well as the voices of those who criminalize, the fundamentally death-dealing (and thus, as I will argue, sinful) nature of criminalizing institutions might become more clear.

Why, some might ask, would the people who are supposed to keep us safe treat people who are already marginalized so unfairly? One set of answers to this question points to problems in training or other matters pertaining to how and why individual officers misbehave. But focus on such things can only tell us so much. I argue that we only adequately understand criminalization when we interpret it in its larger context—white supremacist capitalist patriarchy—as a tool for maintaining the power differentials upon which such societies are built and operate. I began this project by exploring the histories and political theologies of the raced, classed, and gendered phenomena of whiteness, absolutely exclusive private property possession, and patriarchy because criminalization issues forth from them as a means of maintaining their power and supremacy. More than a matter of "bad apple" agents of the state, the institution of policing and the criminalization it carries out are tools for managing populations understood to pose a threat to the safety and wellbeing of the possessors and beneficiaries of whiteness, private property, and patriarchy.

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[20] For more on how carceral institutions do not so much punish as define, construct, and produce criminality and "delinquency," see: Foucault, *Discipline and Punish*, 251-292.
[21] Gilmore, *Golden Gulag*, 6, 26.

In a world where whiteness is a mode of property possession, to be black (or to be anything other than white for that matter) is to be fundamentally "out of place."[22] In a world ordered according to the supremacy of whiteness *as* property, to be black, to be anything other than white, and even to possess no property at all, is to trespass. If the purpose of civil government—and therefore law—is, as John Locke suggests, "the preservation of property,"[23] then propertylessness inevitably constitutes a threat to the political economy of private property and the law that protects it. As E.P. Thompson puts it, "the greatest offence against property [is] to have none."[24] Criminalization is the way that a world made for whiteness, property, and patriarchy deals with those whose presence in such a world registers as moral and physical trespass—as threat.

The remaining body of this chapter is divided into four main sections. The first chapter of this project outlined how early modern capitalism produced what David Harvey calls "accumulation by dispossession."[25] In what follows, I start by outlining how the peoples that capitalism dispossesses with one hand it criminalizes with the other. From there, I explore how the Eurocolonial and capitalist processes of racialization that create and emerge from whiteness eventually give way to racial criminalization. In the third section, I outline key aspects of the emergence of the modern institution of policing before proceeding in the final section into an account of more recent neoliberal manifestations of criminalization in the form of so-called broken windows policing. The purpose of this chapter is to make clear how the criminalization of black, other nonwhite, and economically dispossessed peoples is a mechanism for protecting and

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[22] Patrick Wolfe, *Traces of History*, 17.
[23] John Locke, *Two Treatises of Government*, ed., Peter Laslett (Cambridge, UK: Cambridge University Press, 1988), 350-351, 268-269.
[24] Thompson, *The Making of the English Working Class*, 61.
[25] Harvey, *The New Imperialism*.

empowering pseudo-godlike whiteness, private property, and patriarchy, which will set us up to discern, in the next chapter, how criminalization is a theological-political phenomenon that manifests a pseudo-salvific process of deification and safety for some and damnation and death—chains and corpses—for others.

From Dispossession to Criminalization

In the context of early modern capitalism, criminalization emerged as a response to the problem that the mass expropriation of land and wealth—via the enclosure of common lands—helped create. As a primary basis of capitalist political economy, the "forcible expropriation of the people from the soil," Marx argues, created a "free and rightless" labor supply for urban manufacturing and industry, but it did so at a rate that outpaced what urban centers could handle.[26] Faced with a growing surplus population, the intertwined economic and legal order of the day responded to this influx of dispossessed peoples with the proliferation of unprotected wage labor, on the one hand, and with legal codes that criminalized the conditions and acts into which displaced peoples were forced, on the other.[27] While the life of a wage laborer was technically "free" from the feudal bonds that preceded it, in the absence of either customary rights to the commons or formal rights assuring adequate wages and fair treatment under increasingly expansive compulsory labor laws, the life of a laborer was one highly vulnerable to exploitation and increased precariousness, leading many to regard it as "little better than slavery."[28] As such, the so-called "masterless" men and women dispossessed by early agrarian

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[26] Karl Marx, *Capital, Volume 1: A Critique of Political Economy*, trans. Ben Fowkes (London: Penguin Books in association with New Left Review, 1981), 895-897.

[27] Peter Linebaugh and Marcus Rediker, *The Many-Headed Hydra: Sailors, Slaves, Commoners, and the Hidden History of the Revolutionary Atlantic* (Boston, Mass: Beacon Press, 2003), 16.

[28] Christopher Hill, *The World Turned Upside down: Radical Ideas during the English Revolution* (London: Penguin Books, 1991), 43.

capitalism were stuck between a rock and a hard place, forced to choose between an unprotected

slave-like existence at the disposal of exploitative bosses, or a life of vagrancy criminalized

through punishment, torture, imprisonment, or death. In this way, the dispossession that the

intertwined economic and legal order created through mass expropriation and displacement with

one hand it either exploited through legally unprotected wage labor or criminalized through anti-

vagabondage legislation with the other.

Vagrancy Laws and Early Modern Carcerality

Laws and statutes targeting jobless vagrants emerged in tandem with late medieval and

early modern compulsory labor laws that sought in the fourteenth and fifteenth centuries to

guarantee a steady labor supply and that later, in the sixteenth and seventeenth centuries, sought

to regulate and discipline the "free" but "rightless" labor force amid concerns over urban

"disorder" and working class resistance to enclosure and exploitation.[29] Vagrancy laws

prohibited a wide range of activities that were seen as potential or actual disruptions of public

order and political economy, and as a sign of a person's propensity for immoral and criminal

activity.[30] By the sixteenth century in England, the very status of vagrancy, which was

interpreted as an immoral opting out of available "poor relief" and opportunities for labor, and

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[29] A. L. Beier, "'A New Serfdom': Labor Laws, Vagrancy Statutes, and Labor Discipline in England, 1350-1800," in *Cast out: Vagrancy and Homelessness in Global and Historical Perspective*, ed. A.L. Beier and Paul R. Ocobock (Athens: Ohio University Press, 2008); Karl Marx, *Capital, Volume 1*, 895. On popular resistance to compulsory labor laws and the enclosure movements that preceded them, see: Linebaugh and Rediker, *The Many-Headed Hydra*; Peter Linebaugh, *Stop, Thief!*; Roger B. Manning, *Village Revolts: Social Protest and Popular Disturbances in England, 1509-1640* (Oxford [Oxfordshire]: Clarendon Press ; Oxford University Press, 1988); J. M. Neeson, *Commoners: Common Right, Enclosure and Social Change in England, 1700 - 1820*, 1. paperback ed, Past and Present Publications (Cambridge: Cambridge Univ. Press, 1996); A. W. Ager, *Crime and Poverty in 19th Century England: The Economy of Makeshifts*, History of Crime, Deviance and Punishment Series (London: Bloomsbury, 2014); George F. E. Rudé, *Paris and London in the Eighteenth Century: Studies in Popular Protest*, A Viking Compass Book (New York: Viking Press, 1973).

[30] Marx, *Capital, Volume 1*, 896-904; Leonard C. Feldman, *Citizens Without Shelter: Homelessness, Democracy, and Political Exclusion* (Ithaca, NY: Cornell University Press, 2004), 27-56; Matthew Beaumont, *Nightwalking: A Nocturnal History of London* (London: Verso, 2016), 15-72.

which was viewed as a status of inherent disposition toward criminality, came to be considered a crime in itself, and was penalized as such. By the nineteenth century, laws in England and America evolved to focus—at least formally—less explicitly on the status of vagrancy and more on the specific acts and behaviors that tended to accompany it. Even with this formal shift, however, given that the criminal codes in England and beyond were already designed to target the acts and behaviors of dispossessed peoples, it remained the case that the law in effect criminalized the status of economic dispossession itself, and not just the acts associated with it.[31]

Among those terms by which authorities "coded" the allegedly immoral and disruptive character of the masses of unemployed commoners, few were more prominent than "idleness." Seen as "the primary cause of social disorder,"[32] idleness was a term that helped delineate those who were allegedly able-bodied but unwilling to labor for a wage from those who were physically disabled and thus unable to labor. The idle vagrant who, "although able to work, refuses to do so" was, both de facto and de jure, guilty of what English jurist William Blackstone called in 1769 a "high offence against the public economy,"[33] both because their idleness was understood as the first step down a slippery slope toward further criminality, and because it constituted a willful refusal of the religious and patriarchal virtue of industriousness upon which the "public economy" depended.[34] In both cases, idleness was perceived not as a mere annoyance, but as a threat to the common good that should be punished accordingly. According to a 1536 act against vagrants proscribing and punishing public begging, upon their third

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[31] For more on the distinction between status and act, see: Margaret K. Rosenheim, "Vagrancy Concepts in Welfare Law," *California Law Review* Vol. 54, No. 2 (1966): 512-517.
[32] Beaumont, *Nightwalking*, 33.
[33] Both quoted in Feldman, *Citizens Without Shelter*, 32.
[34] Beaumont, *Nightwalking*, 65. As Beaumont writes, "The 'impudent' as opposed to 'impotent' poor, the Devil's as opposed to God's poor, vitiated the discipline both of productive labour, centred in the guilds, and the patriarchal family, along with the religious doctrines that underpinned these spheres" (65).

infraction, vagabonds "should suffer execution as a felon and an enemy of the commonwealth."[35] Under a 1572 act, rogues, vagabonds, and "sturdy beggars" who were caught "wandering, and mis-ordering themselves" were deemed "outrageous enemies to the common weal" who, upon conviction, should be "whipped and burnt through the gristle of the right ear with a hot iron, manifesting his or her roguish kind of life."[36] As an early sixteenth century English financial administrator argued, idleness, "the very mother of all vice," was "the deadlie enemy to this tree of common wealth."[37]

In addition to being publicly whipped, branded, tortured, and executed, by the seventeenth century, English rogues, vagrants, and sturdy beggars were often targeted by nightwatch and constable forces who apprehended them "not because there was proof that they had committed a crime but simply because their appearance was suspicious."[38] Once in custody, vagrants were forced to give a good reason as to their idleness or wandering, and if unable to, were often sent to the jail attached to the court, and from there to various houses of correction, including the famous "Bridewell." Founded in 1533 in London and replicated in England and beyond in the centuries that followed,[39] the primary purpose of houses of correction were, as their names suggest, to correct working class and underclass people whose actions—refusal to labor, "idleness," and other forms of criminality associated with it—transgressed the moral and social tenets of early modern political economy. The means of such correction therefore combined putatively moral and economic mechanisms including corporal punishment, temporary

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[35] Quoted in George Browning, *The Domestic and Financial Condition of Great Britain* (London: Longman, Rees, Orme, Brown, Green, & Longman, 1834), 294. See also: Marx, *Capital, Volume 1*, 897.

[36] Quoted in Beaumont, *Nightwalking*, 64. See also: Arthur F. Kinney, ed., *Rogues, Vagabonds and Sturdy Beggars: A New Gallery of Tudor and Early Stuart Rogue Literature* (Amherst, MA: University of Massachusetts Press, 1973), 13.

[37] Quoted in Beaumont, *Nightwalking*, 34.

[38] Beaumont, *Nightwalking*, 69.

[39] Beaumont, *Nightwalking*, 69; Beier, "'The New Serfdom,'" 54.

isolation, and forced labor, the ultimate purpose of which, Foucault argues, was to restore both

moral conscience and the capitalist subjectivity in which it is expressed, i.e. "*homo*

oeconomicus,"[40] the industrious, profit-seeking subject that a political economy based on

accumulation both forges and requires for its maintenance. According to historian Adam Hirsch,

idleness in England and early America was often "likened to a degenerative disease"[41] that could

only be treated with the "therapy"[42] of hard labor in so-called "workhouses," an institutional

offshoot of houses of correction. According to Hirsch, "The inventors of the workhouse operated

under the assumption that idleness was a vice (or habit) that could be broken only through a

regimen of enforced abstinence. The challenge of rehabilitation lay in destroying the inmate's

'habit of idleness' and replacing it with a 'habit of industry' more conducive to an honest

livelihood."[43] While entrance into workhouses could technically be either voluntary or

involuntary, depending on the situation, the "choice," historian A.L. Beier writes, "appears to

have been to enter or to lose one's entitlement to [state-sponsored poor] relief."[44] As such,

workhouses, like houses of correction, were "disciplinary" institutions designed to forge or

restore subjectivities that operated in accordance with the requirements of capitalist political

economy.[45] As Peter Linebaugh shows, workhouses arose in tandem with and in part as a

response to resistance among working class weaver communities in London agitating against

mechanization that benefited owners but reduced opportunities for workers. As institutions that

combined forced labor and punitive incarceration, workhouses, like houses of correction, became

"locations of struggle" for freedom that shaped both modern political economy and subsequent

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[40] Foucault, *Discipline and Punish*, 122-123; Beier, "'The New Serfdom,'" 54.
[41] Adam Jay Hirsch, *The Rise of the Penitentiary: Prisons and Punishment in Early America* (New Haven: Yale University Press, 1992), 13.
[42] Hirsch, *The Rise of the Penitentiary*, 16.
[43] Ibid., 14.
[44] Beier, "'The New Serfdom,'" 55.
[45] Foucault, *Discipline and Punish*.

resistance to it.[46] If these early carceral institutions in England, and later in colonial America, were concerned with rehabilitation, then, it was a rehabilitation that consisted largely in correcting allegedly immoral dispositions that resulted in actions that were, in reality, made all but inevitable by processes of capitalist "accumulation by dispossession."[47]

The multitude of vagrancy acts passed during the fourteenth through nineteenth centuries—concurrent with the proliferation of enclosures across England and beyond—worked by constructing and pathologizing behaviors like idleness as "the cause of poverty rather than its consequence."[48] Adding the insult of moral and legal condemnation and punishment to the prior injury of forced dispossession, these acts of parliament made the wealth inequity it helped create seem natural by ignoring its causes, instead diagnosing vagabondage and the refusal of wage labor as a consequence of individual moral failing that manifests as "idleness," which in turn was understood to lead to criminality and disorder. Legal and economic authorities defined, confined, punished, and even executed dispossessed peoples as enemies of the common weal despite the fact that it was in fact an attack on the common weal in the form of mass expropriation—the enclosure of the commons—that helped produce the conditions of mass dispossession in the first place. It is in the context of these political and economic configurations that the very notion of criminality became fundamentally associated with the identity, status, and behavior of lower class populations, and in which disciplinary institutions emerged as means of managing and correcting people whose existence and actions constituted transgression against the moral, legal, and political economies of capitalism.

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[46] Peter Linebaugh, *The London Hanged: Crime and Civil Society in the Eighteenth Century*, 2nd ed (London: Verso, 2006), 12-14.
[47] Harvey, *The New Imperialism*, 137-182.
[48] Beaumont, *Nightwalking*, 34.

Offending Against Property

In more concrete legal terms, what idle, vagrant, and wage labor refusing and resisting persons in modern England and colonial America offended against was not an abstract political economy called "capitalism" in general, but private property in particular. As we saw in the first chapter, property possessed to the absolute exclusion of others emerged in early modernity as a sacred cornerstone of the social, political, and economic order of things. In a world where the few possessed private property and the many did not, private property owners—and the law they helped create—came to view the presence and actions of those who existed beyond the fences and gates of private property as inherent threats to it, and thus to the social order in which it was central. Detailing the history of the widespread execution of working class and underclass "criminals" in eighteenth century England, Linebaugh writes:

> Most of those hanged had offended against the laws of property, and at the heart of the 'social contract' was respect for private property. It could therefore be argued that, just as each hanging renewed the power of sovereignty, so each hanging repeated the lesson: 'Respect Private Property.' So, if the hangings are to be considered as dramas, the conflict that they represented was the conflict of the Powerful and the Propertied against the Weak and the Poor—a futile, unchanging conflict whose lesson, it seemed, was never learned.[49]

Given the enclosure movement that paved the way for private property and catalyzed various forms of dispossession, it is no mistake that the vast majority of criminal statutes developed in both England and colonial and early America over the course of the seventeenth through nineteenth centuries were concerned with offenses "against property."[50] Having been essentially "deified" through the legal and economic orders that revolved around it, historian Douglas Hay

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[49] Linebaugh, *The London Hanged*, xxii.

[50] Douglas Hay, "Property, Authority and Criminal Law" in Douglas Hay, Peter Linebaugh, and E. P Thompson, eds., *Albion's Fatal Tree: Crime and Society in Eighteenth Century England* (London: Verso Books, 2011), 18; Hirsch, *The Rise of the Penitentiary*, 43; Foucault, *Discipline and Punish*, 107; Mark Colvin, *Penitentiaries, Reformatories, and Chain Gangs: Social Theory and the History of Punishment in Nineteenth-Century America*, 1st ed (New York: St. Martin's Press, 1997), 35-36.

argues, private property in early modern England served as "the measure of all things."[51] As it was in early modern England, so it also was in the colonies that England established in the Americas. As Hirsch explains, "[t]he problem faced by authorities [in early America] was not crime in general but *property* crime, committed in the main by indigent transients" whose "criminal" tendencies allegedly found their "impetus" in "idleness."[52] What houses of correction and workhouses sought to restore in "criminals," then, was not merely moral conscience but "respect for private property."[53]

In the context of modernity, absolutely exclusive private property stands as the ultimate social and moral entity and possession against which one trespasses—literally and figuratively— only at the risk of penalty. As Foucault argues, punishment under such a system is a means of restoring "respect for property," which includes not only wealth, but honor, liberty, and life more generally.[54] As we saw in the first chapter, the seventeenth century political philosopher John Locke articulated and elaborated the thinking on property that preceded him in such a way that the exclusive right to private property became a theo-politically justified cornerstone of western society, and the United States in particular. According to Locke, the primary purpose of "civil society" is "the preservation of property,"[55] which is why a primary purpose of civil law in the modern era is punishing, correcting, or managing people whose property-less-ness—along with the acts of survival that accompany it—registers as threat against property and the legal and economic order that revolves around and preserves it. According to Locke's social contract theory, it is reasonable to "kill a thief" because a thief—whether the criminal "highwayman"

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[51] Hay, "Property, Authority and Criminal Law," 19.
[52] Hirsch, *The Rise of the Penitentiary*, 43.
[53] Foucault, *Discipline and Punish*, 107, 122-123; Colvin, *Penitentiaries, Reformatories, and Chain Gangs*, 37.
[54] Foucault, *Discipline and Punish*, 107.
[55] John Locke, *Two Treatises of Government*, Ed. Peter Laslett (Cambridge, UK: Cambridge University Press, 2003), 323.

robber or the sovereign tyrant—takes away the most sacred right of preserving one's own life, liberty, and property, a right that grounds the social order altogether. For Locke, one possesses a property in one's own person (in the sense of what one obtains and produces through one's labor) such that one's "real" or material property might be understood as a kind of extension or even means of one's life and liberty.[56] Killing a thief is legitimate, then, because in taking way or trespassing upon property, a thief contradicts the essential right to others' self-possession upon which Locke understands the social order to depend.[57] According to political theorist Andrew Dilts, Locke figures the criminal, and the thief in particular, as "a source of physical and ontological threat and constructs them as a category of persons who, along with the 'savages' of North America, generate a space between animals and 'reasonable' persons."[58] Because property-threatening thieves act and exist in a state of war that affects not just the single individual harmed but all of society, it is reasonable to respond to thieves in like manner.[59] In Locke's words, a criminal is one who, having "renounced [the] Reason" that "God hath given to Mankind," has "declared War against all Mankind, and therefore may be destroyed as a Lyon or a Tyger, one of those wild Savage Beasts, with whom men can have no Society nor Security."[60] For Dilts, punishing and killing criminals does not just respond to already existing notions of criminality but helps forge them in the first place, and in so doing, establishes who legitimately exists within and who, by their actions (and ontology), place themselves outside the boundaries

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[56] Locke, *Two Treatises of Government*, 287-288. See also: Harris, "Whiteness as Property"; C. B. Macpherson, *The Political Theory of Possessive Individualism: Hobbes to Locke* (Oxford: Oxford University Press, 2011); Andrew Dilts, *Punishment and Inclusion: Race, Membership, and the Limits of American Liberalism*, Just Ideas (New York: Fordham University Press, 2014), 91.

[57] This is a basis of modern liberal political thought, which provides a philosophical basis for both resistance to tyranny and modes of possession and political membership that necessarily entail harm for others.

[58] Dilts, *Punishment and Inclusion*, 88.

[59] Ibid., 89-91.

[60] Quoted on Dilts, *Punishment and Inclusion*, 103. See also: Dilts, *Punishment and Inclusion*, 108 (on criminality as warfare).

of social order.[61] Or, as political theorist Nikhil Pal Singh puts it, Locke "framed crimes against property, including those that did not threaten physical harm, as warranting punishment up to and including homicide" because "theft of property de facto entered the criminal, outlaw, or thief into 'a state of war' that threatened the natural rights of the individual and the basis of civil government."[62]

Grounded as it is in an intertwined economic and legal order that defines the dispossession it creates as a fundamental offense against it, the institution of private property—which begins with the enclosure of the commons, an actual attack on the common good—both enables and requires economic dispossession and its criminalization. In the modern era, the concept of private property and the concept of the criminal exist in mutual dependence: if one of society's—and thus the law's—primary purposes is to protect property and those who possess it, then propertylessness, along with acts associated with it, constitutes an unprotected status that is likely to register as a criminal threat against the political economy of property and the law that maintains it. As E.P. Thompson put it, again, "The greatest offence against property [is] to have none."[63] According to theorists David Correia and Tyler Wall, private property always already entails and even requires violence because it must, by definition, be enforced—a task which has always fallen, as we will see more thoroughly in what follows, to the institution of policing.[64] As Correia and Wall put it, in modern liberal societies—shaped in significant part by the thought of figures including John Locke—the legitimate use of state violence "exists only in the context of a property relation. *People* do not have an unalloyed right to kill, but *property owners* do."[65] Put

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[61] Dilts, *Punishment and Inclusion*, 104-108.
[62] Nikhil Pal Singh, *Race and America's Long War* (Oakland, California: University of California Press, 2017), 43.
[63] Quoted in Beaumont, *Nightwalking*, 53.
[64] David Correia and Tyler Wall, *Police: A Field Guide* (London / Brooklyn, NY: Verso, 2018), 82.
[65] Ibid., 83.

otherwise, private property, which comes about in the first place by way of dispossessive claims of exclusive possession, can only be preserved through violence against those who trespass. As Hirsch, Foucault, and others demonstrate, a significant number of those defined as "criminal" in early modern Europe and America are people without property who commit offenses against propertied people and their possessions. Based on the prosecution of propertyless people for property crimes and the commentaries of those who advocated their punishment, it is clear that the threat that poor people allegedly posed to property is not simply a threat against isolated property owners themselves, but, more broadly, against the capitalist social order in which private property is central.[66]

The Gendered Structure of (Racial) Capitalist Criminalization

We adequately understand the raced and classed realities from which criminalization emerges when we also consider the fundamental role that gender plays in structuring criminalization from its early modern beginnings to today. In the context of early modern England, where core aspects of the carceral forms that proliferate in our world first took root, the criminalization of vagrancy was a thoroughly gendered phenomenon. As explored above, people dispossessed by capitalist accumulation of land and resources in early modern England were subsequently criminalized for offending against compulsory labor and vagrancy laws according to which "idleness" disrupted the social, economic, and moral order of the day: to fail to labor was to fail to fulfill one's nature as a human being, which was to fail society itself.[67] As social and literary historian Matthew Beaumont shows, early capitalist political economy more rigorously established the value of time under a system based on profitable production: because daytime was the time of production,

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[66] Ibid., 82.
[67] Beaumont, *Nightwalking*, 65.

nighttime became the time when non-productive or productivity-threatening forces roamed. "Used alongside words such as 'idle', 'lewd' and 'vagrant'," Beaumont writes, the term "nightwalker" indicated "a 'masterless' man or woman." By the seventeenth century, "female vagrants were more likely to be identified as nightwalkers and male vagrants as idlers and vagabonds," which is likely a consequence of the fact that most forms of productive labor were "gendered as male," whereas women's work was largely uncompensated domestic work or inadequately compensated manual labor.[68] Under this gendered division of labor, many women were—and are still today—left with few options for economic survival besides paid sex work. Then, as now, the conditions that lead to such work, and such work itself, are hardly recognized as legitimate by the capitalist political economies within which they manifest.[69] By the seventeenth century in England, women who "walked" at night were labeled and criminalized as inherently "disreputable," and as "nocturnal temptations" to men whose productivity during the day depended upon a restful night free of such temptations.[70] In the end, nightwalking—by both women and men—was an offense against capitalism itself: it was "a going astray," Beaumont writes, that "threatened to erode the diurnal order and its political economy of industriousness."[71] Particularly for women, though, whose criminality has long been more squarely situated within sexual impurity, having no normatively recognized source of economic sustenance made and makes one especially vulnerable to carceral containment. Gendered forms of economic dispossession merge with carcerality in equally gendered ways.

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[68] Ibid., 37-39.
[69] Silvia Federici, *Caliban and the Witch*, 2., rev. ed (New York, NY: Autonomedia, 2014). See chapter one for more on this dynamic.
[70] Beaumont, *Nightwalking*, 39.
[71] Ibid., 40-41.

According to Angela Davis, it should be of little surprise that a society that operates on the basis of the idea that men are superior to women and thus deserving of special privilege and power also produces fundamentally patriarchal institutions, which includes the prison.[72] What does it mean to say that carceral institutions like the prison are fundamentally patriarchal? In terms of raw numbers, men have always been incarcerated more than women, though rates of incarceration among men and women have shifted in recent decades as more and more women are made subject to state confinement.[73] The fact that more men have been criminalized and incarcerated than women throughout history does not, however, indicate that gender and patriarchy are irrelevant factors when it comes to carceral institutions. On the contrary, as historian Mark Kann shows, the seeming contrast between the American aspiration to the principle of liberty, on the one hand, and the widespread withholding of liberty from masses of people during the early American republic, on the other, was itself a reality made possible by patriarchal power. Penal reformers of the late eighteenth and early nineteenth centuries regularly sold their carceral proposals to legislators and the public in terms of "caring civic fathers" who would do the seemingly harsh but allegedly benevolent work of using confinement to transforming "childish criminals into mature men and trustworthy citizens."[74] The primary male targets of such carceral intervention were widely viewed as men who failed to meet the masculine standards of economic independence, self-control, mastery, authority over one's family and others, and respect for selected male governing powers.[75] Carceral and legislative authorities perceived men who deviated from these norms as essentially effeminate,[76] and

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[72] Davis, *Are Prisons Obsolete?* 61.

[73] Women are the fastest-growing jail population in the United States. Prison Policy Initiative, *Mass Incarceration: The Whole Pie 2019.*

[74] Mark E. Kann, *Punishment, Prisons, and Patriarchy: Liberty and Power in the Early American Republic* (New York: New York University Press, 2005), 6-7.

[75] Ibid., 65.

[76] Ibid., 207.

thereby "as the raw material of criminality."[77] The systematic withholding of liberty through carceral confinement is justifiable in a social order that prizes liberty if the confinement of disorderly men is understood as a tool for safeguarding the social order against those who have not adequately lived up to patriarchal standards and thus cannot properly handle liberty unrestrained.[78]

Men who failed to live up to the standards of what Kann calls "hegemonic masculinity" in early America were made subject to carceral confinement. Women's carceral experience during this period was also shaped by the fundamentally patriarchal presumptions that structured disciplinary institutions including the prison, but in quite different ways. As explored above and in previous chapters, women's second-class status in patriarchal societies takes root in the home, where women have long been subject to men's authority and the possibility of physical and sexual violence. Moreover, women's domestic work, as noted in chapter one, is seldom recognized, which is doubly damaging in a political economy that already fails to grant women adequate options for earning an income through more public forms of work. As Kann notes, penal reformers of the late eighteenth and early nineteenth centuries failed to recognize the patriarchal violence of the private domestic sphere.[79] In addition to being left fundamentally vulnerable to the economic violence of unrecognized and uncompensated labor and to the physical and sexual violence that has long characterized the traditional private patriarchal sphere, the result of such a refusal to acknowledge the inherent unfreedom of women's private and public experience was—and is—that carceral punishment functions as an extension of the patriarchal violence that many convicted women experience prior to criminalization and

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[77] Ibid., 65.
[78] Ibid., 64.
[79] Ibid., 3.

incarceration. As Davis argues, domestic violence against women and carceral violence against women are two aspects of the same patriarchal reality: "for women, prison is a space in which the threat of sexualized violence that looms in the larger society is effectively sanctioned as a routine aspect of the landscape of punishment behind prison walls."[80] The history of women's subjection to criminalization and confinement is more than a mere addendum to the history of men's incarceration. Indeed, carceral institutions are inherently patriarchal whether they are punishing men defined as failures at being men or women who fall short of the normative standards of (white) womanhood.[81] A central function of carceral institutions is the maintenance of dominant ideas of what humans are and should be, and it necessarily employs various forms of violence in that pursuit.

In eighteenth and nineteenth century America, white women were widely viewed as having purer morals than men, which is why, when white women—especially economically dispossessed white women—were found to have broken the law, they were seen as having fallen further than men fall when they act criminally. As such, most early American penal reformers believed that criminal women's redemption was a more challenging and ultimately near impossible task. As Davis writes:

> Male punishment was linked ideologically to penitence and reform. The very forfeiture of rights and liberties implied that with self-reflection, religious study, and work, male convicts could achieve redemption and could recover these rights and liberties. However, since women were not acknowledged as securely in possession of these rights, they were not eligible to participate in this process of redemption. According to dominant views [in the early nineteenth century], women convicts were irrevocably fallen women, with no possibility of salvation. If male criminals were considered to be public individuals who had simply

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[80] Davis, *Are Prisons Obsolete?* 77-78.
[81] Kaba et al., "No Selves to Defend: A Legacy of Criminalizing Women of Color for Self-Defense." For discussion of the "cult of true womanhood," see: Shirley J. Yee, *Black Women Abolitionists: A Study in Activism, 1828-1860*, 1st ed (Knoxville: University of Tennessee Press, 1992), 40-59; bell hooks, *Ain't I a Woman: Black Women and Feminism*, Second edition (New York: Routledge, Taylor & Francis Group, 2015).

violated the social contract, female criminals were seen as having transgressed fundamental moral principles of womanhood.[82]

Just as criminal men were understood to have strayed from the naturally male traits of industriousness and self-discipline, so criminal white women were understood to have strayed from the naturally female traits of moral purity and domesticity. When carceral and disciplinary institutions did view fallen criminal women as capable of redemption, they often pursued that redemption by submitting confined women to domestic training. The result of such a focus in the context of women's carceral confinement helps explain the gendered, classed, and raced realities of women's work throughout the nineteenth and twentieth centuries. Davis explains: "Training that was, on the surface, designed to produce good wives and mothers in effect steered poor women (and especially black women) into 'free world' jobs in domestic service. Instead of stay-at-home skilled wives and mothers, many women prisoners, upon release, would become maids, cooks, and washerwomen for more affluent women."[83]

With the constructed sexual purity of white womanhood as the cultural standard, criminalization plays out at the intersection of not just gendered and classed but raced and sexualized markers of normativity. Most penal reformers and managers throughout the late eighteenth, nineteenth, and twentieth centuries identified the source of female criminality in an immorality that manifests in especially sexualized ways. Davis points out that white women's criminality was and often still is identified with insanity—an insanity that manifests in sexual forms—in a way that it never has been for men, which is why women were regularly confined throughout the nineteenth and early twentieth centuries in the "disciplinary" institutions like hospitals and psychiatric institutions that emerged alongside and in tandem with the prison.[84] But

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[82] Davis, *Are Prisons Obsolete?* 69-70.
[83] Ibid., 70.
[84] Ibid., 66. On "disciplinary" institutions, see: Foucault, *Discipline and Punish*.

not all female "criminality" was treated in the same way. When white women's crime was discerned as an expression of insanity, black and poor women's crime was understood not in terms of insanity but inherent criminality.[85] The idea, in short, is that (white) women of wealth who committed crimes were victims of an unhinged mental state, whereas women of poverty and women of color acted criminally because criminality—the failure to act in cooperation with the accepted norms and laws of the social order—is an inevitable expression of naturally inferior peoples. For people whose identity and actions transgress the norms of white supremacist capitalist patriarchy, criminalization and the carceral institutions that contain those criminalized have historically been and thus widely remain today means not of rehabilitation in a general sense, but rehabilitation to raced, classed, and gendered norms—norms that are, by definition, ultimately unattainable for those rendered inferior or abnormal by whiteness, private property, and patriarchy. As such, carceral spaces long have been and are ultimately ordered toward incapacitation, a means of managing marginal and surplus populations.[86]

From Racial Slavery to Racial Criminalization

As outlined in the first chapter, the emergence of absolutely exclusive private property and the subjectivities forged in relation to it is a story not just of class or economy narrowly conceived but of race and the world ordered according to it. If it is true that the greatest offense against property in early modern Europe is to have none, as Thompson writes, then it must also be the case that the greatest offense against "whiteness as property" in Europe and the worlds it colonized is to be anything other than white, and to be black in particular. In a world where whiteness is a form of property, blackness inevitably registers as a form of trespass. As explored

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[85] Davis, *Are Prisons Obsolete?* 67.
[86] Ibid., 73.

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in the first chapter, capitalism both depends upon and reproduces racial differentiation. As such, the criminalization that capitalism deploys as a way of managing the dispossession it creates manifests not only as economic criminalization—making criminals out of economically dispossessed peoples—but racial criminalization that constructs criminality as a basic disposition of dispossessed nonwhite life in general and black life in particular. Because, as Robin Kelley argues, "there is no such thing as non-racial capitalism,"[87] adequately grasping the criminalization that emerges from capitalism requires attending to both the criminalization of economically dispossessed peoples and the racialized criminalization of nonwhite peoples, and understanding each of these in relation to patriarchal regimes. Indeed, understanding racial capitalist criminalization requires attending to the ways both economic and racial criminalization are ultimately two aspects of the same raced, classed, and gendered order.

Chattel Slavery and its Afterlives

Scholars of carcerality and criminalization argue that understanding contemporary carcerality in any of its dimensions in the United States requires attending to the forced captivities that precede it, including especially chattel slavery and its multiple mutations or afterlives in the form of black codes, convict leasing, and various other concomitant institutions and practices. As outlined in chapter one, the Atlantic slave trade and the institution of chattel slavery—what Du Bois called the "most magnificent drama in the last thousand years of human history"[88]—remade the world and its peoples in cataclysmic ways. Animated by politically and

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[87] *Robin D. G. Kelley – What is Racial Capitalism and Why Does it Matter?* YouTube video, 1:26:46, from a lecture recorded at the University of Washington, Seattle, Washington on November 7, 2017, posted by KODX Seattle, November 18, 2017, https://www.youtube.com/watch?v=--gim7W_jQQ.
[88] W. E. B. Du Bois, *Black Reconstruction in America: 1860-1880*, 1. ed (New York, NY: The Free Press, 1998), 727.

religiously rationalized quests to grow territories, wealth, and power, European colonial ventures

used the life and labor of dispossessed and criminalized Europeans and kidnapped Africans to

quite literally build the "New World" from the ground up. While English colonialists started with

a combination of indentured servitude and forced enslavement, a number of factors contributed

to an eventual shift by the late seventeenth and early eighteenth centuries to the lifelong

enslavement of African peoples as the primary means of racial capitalist accumulation. The

central reasons for that transition were, first, that the terms of indentured servitude were limited

to only a few years and included the promise of property to the upwardly mobile people released

from those bonds. Second, the seventeenth century, from beginning to end, was a century of

resistance, including by coalitions of dispossessed peoples of diverse nationalities and

backgrounds. Especially with larger uprisings like Bacon's Rebellion in 1675-76, which included

both indentured Europeans and enslaved Africans in alliance with one another, plantation owners

and governing authorities responded by fracturing those alliances by retaining limits on servitude

for and allocating new privileges and powers to lower class Europeans, on the one hand, and

eliminating limits on servitude for enslaved Africans, on the other. The planter elite of the early

eighteenth century legitimated lifelong African slavery by deploying both pseudo-scientific and

religious rationales to argue that African peoples were inherently disposed to servitude because

they were incapable of rational, self-possessing freedom, and would therefore pose a threat to

social order if unrestrained. As such, planters argued that it was indeed in the best interest of

Africans to be held in bondage, as freedom would not suit their natural dispositions and

capacities.[89]

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[89] Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*, Revised edition (New York: New Press, 2012), 25-26.

By legalizing lifelong African slavery, and by granting minimal policing powers and economic privileges to European American servants and laborers in an effort to diminish the likelihood of solidarity between them and their African counterparts, planters helped facilitate the emergence of the new, more absolute forms of racial differentiation that still correspond to the idea of "race" in general and "whiteness" (and "blackness") in particular today. As outlined in chapter one, whiteness would become not just an identity position or possession, but "a new social order,"[90] a way of arranging the world that practically allowed its managers and possessors to transcend the limitations that bind others in finitude. As Du Bois put it most simply, making plain its theological-political character, "whiteness is the ownership of the earth forever and ever, Amen!"[91] In addition to the racialization of non-European peoples, chattel slavery hinged on dispossession at every turn: the dispossession of African peoples from their homelands, the dispossession of Africans from any potential fruits of the labor of their own hands, and the dispossession of Native Americans from their lands, upon which the settlers' servants and slaves built America. Dispossession and exploitation were the bedrocks of a set of colonies, and soon an independent nation, in which full personhood and citizenship were defined both implicitly and explicitly as belonging to white propertied men.[92]

The Emancipation Proclamation of 1863 and the Thirteenth Amendment of 1865 brought about the formal end of the institution of chattel slavery. With it, the managers and beneficiaries of racial capitalism in the United States lost the forcibly self-renewing labor force on whose backs they built their political, economic, and cultural power. Just as importantly, however, they lost the primary mechanism of the social control and subjugation of black people that a system of

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[90] David R. Roediger, *How Race Survived U.S. History: From Settlement and Slavery to the Obama Phenomenon* (London: Verso, 2010), 22.

[91] W. E. B. Du Bois, *Darkwater: Voices from Within the Veil* (New York, NY: Verso Books, 2016), 18.

[92] Roediger, *How Race Survived U.S. History*, 1-63.

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racial exploitation like chattel slavery required.[93] Ultimately, though, what the ruling class lost

through emancipation it regained through new forms of racial—and ultimately carceral—

exploitation and control. Emancipated African Americans may have gained freedom from

bondage in a technical sense, but in a practical sense, life was hardly any better, if not in fact

worse. As Du Bois wrote in his history of Reconstruction, after emancipation, "the slave went

free; stood a brief moment in the sun; then moved back again toward slavery."[94] As Du Bois

elaborates:

> Slavery was not abolished even after the Thirteenth Amendment. There were four
> million freedmen and most of them on the same plantation, doing the same work
> that they did before emancipation, except as their work had been interrupted and
> changed by the upheaval of war. Moreover, they were getting about the same
> wages and apparently were going to be subject to slave codes modified only in
> name. There were among them thousands of fugitives in the camps of the soldiers
> or on the streets of the cities, homeless, sick, and impoverished. They had been
> freed practically with no land nor money, and, save in exceptional cases, without
> legal status, and without protection.[95]

Planter elites ensured that racial exploitation and control would live on through legal

mechanisms including so-called black codes, revised versions of the prior slave codes that put

severe limitations on black Americans freed from slavery. As Angela Davis summarizes, like the

slave codes before them, black codes "proscribed a range of actions—such as vagrancy, absence

from work, breach of job contracts, the possession of firearms, and insulting gestures or acts—

that were criminalized only when the person charged was black."[96] As such, black codes were an

explicit effort on the part of former slave owners and plantation elites to control newly freed

black Americans.[97] As an Alabama planter put it after the Civil War, suggesting how carceral

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[93] Alexander, *The New Jim Crow*, 27.
[94] Du Bois, *Black Reconstruction in America*, 30.
[95] Ibid., 188.
[96] Davis, *Are Prisons Obsolete?* 28.
[97] William Cohen, *At Freedom's Edge: Black Mobility and the Southern White Quest for Racial Control, 1861-1915* (Baton Rouge: LSU Press, 1991).

control would be deployed to do the work that chattel slavery no longer could, "We have the power to pass stringent police laws to govern the Negroes—this is a blessing—for they must be controlled in some way or white people cannot live among them."[98]

The legal basis for the re-enslavement of black Americans after emancipation was in fact the same constitutional amendment that brought about slavery's end. The Thirteenth Amendment, which, in political theorist Joy James's words, "ensnares as it emancipates,"[99] formally outlawed slavery in one sense while legalizing it in another: "Neither slavery nor involuntary servitude, *except as a punishment for crime whereof the party shall have been duly convicted*, shall exist within the United States, or any place subject to their jurisdiction."[100] With this exception, the United States opened the door to the continuation of legal servitude in perpetuity, and cleared a path for criminal justice institutions to provide white Americans with both the cheap labor and social control that the institution of chattel slavery no longer could. As the first legal means by which the white planter class re-exerted its control over black life, black codes redeployed both the rationale and legal apparatus of early modern England's carceral policies and institutions through the use of vagrancy laws that punished people for a dispossession into which they were forced. As Davis writes, "vagrancy was coded as a black crime, one punishable by incarceration and forced labor, sometimes on the very plantations that previously had thrived on slave labor."[101] Much like agrarian and industrial capitalists in early modern England who legalized forced labor and criminalized vagrancy as a willful refusal of it, the ruling class of post-Civil War America utilized the law for the purposes of supplying a labor

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[98] Quoted in Alexander, *The New Jim Crow*, 28.
[99] Joy James, "Introduction: Democracy and Captivity," in *The New Abolitionists: (Neo)Slave Writings and Contemporary Prison Narratives*, ed. Joy James (Albany, NY: State University of New York, 2005), xxii.
[100] U.S. Constitution, Amendment 13. Emphasis mine.
[101] Davis, *Are Prisons Obsolete?* 29.

force necessary for maintaining profit by criminalizing those who failed to submit to the status of wage laborer, punishing them with forced labor and incarceration, often in prisons built on the site of former plantations. One of the most prominent means of penal labor, convict leasing, enabled authorities to lease out black Americans convicted of a crime—usually under arbitrary black codes—to commercial bidders on a contractual basis. Systematizing the exploitation and control of black Americans "duly convicted" by the courts, convict leasing authorized white southern elites to hold black Americans captive as labor to build railroads, pick cotton, dig coal, and more, keeping the alleged threat of freed black Americans under control in the process.[102]

Even as convict leasing declined, states continued to sentence an increasingly disproportionate number of black Americans to longer and longer prison sentences, creating what Michelle Alexander calls "the nation's first prison boom."[103] As historian and sociologist Kahlil Gibran Muhammad shows, late nineteenth and early twentieth century census numbers indeed revealed that black prison populations skyrocketed post-emancipation, which a majority of sociologists and mainstream white Americans at the time interpreted as a clear sign of the inherently criminal nature of black Americans, when in fact it was a direct result of racist legal measures including black codes.[104] Reconstituting tropes previously utilized to justify the enslavement of allegedly uncivilized, "savage" Africans understood to be disposed by nature for servitude, white elites and authorities in the decades following the Civil War helped build popular understandings of freed black Americans as criminal threats to civil society, thereby solidifying the role that criminal justice institutions, including the police, would play in

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[102] For more on the southern convict leasing system, see: Douglas A. Blackmon, *Slavery by Another Name: The Re-Enslavement of Black Americans from the Civil War to World War II* (New York: Anchor Books, 2009).
[103] Alexander, *The New Jim Crow*, 32.
[104] Kahlil Gibran Muhammad, *The Condemnation of Blackness: Race, Crime, and the Making of Modern Urban America* (Cambridge, MA: Harvard University Press, 2010). See also: Mary Ellen Curtin, *Black Prisoners and Their World, Alabama, 1865-1900* (Charlottesville: University Press of Virginia, 2000).

protecting the interests and properties of European Americans. By the late nineteenth century, crime and blackness had become so conflated that, in the eyes of white Americans, the fundamental identity of black Americans was no longer "slave" but "criminal."[105] The re-enslaving function of criminal courts was clear to black Americans in the late nineteenth and early twentieth centuries. Much as enslaved Africans perceived as fundamentally unjust the system that held them captive and brought about their death under whip, lash, and labor, so black Americans post-Emancipation, Du Bois writes, "came to look upon courts as instruments of injustice and oppression, and upon those convicted in them as martyrs and victims."[106]

The choice facing the post-Civil War United States, Du Bois outlines, was either reparation or re-enslavement for black Americans.[107] In the end, the nation—both north and south alike—rebuilt itself through a reconstitution of racial capitalist exploitation and dispossession. In choosing the maintenance of white supremacy and capitalism over reparation for the systemic dispossession, exploitation, and violence upon which the nation was built, the United States guaranteed that new ensnaring—carceral—forms of violence and exploitation would emerge and persist as means of protecting a fundamentally inequitable social order from challenges to it.

Gendered and Racialized Criminalization

Many scholars have established the raced and classed dimensions of the transition from racial slavery to racial criminalization, but fewer attend to the gendered dimensions of that

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[105] Davis, *Are Prisons Obsolete?* 29-30; Bryan Stevenson, "A Presumption of Guilt: The Legacy of America's History of Racial Injustice" in Angela J. Davis, ed., *Policing the Black Man* (New York, NY: Pantheon Books, 2017), 12.
[106] Du Bois, *The Souls of Black Folk*, 107-108.
[107] Du Bois, *Black Reconstruction.*

transition. To be a white woman on a plantation was to be both a subject of white men's patriarchal and economic power, and a sharer in his patriarchal, economic, and racial power, thereby giving white women the power to exercise near total power over the enslaved subjects whose labor and suffering provided the wealth they enjoyed. Indeed, to be an enslaved black woman on a plantation was to be fundamentally subject in every way, including as an exploited physical laborer, a sexually exploited reproductive laborer, and the subject of white women's authority over the space of the household. Punishing the enslaved black women who were victims of the sexual violence that white men committed against them, and contributing to their construction as manipulatively sexual creatures, white women subjected enslaved black women to more mundane but no less severe forms of violence.[108] Enslaved black men, on the other hand, who engaged in consensual sexual relations with white women on plantations were subject to extreme forms of violence by the white men who owned them. The construction of black men as sexually animalistic threats to the purity of their white women—and thus the racial purity of their offspring and the species as a whole—was a construction that depended on white supremacy, patriarchy, and capitalism for its coherency. It was out of such a context from which the white supremacist terror of lynching—often committed in response to fabricated accusations of black men's sexual violence against white women—would take root in the century following the formal end of chattel slavery.[109]

The oppressions that black men and women endured—and resisted—during chattel slavery continued in and through the development of new carceral institutions in the aftermath of the Civil War and Reconstruction. Just as during slavery, many enslaved black women were not

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[108] Yee, *Black Women Abolitionists*, 40-59.
[109] Ida B. Wells-Barnett, *The Light of Truth: Writings of an Anti-Lynching Crusader*, ed. Mia Bay, Penguin Classics (New York: Penguin Books, 2014); Angela D. Sims, *Lynched: The Power of Memory in a Culture of Terror* (Waco, Texas: Baylor University Press, 2016).

just domestic servants but also manual laborers, so too, after the formal end of slavery, while white women caught in carceral institutions were not forced into the kind manual labor that men of all races were, many black women, falling outside the boundaries of true (white) womanhood, were treated in much the same way as men in that they too were transformed into the raw materials of carceral capitalist accumulation through convict leasing and chain gangs.[110] Historian Sarah Haley argues that it is impossible to understand the criminalization of black Americans during the "Jim Crow modernity" that followed the formal end of chattel slavery apart from the intertwining of race and gender at its foundation. Haley, following and elaborating the work of Angela Davis and others, argues that the carceral institutions of the post-emancipation south "crafted, reinforced, and required black female deviance as part of the broader constitution of Jim Crow modernity premised upon the devaluation and dehumanization of black life broadly."[111] It was not white supremacy and capitalism alone, but these together with patriarchal gender regimes that defined the nation's turn toward a new carceral regime. According to Haley, black women's experiences within—and their resistance to—carceral institutions in the south clarify that those institutions were material manifestations of the racialized definitions of womanhood that defined life under chattel slavery. To be a black woman in the Jim Crow south—and indeed at any point in the history of the United States—means being a subject "outside of the protected category of 'woman.'" The criminalization of black women as inherently deviant trespassers of the norms and properties of whiteness in all its gendered manifestations, in other words, is not an anomaly but an expression of the larger social order

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[110] Davis, *Are Prisons Obsolete?*; Talitha L. LeFlouria, *Chained in Silence: Black Women and Convict Labor in the New South*, Justice, Power, and Politics (Chapel Hill: The University of North Carolina Press, 2015).
[111] Sarah Haley, *No Mercy Here: Gender, Punishment, and the Making of Jim Crow Modernity*, Justice, Power, and Politics (Chapel Hill: The University of North Carolina Press, 2016), 3.

from which it emerges.[112] The unique violence that black women have faced under white supremacist capitalist patriarchy is not arbitrary or cruel for cruelty's sake alone; it is a pillar that upholds the broader social order within which it takes place. The criminalization of black women was—and in many ways still is—the fuel that helps engine an order that only functions when black women (and men) are subordinated, exploited, and confined subjects.

Jim Crow modernity in the south was a central site of the germination of the new forms of carcerality and exploitation that replaced chattel slavery. But these institutions were not manifestations of the southern United States alone. Historian Kali Gross analyzes the history of representations of crime and violence as applied to black women in Philadelphia between 1880-1910. Much like Haley, who focuses on the Jim Crow south during roughly the same era, Gross finds that "the perpetrators and the apparatuses of the state jointly constructed black female crime" and the specifically raced, gendered, and sexualized constructions of black female criminality that proliferated at that time and continue in evolved forms today.[113] Also like Haley and others, Gross argues that the racialized, gendered, and sexualized criminalization of black women during this era was not only a byproduct of the larger society but a phenomenon that in turn shaped the larger white supremacist, capitalist, and patriarchal social order in general, and to "shifts in laws, policing, and confinement that disproportionately affected black women's crime rates" in particular.[114] Viewing criminalization in its relation to the social, political, and economic forces in relation to which they come about, Gross argues that definitions of black women's criminal deviance effectively served the purpose of buttressing "white middle-class cultural values" and enabling "a return to the traditional social order…that situated mainstream

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[112] Haley, *No Mercy Here*, 2-3.
[113] Kali N. Gross, *Colored Amazons: Crime, Violence, and Black Women in the City of Brotherly Love, 1880-1910*, Politics, History, and Culture (Durham, NC: Duke University Press, 2006), 3.
[114] Ibid., 3.

whites as social custodians."[115] We understand criminalization when we discern it as both a

byproduct and reproducer of the broader social, economic, political, and cultural orders within

which it takes place.

The race, gendered, and classed dimensions of carcerality in the late nineteenth and early

twentieth centuries meant that even economically dispossessed white women were defined and

treated, Angela Davis writes, as "more closely associated with blackness than their 'normal'

counterparts."[116] With the constructed traits of white womanhood, defined not as white

womanhood but womanhood writ large, as the norm, nonwhite women—black, indigenous, and

Latinx in particular—cannot but transgress against (white) womanhood. And yet, white women

who do not rise to the economic and social norms of whiteness and white womanhood often

found and find themselves cast out from the protections promised to them as white women. The

eugenics movement of the late nineteenth and early twentieth centuries also contributed to the

criminalization of women—both economically disenfranchised white women and nonwhite

women—in order to remove "genetically inferior" women from "social circulation," which is to

say, from contexts in which they might give birth and further proliferate abnormalities

understood to be a threat not just to social order but to the human species as a whole.[117]

To be nonwhite—and black in particular—in the United States is to fall under the

"normative gaze" of whiteness as abnormal and as one more disposed to criminality than

others.[118] To be a white woman is to be a beneficiary of whiteness and a subject (and potential

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[115] Ibid., 8-9.
[116] Davis, *Are Prisons Obsolete?* 68.
[117] Ibid., 72. Davis is quoting Lucia Zedner, "Wayward Sisters: The Prison for Women" in *The Oxford History of the Prison: The Practice of Punishment in Western Society*, ed., Norval Morris and David J. Rothman (New York, NY: Oxford University Press). See also: Michel Foucault, *Abnormal: Lectures at the Collège de France, 1974-1975*, trans. Burchell, Graham (New York, NY: Picador, 2003).
[118] I explore this concept further in chapter two. See: Cornel West, *Prophesy Deliverance!: An Afro-American Revolutionary Christianity*, Anniversary ed. (Louisville, KY: Westminster John Knox Press, 2002), 53-61.

beneficiary) of patriarchal power. Neither blackness alone nor womanhood alone, however, can account for the full complexities of black women's experiences throughout the history of the United States. To be both black and woman is to inhabit what ntozake shange calls a "metaphysical dilemma."[119] To be both black and woman is to be stuck between the rock of one oppression and the hard place of another such that to even merely struggle to exist is to always already be suspect, to be gazed upon as criminal, to trespass upon the white male properties of the United States in which black persons, and black women in particular, are not fully welcome as full citizens.

Black women who have sought to survive white supremacist capitalist patriarchy by any means necessary have been defined and confined as criminals throughout the history of the United States.[120] Consider, for instance, the enslaved Virginian woman named Amy who was charged with stealing a piece of mail containing something of value in 1859.[121] In the wake of her alleged crime, Amy became the subject of a Supreme Court case that debated the carceral implications of Amy's status as property and highlighted the ways in which black people were responsible to a law that was not responsible to them. Or consider Emma Johnson, a black woman living in Georgia in the early twentieth century who, like countless women living in a patriarchal society that enacts violence upon them in both private and public ways, killed her abusive, alcoholic husband because she wanted to go on living. Appealing to Georgia state authorities on her niece's behalf, Johnson's aunt Lula Walker suggested that one has a right to

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[119] Quoted in Angela P. Harris, "Race and Essentialism in Feminist Legal Theory," *Stanford Law Review* 42 (February 1990) 581: 1.
[120] See: Kaba et al., "No Selves to Defend: A Legacy of Criminalizing Women of Color for Self-Defense."
[121] U.S. v. Amy, 24, F.Cas. 793 (1859).

defend oneself when one's life is under threat—so why should the law that benefits others not benefit Emma?[122]

In our own time, there are a multitude of cases in the United States of women—of all races, but especially black and latinx—who have been criminalized for trying to survive threats of racial, sexual, gender, and economic violence, and who have been sentenced and caged without any regard for the conditions that produced their acts of violence or refusal. Marissa Alexander of Florida, for example, was prosecuted in 2012 for "aggravated assault with a deadly weapon" for firing a warning shot into the wall of her home to scare her domestic abuser. As a result of mandatory minimum laws, she was sentenced to twenty years in prison. Her shot harmed only the wall, and did not touch her abuser because it was not intended to hit him, only to intimidate him. In late January, after years of desperate attempts on the part of state prosecutor Angela Corey (a white woman)—the same prosecutor who did not prosecute George Zimmerman in the killing of Trayvon Martin—to lock Alexander away for as long as possible, Alexander took a plea deal and was released to two years of home surveillance through an ankle monitor.[123] As many have shown, in a state where George Zimmerman was able to legally "stand his ground" by killing unarmed black teen Trayvon Martin, Marissa Alexander, like Trayvon Martin, was not able to stand hers. Whereas Zimmerman was let off after killing a black teen, a black woman faced up to two decades in prison for firing a shot into a wall in an attempt to protect herself from violence. Like the enslaved woman Amy, Alexander sought survival by any means necessary. Whereas Amy (allegedly) stole a piece of mail, Alexander fired a warning shot into a wall. Both were criminalized for struggling to survive—for simply existing and trying to keep on living against threats of death. Both (likely) experienced sexual violence in the domestic

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[122] An account of Johnson and Walker's story is found in Haley, *No Mercy Here*, 1-4.
[123] See: www.freemarissanow.org

sphere, only to be assaulted by the state in response. To be black and to be woman is to always already be both victim and criminal, to be held liable under a law that is not willing to protect you.[124]

Similarly to Alexander, Cyntoia Brown, a 31-year-old black woman, was prostituted by a physically and sexually violent pimp at the age of sixteen, by which time she reports she had already been raped more than thirty times by friends, family, and strangers alike. When a white John named Johnny Allen, a real estate agent in Nashville, took her home and bragged about his gun collection, his money, and the women who love him, Cyntoia felt uneasy. After grabbing her violently between the legs and staring menacingly into her eyes, Allen leaned to his side of the bed. At the age of sixteen, having been the victim of years of sexual violence and years of unstable foster home environments, Cyntoia was sure that he was reaching for a gun, and so, reacting to protect herself, she shot him in the back of the head, killing him instantly. In media reports following the event, Allen was portrayed as a loving, compassionate do-gooder and morally upstanding real estate agent who was probably just helping a homeless, runaway teen who, in turn, callously killed him. From the initial reports, and through the entirety of the trial, the jury, the judge, and the public were unable to perceive the victimization Cyntoia endured many times over, and thus they were unable to perceive her action as one of self-defense. Like Amy, Cyntoia was fixed on the stand as an inherently immoral threat to society who deserved prison. Stuck between the rock of prostitution and daily sexual violence and the hard place of prison, Cyntoia fired a shot that functioned to keep her in that place. Having been charged as a juvenile, Cyntoia was serving a 51-year life sentence until, after a years-long campaign finally resulted in the governor granting her full clemency. Caging was a violent response to Cyntoia's

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[124] Angela Y. Davis, *The Meaning of Freedom* (Oakland, CA; Takoma Park, MD: PM Press ; Trade Root Music, 2011).

situation, as it is for the scores of women just like her, most of whom will remain caged indefinitely.[125]

To be both black and to be woman is to be constructed as licentious and criminal, immoral and scheming, always already suspect under the law, and therefore always already struggling to survive by any means necessary, and therefore criminalized for desiring to live another day in a world in which one is not valued. First the property of men, then the sexual and reproductive property of plantation owners, then the property of the state, black women since at least the time of Amy have struggled to exist at the nexus of two devalued identity inhabitations: blackness and femaleness. Between the rock of blackness and the hard place of womanhood, between the rock of domestic and state violence and the hard place of incarceration, between the rock of slavery and non-personhood and the hard place of prison and partial personhood—a continuum of containment and terror—black women existed then and exist today under a law to which they are held responsible and a law that is yet not responsible to them, between one site of violence and another, between one manifestation of oppression and another.

The racial, economic, gendered, and sexualized violence of chattel slavery became the racial, economic, gendered, and sexualized violence of criminalization and carceral exploitation and confinement of the postbellum era, continuing up to the present moment. We adequately understand racialized, economic, and gendered criminalization today when we discern it as a manifestation of white supremacist capitalist patriarchy's need for the exploitation and control made possible by chattel slavery to continue beyond slavery's formal elimination.

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[125] For more on Cyntoia's story, see: Daniel H. Birman, *Me Facing Life: Cyntoia's Story*, Documentary, 2011; Cyntoia Brown and Preston Shipp, "Misjudging: A Reconciliation Story" in Will D. Campbell and Richard C. Goode, eds., *And the Criminals With Him: Essays in Honor of Will D. Campbell and All the Reconciled* (Eugene, OR: Cascade Books, 2012), 225-234.

The Origins of Modern Policing

"Criminalization" refers to the conglomerate work of defining and treating non-normative (nonwhite, non-propertied, non-masculine or gender non-conforming) populations as inherently criminal in order to justify capturing and confining them as a means of managing the threat they pose or seem to pose to the larger social order. While many forces and factors contribute to the work of criminalization, practically speaking, it is the modern institution of policing that translates the conceptualities undergirding criminalization into material realities of capture and confinement. Understanding the why and how of criminalization, then, requires attending to the origins of the uniquely modern institution of policing itself. Contrary to popular understandings of it, modern policing first originated as a mechanism not for "fighting crime" but for managing peoples dispossessed by social inequalities and hierarchies in order to preserve those arrangements.[126] Sociologist Alex Vitale follows a host of other scholars in locating policing's origins in three primary eighteenth century contexts that span the Atlantic world: "slavery, colonialism, and the control of a new industrial working class."[127] The story of the emergence of modern policing is best told not by treating each distinctly, in purely linear fashion, but by circulating through each of these ultimately interrelated and cooccurring sites of carceral manifestation.

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[126] Vitale, *The End of Policing*, 34.

[127] Ibid. Kristian Williams's enormous and thoroughly researched study *Our Enemies in Blue*, which I also cite throughout the following, follows roughly the same analysis. Kristian Williams, *Our Enemies in Blue: Police and Power in America* (Oakland, CA: AK Press, 2015). See also: Singh, *Race and America's Long War*.

Slave Patrols and Vagrancy Laws

Made possible by the ability of white elites and former slave owners to "impute crime with color," as Frederick Douglass put it in 1883,[128] the criminalization of black communities post-Emancipation had as its ultimate purpose the social control and continued economic exploitation of black life and labor after the formal elimination of chattel slavery. Toward that end, authorities repurposed previous institutional forms including slave patrols to surveil, arrest, and thereby incapacitate and exploit black Americans, including through the institution of convict leasing explored above. As the primary precursor of formal police institutions in the south, slave patrols were based on the practices of seventeenth century Barbadian slave owners who hired professional slave catchers, militias, and plantation overseers to maintain order and control over large populations of enslaved Africans that far exceeded the total numbers of European owners.[129] As early as the late seventeenth and early eighteenth centuries, plantation owners deputized lower class European American laborers as slave patrollers tasked with keeping watch over slaves and equipped with the power to scope out and interrupt insurrectionary or insubordinate activity. As established in chapter one, it was in part in this context that "whiteness" as we know it was born. Indeed, according to political theorist Nikhil Pal Singh, policing and race-making are mutually formative aspects of the same social and political formations at the outset of colonialism and racial capitalism in the United States.[130] Armed with "guns, whips, and binding ropes," slave patrollers "would stop any Black person they encountered, demand his pass, beat him if he was without one, and return him to the plantation or hold him in the jail."[131] According to one patroller, his company was ordered to

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[128] Quoted on Davis, *Are Prisons Obsolete?* 30.
[129] Williams, *Our Enemies in Blue*, 64.
[130] Singh, *Race and America's Long War*, 35-36.
[131] Williams, *Our Enemies in Blue*, 69.

"apprehend every negro whom we found from his home; & if he made any resistance, or ran from us, to fire on him immediately, unless he could be stopped by other means," and to search "the negro cabins, & take every thing we found in them, which bore a hostile aspect, such as powder, shot &c."[132]

The eventual inability of independently hired slave patrols to maintain sufficient order gave way to the creation of slave codes, which thoroughly limited enslaved Africans' freedom of movement and strengthened owners' control over their human property. With time, slave codes shifted the authority to control enslaved Africans from individual slave owners to the entire white population, which was given the right to apprehend runaway slaves and police slave behavior in accordance with slave code legislation.[133] As the white supremacist historian of slavery U. B. Phillips observed, at that time, "all white persons were permitted and in some regards required to exercise a police power over slaves."[134] Viewed by white people as inherently crafty and scheming, slave codes prohibited any kind of black sociality or gathering for fear that it might provide space for organizing rebellion.[135] John Caphart, a white constable and slave catcher living in Norfolk, Virginia, during the 1840s, describes his work as follows:

> It was part of my business to arrest all slaves and free persons of color, who were collected in crowds at night and lock them up. … I did this without warrant and at my own discretion. Next day they are examined and punished. The punishment is flogging. I am one of the men who flog them. … I am paid fifty cents for every negro I arrest, and fifty cents more if I flog him. I have flogged hundreds. … I never refuse a good job of that kind.[136]

Accounts like Caphart's, Singh argues, help us discern the extent to which early forms of policing helped forge whiteness as both a position of economic value and a capacity for exacting

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[132] Quoted in Williams, *Our Enemies in Blue*, 69.
[133] Williams, *Our Enemies in Blue*, 63-70.
[134] Quoted in Singh, *Race and America's Long War*, 47.
[135] Vitale, *The End of Policing*, 47.
[136] Quoted in Singh, *Race and America's Long War*, 46.

legitimate forms of violence.[137] While slave patrols were concerned in the seventeenth century primarily with enslaved Africans who escaped captivity, by the early eighteenth century, their emphasis shifted primarily to guarding against slave revolts, which corresponded with slave patrols' transition from militia to court control.[138] Whatever their particular form, rural plantation based patrols "engaged in roughly the same activities and served the same function,"[139] namely, "[scouring] the countryside day and night, intimidating, terrorizing, and brutalizing slaves into submission and meekness."[140]

Most rural and urban slave patrols of the seventeenth and eighteenth centuries did not constitute modern municipal police forces as we know them today, but they did serve as a "transition" from militias to state-sponsored institutional policing in the U.S.[141] Indeed, some scholars argue that as early as the late eighteenth and early nineteenth century, before the formal end of slavery, slave patrols in cities including New Orleans, Savannah, and Charleston—one of the slave market capitals of the United States—already resembled most core aspects of modern police forces: they were comprised of paid, uniformed officers, were under the authority of public officials, and were an official arm of the city's criminal justice system.[142] With the formal end of chattel slavery, slave codes that policed every aspect of enslaved Africans' life and movement evolved into black codes, and the work of controlling black communities transferred from slave patrols to municipal police forces on the one hand, and white terrorist groups like the Ku Klux Klan, on the other. Historian Sally Hadden summarizes the racial dimensions of this transition:

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[137] Singh, *Race and America's Long War*, 46.
[138] Williams, *Our Enemies in Blue*, 65.
[139] Ibid., 69.
[140] Quoted in Williams, *Our Enemies in Blue*, 69.
[141] Williams, *Our Enemies in Blue*, 74-75.
[142] Vitale, *The End of Policing*, 45.

> In the new regime of Reconstruction, Southern whites were forced to adopt laws and policing methods that appeared racially unbiased, but they relied upon practices derived from slave patrols and their old laws that had traditionally targeted blacks for violence. To resolve this apparent contradiction, the more random and ruthless aspects of slave patrolling passed into the hands of vigilante groups like the Klan…. Meanwhile, policemen in Southern towns continued to carry out those aspects of urban slave patrolling that seemed race-neutral but that in reality were applied selectively. Police saw that nightly curfews and vagrancy laws kept blacks off city streets, just as patrollers had done in the colonial and antebellum eras.[143]

The primary role of slave patrols was to return enslaved Africans who had fled their owners' property and to monitor enslaved and free African peoples' activity to guard against racial-capitalism-threatening collectivity and organizing. With the formal end of slavery, and thus the end of slave patrols, municipalities developed formalized police departments out of their slave patrol precursors that, while mostly race-neutral on the surface, as Hadden notes, were nevertheless oriented fundamentally toward the task of maintaining black subordination in practically every realm of life, particularly employment.

Cities and towns deployed vagrancy laws toward this end, giving police officers a new and widely manipulable legal basis for surveiling and criminalizing the activity of newly freed black people, stopping and obtaining them if they did not have proper proof of employment. Georgia's vagrancy statute, like most, did not specify black people as its target, though it certainly implied it, and articulated an equivalency between idleness, immorality, and propertylessness:

> All persons wandering or strolling about in idleness, who are able to work, and who have no property to support them; all persons leading an idle, immoral, or profligate life, who have no property to support them and are able to work and do not work; all persons able to work having no visible and known means of a fair, honest, and respectable livelihood…shall be deemed and considered vagrants, and shall be indicted as such….[144]

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[143] Quoted in Williams, *Our Enemies in Blue*, 126-127.
[144] Quoted on Kelly Brown Douglas, *Stand Your Ground: Black Bodies and the Justice of God* (Maryknoll, NY: Orbis Books, 2015), 78.

Mississippi's vagrancy law, passed in 1866, was more explicit about its targets: "all freedmen, free Negroes, and mulattoes in this state over the age of eighteen years, found…with no lawful employment or business, or found unlawfully assembling themselves together, either in the day or night time…shall be deemed vagrants."[145] Once detained and convicted, authorities funneled black people into sharecropping, convict leasing, and prison farms en masse.[146] As historians including Douglas Blackmon document, thousands of people suffered and died under brutal conditions of forced carceral labor during this era. It was the institution of policing that helped introduce black Americans into these forms of carceral containment and death.[147]

As the promises and hopes of Reconstruction waned beneath the triumph of southern "redemption"—a movement for the re-entrenchment of white political and economic power— during the late nineteenth and early twentieth centuries, "Jim Crow" was born as a set of laws and ordinances and culture designed to maintain white supremacy and economic power and ensure black subjugation and control.[148] Police forces played a frontline role in maintaining these arrangements and the institutions that undergirded them by surveiling, arresting, and, along with the Ku Klux Klan and popular lynch mobs, terrorizing black communities, and obstructing their efforts at political participation.[149] Legal decisions including *Plessy v. Ferguson* (1896), which maintained the legality of so-called "separate but equal" clauses that authorized the physical separation of races so long as they were formally understood to be "equal," helped make Jim Crow the law of the land for the better part of a century. The majority decision rejected Plessy's complaint of racial discrimination on a Louisiana train by claiming that it rested on the false

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[145] Quoted on Douglas, *Stand Your Ground*, 78.
[146] Vitale, *The End of Policing*, 47.
[147] Vitale, *The End of Policing*, 47; Blackmon, *Slavery by Another Name*.
[148] Alexander, *The New Jim Crow*, 30-35.
[149] Vitale, *The End of Policing*, 47-48.

assumption that separation marks black people as inferior, and by brazenly suggesting that the idea of black inferiority was a "construct" invented by black misperception. While *Plessy* claimed the formal equality of the races, it in fact allowed for the continued unequal distribution of resources and opportunities according to race, thereby maintaining whiteness as a kind of property. Whiteness, Cheryl Harris writes, summarizing Plessy's argument, "was not merely a descriptive or ascriptive characteristic—it was property of overwhelming significance and value."[150] As critical race theorist Derrick Bell summarizes, "Separate but equal was the judicial promise. Racial subordination became the legally enforceable fact."[151] Tasked with upholding and enforcing Jim Crow discrimination, police departments across the nation during the twentieth century, especially in the south, quite literally acted as guardians of white supremacy and the properties it guaranteed.

Controlling the "Dangerous Classes"

In addition to its origins in institutions designed to control and keep watch over enslaved Africans in the United States, modern policing also finds part of its influence in English institutions purposed with controlling the "dangerous classes" of people dispossessed and exploited by early capitalist political economy. The English precursors of its modern police forces originate in the eleventh century Norman frankpledge system that deployed "shire-reeves" or "sheriffs" to collect fees and represent the king in shires (districts) across England "as a means of maintaining colonial rule."[152] Justices of the peace and constables later came to replace

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[150] Harris, "Whiteness as Property," 1747-1748.
[151] Derrick A. Bell, *Faces at the Bottom of the Well: The Permanence of Racism* (New York, NY: Basic Books, 1992), 54.
[152] Randall G. Shelden, *Controlling the Dangerous Classes: A History of Criminal Justice in America*, 2nd ed (Boston: Pearson Allyn and Bacon, 2008), 72-73; Williams, *Our Enemies in Blue*, 56.

sheriffs, and fulfilled such duties as collecting taxes, inspecting highways, and serving as magistrates in towns and cities.[153] In the thirteenth century, well-populated English towns instituted a system of night watch that kept watch over the allegedly criminal behavior of lower class people who walked the streets at night, as explored above.[154] Beginning as a compulsory, unpaid duty fulfilled by adult men, in the eighteenth century, London's night watch "came very nearly to resemble the modern police department that replaced it."[155] In addition to the night watch, legal, political, and economic authorities of the eighteenth century created the Bow Street Runners and the Thames River Police, both of which were tasked with subduing popular working class mobs and revolts and protecting industry in an increasingly stratified society.[156] A "patchwork of public and private police forces" kept watch over the "dangerous classes" of London in the late eighteenth and early nineteenth centuries until, in response to an alleged rise in property crime, Parliament passed the Metropolitan Police Act in 1829, creating the Metropolitan Police of London, one of the first formal state-run police departments in the modern era. According to Vitale, despite popular notions that London's police force existed to fight and eventually prevent crime, its core focus was in fact "managing disorder and protecting the propertied classes from the rabble." It was Britain's colonial occupation of Ireland, which Peel managed, that gave Peel intellectual resources for developing an institutional mechanism that "would allow for continued political and economic domination in the face of growing insurrections, riots, and political uprisings."[157] As the English authorities and elites together engaged in colonial expansion and industrialization throughout the modern period, dispossessed

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[153] Williams, *Our Enemies in Blue*, 56-57.
[154] Ibid., 57. See also: Beaumont, *Nightwalking*.
[155] Williams, *Our Enemies in Blue*, 58.
[156] Shelden, *Controlling the Dangerous Classes*, 74.
[157] Vitale, *The End of Policing*, 35.

peoples organized themselves countless times to resist their political and economic disenfranchisement. Emerging out of military responses to such "outrages," as they were called by authorities, police forces in England were tasked with managing the social disorder that the state and economic elites themselves catalyzed, and even committed multiple massacres of working class people throughout the nineteenth and twentieth centuries.[158] Far from the "political neutrality" that they claimed, Vitale argues, the "main functions" of the London Metropolitan Police were to "protect property, quell riots, put down strikes and other industrial actions, and produce a disciplined industrial work force."[159]

By the late 1830s, northern American cities including Boston, New York, and Chicago began implementing the London model approach to policing to disrupt and quell working class organization and resistance similar to that which emerged in response to industrialization in England.[160] Newly formed American police departments during this era overwhelmingly articulated their reason for existence in relation to the presence of a "dangerous" underclass and working class comprised in large part by new immigrants.[161] As the General Superintendent of Police in Chicago wrote in 1876, "There is in every large city, a dangerous class of idle, vicious persons, eager to band themselves together, for purposes subversive to the public peace and good government."[162] Much like the English authorities of the seventeenth and eighteenth centuries, police chiefs in the U.S. perceived the threat posed by dispossessed peoples, on the one hand, in terms of a criminality rooted in idleness that creates disorder, and on the other, in terms of the

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[158] Vitale, *The End of Policing*, 35-36.
[159] Ibid., 36.
[160] Ibid., 36-37.
[161] While the English policing system provided a model for policing in the United States, especially in the north, it is important to remember that the first state-run municipal police force that resembles contemporary policing is not London in 1829, but Charleston, SC, more than thirty years earlier. Williams, *Our Enemies in Blue*, 59-78.
[162] Quoted in Williams, *Our Enemies in Blue*, 176.

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potential for organized resistance, as when poor people "band themselves together."[163] Subtle

and not so subtle racialized white protestant resentment against working class immigrants also

helped expand the reach of urban police forces in the Northeast and Midwest where so-called

vice or morality laws gave officers a legal basis to surveil and capture working class immigrants,

disrupting both their daily lives and their ability to organize effectively against exploitative

industry.[164] In the face of owners unwilling to relinquish their wealth and control, the nineteenth

century saw the emergence of a widespread organized labor movement that deployed a diversity

of tactics from work slowdowns to sabotage and strikes to struggles for more equitable

compensation and benefits. As a state means of social control in an increasingly industrialized

and stratified society, the duties of northern police forces in particular thereby included not only

targeting the behaviors of poor and immigrant people using retooled vagrancy laws, but also

preventing or disrupting workers' strikes in factories and mills. Before municipal police forces

took on this duty, owners contracted private parties to commit violence against workers in the

interest of preserving their property and the inequitable arrangements inherent in industrial

capitalism. When this proved too costly and difficult for company owners to fund and

coordinate, the duty of keeping a lid on working class resistance fell to state and local police

forces that used violence and terror against workers in service of preserving a "good business

climate" on behalf of owners. Regardless of individual police officer orientations to working

class resistance or behavior, modern police departments have historically existed "to preserve

existing inequalities" and the powers and properties that lie at their center.[165]

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[163] Williams, *Our Enemies in Blue*, 176.
[164] Vitale, *The End of Policing*, 37-39.
[165] Williams, *Our Enemies in Blue*, 178. For more on the inherent class bias of the institution of policing, see pp. 175-198. See also: Sidney L. Harring, *Policing a Class Society: The Experience of American Cities, 1865-1915*, Second edition with new introduction (Chicago, IL: Haymarket Books, 2017).

Colonial Policing

Nineteenth and early twentieth century police departments in the United States emerged out of earlier Southern slave patrol models, on the one hand, and the English system, on the other, as a means of guarding against the real and perceived threats that free black Americans and working class white people and immigrants posed to a social order arranged according to the supremacies of whiteness, private property, and patriarchy.[166] Modern policing also finds a key source in European and American colonialism. In addition to the fact that Sir Robert Peel, the founder of the Metropolitan London Police, developed his theory of policing while managing England's colonial occupation of Ireland, and that the first slave patrols were developed in colonial Barbados, American policing would also expand in and through the U.S.'s early twentieth century colonial and imperialist enterprises. The U.S.-Philippine War of the late nineteenth and early twentieth centuries—which, for the Philippines, was an anti-colonial quest for freedom and, for the United States, was a pursuit of continued colonial control—played a major role in developing twentieth century American policing and the race-making with which it is connected. According to Singh, from the perspective of the United States, the Philippines was "a blackened and disordered space" that required occupation. Indeed, popular American media at that time regularly depicted the Filipino people in exaggerated and explicitly anti-black racist and anti-indigenous ways as wild savages who needed either conquering or Americanizing and Christianizing—which is to say whitening.[167] The threat of Filipino resistance to U.S. occupation was thus defined in racial terms. In was in response to that racial and anticolonial threat that the

[166] On the relationship between race, late nineteenth and early twentieth century immigration, labor, and policing, see: Noel Ignatiev, *How the Irish Became White*, 2015; David R. Roediger, *The Wages of Whiteness: Race and the Making of the American Working Class*, Rev. ed (London: Verso, 2007); David R. Roediger, *Towards the Abolition of Whiteness: Essays on Race, Politics, and Working Class History* (London: Verso, 1994).
[167] Late nineteenth century issues of the periodicals *Puck* and *Judge* contained many of these racist cartoons.

U.S. developed "the first overseas counterinsurgency" policing regime of the twentieth century.[168] Indeed, according to historian Alfred McCoy, the U.S. occupation of the Philippines served as a "laboratory of police modernity."[169]

As Vitale shows, U.S. authorities imported the counterinsurgency and colonial policing methods developed in the Philippines back to the U.S. to quell working class uprisings and strikes. As one primary example, the first state police force in the United States, the Pennsylvania State Police, founded in 1905, was directly modeled after the Philippine Constabulary. Just as the Philippine Constabulary helped put down insurgent resistance to colonial occupation, so the Pennsylvania State Police was focused primarily not on "crime control" but serving large corporate interests by putting down numerous coal miner strikes during the first decades of the twentieth century.[170] In addition to its influence in Pennsylvania, August Vollmer, who served in the Philippines, went on to become the police chief in Berkeley, California, and according to Vitale, went on to write "the most influential textbook of modern policing."[171] Beyond the influence of the Philippines occupation, Marine General Smedley Butler, who played important roles in establishing colonial policing in Haiti and occupation in Nicaragua, became the chief of police in Philadelphia starting in 1924. In addition to these examples, U.S. involvement in and occupation of various Latin American, Caribbean, and Asian nations entailed the creation of police forces that continued to influence the policies, practices, and approach of police forces back in the United States.[172] In terms of domestic colonial practices, the Texas Rangers emerged as a militia and went on to serve white settlers and the

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[168] Singh, *Race and America's Long War*, 49; Vitale, *The End of Policing*, 40-41.
[169] Quoted on Singh, *Race and America's Long War*, 49.
[170] Vitale, *The End of Policing*, 41.
[171] Ibid., 42.
[172] Ibid., 42-43.

state of Texas by hunting down, displacing, and even killing Spanish and Mexican peoples, which continued well into the second half of the twentieth century.[173]

The colonial influence on the racialized character of American policing methods that emerged in the late nineteenth and early twentieth centuries and still in use today helps demonstrate the deep intertwining not only of race-making and policing, but race-making, policing, and war. "In the context of the long history of U.S. racial formation," Singh writes, "policing has arguably never been distinct from a kind of civil warfare."[174] In addition to the creation of police and constabulary forces as part of U.S. colonial and imperialist occupations, by the second half of the twentieth century, "overseas war in nominally sovereign, postcolonial nations was routinely described as police action, while U.S. domestic policing was increasingly invested with the ontological urgency and moral equivalence of war."[175] As Singh points out, when colonial and imperialist powers like the United States imposed their will on subjugated peoples, those peoples responded with widespread organized resistance. The threat posed by that resistance was "the potential loss of white monopolies on space, resources, and moral right." To ameliorate this fear, the U.S. funneled more and more funds toward enhancing "institutional capacities for policing" across both the United States and the world.[176] Following patterns first established in the eighteenth and nineteenth centuries, race-making, policing, colonialism, and war during the twentieth century took place in and through one another.

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[173] Vitale, *The End of Policing*, 43-45.
[174] Singh, *Race and America's Long War*, 35.
[175] Ibid., 73.
[176] Ibid., 50.

"Criminal" or "Criminalized"?

Historically speaking, modern policing first comes about and persists not because bad people break the law, but because powerful people who want to maintain their power can only do so through institutional and legal mechanisms that make it possible to manage and control people whose raced, classed, and gendered identity and/or alleged behavior pose a threat to the social order. As Kristian Williams puts it, the "aims and means of social control always approximately reflect the anxieties of elites," which is why the means of social control shift and adapt according to shifts in the precise nature of threats to ruling class power.[177] Traditional accounts explain the rise of modern policing by pointing to increasing crime rates, an alleged consequence of urbanization and industrialization. In short, the story goes, police departments formed in response to a widespread increase in criminality. But Williams poses an important question: "Were the dangerous classes criminal? Or were they criminalized?"[178] Statistics from U.S. cities in the nineteenth century show that crime rates were not dramatically increasing—and were sometimes even declining—which is why "criminal" activity generically defined does not adequately explain the proliferation of police departments in U.S. cities and their persistent intervention in the lives of the people who populated them. Rather than a rise in actual crime, the emergence of modern police departments reflected a rise in the propertied, ruling class demand for "order" that produced the criminalization of the behaviors of poor, working class, and nonwhite people.[179] As Williams puts it, "during the nineteenth century, crime was down, but the demand for order was up—at least among those people who could influence the administration of the law."[180] Modern police departments, in short, did not proliferate "in response to escalating

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[177] Williams, *Our Enemies in Blue*, 117.
[178] Ibid., 109.
[179] Ibid., 107; Camp, *Incarcerating the Crisis*. 4.
[180] Williams, *Our Enemies in Blue*, 110.

crime rates, but…as a means of social control by which an emerging dominant class could impose their values on the larger population."[181]

It is for these reasons that social and economic conditions and the needs of powerful people (primarily white propertied men) can be said to *create*—and construct as criminal—"the class of people they were then at such pains to control—the slaves in the plantation system, and the immigrant working class in industrialized cities."[182] Because lower class criminality was perceived to be a threat not just to individual victims but to society as a whole, much as it was in earlier centuries in England and the American colonies, modern criminalization should be understood to be concerned not just with the breaking of the law but with the disruption of the "order" upon which racial capitalist political economy depends.[183] Modern policing emerges as a tool of social control for managing the threat that dispossessed peoples allegedly pose through their personhood and resistance alike. Williams summarizes:

> Organized police forces only emerged when traditional, informal, or community-maintained means of social control broke down. This breakdown was in each case prompted by a larger social change, often a change that some part of the community resisted with violence, such as the creation of a national state, colonization, or the enslavement of a subject people. It is at the point where authority is met with resistance that the organized application of force becomes necessary. Each development [in policing] has conformed to this general pattern—the creation of the offices of the sheriff and the constable, the establishment of the watch, the deployment of slave patrols, the transition to City Guards, and finally the rise of the modern police.[184]

With the disorder of the "dangerous classes" as its primary concern—disorder both in the form of the alleged behaviors and inherent traits of poor and nonwhite peoples and their organized resistance to exploitation—policing transformed from a means of "responding" to "crime" to

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[181] Ibid., 112.
[182] Ibid., 107-108.
[183] Ibid., 107-109.
[184] Ibid., 116-117.

"preventing" it by constructing people as inherent threats before any actual crime was committed. This is what it means to say that powers define criminality in terms of the identities and behaviors of black, nonwhite, working class, non-propertied, and other peoples constructed as "abnormal."[185] Indeed, by "preventing"—by constructing—instead of simply "responding" to "crime, profiling "became an inherent element of modern policing."[186]

Deployed by the possessors and beneficiaries of whiteness and private property, as well as patriarchal power, policing both responds to the needs of—and helps construct the normativity of—these powers at the same time that it responds to and helps construct people as "abnormal" and "criminal."[187] The social order built around the supremacies of whiteness, property, and patriarchy, on the one hand, and the social-order-threatening criminality of nonwhite, non-propertied, and other non-normative peoples, on the other, are two dimensions of the same reality. As Singh puts it, "Criminality is the name given to a type of violence that threatens the social and civic order; policing is the institution that keeps such violence in check."[188] The thriving of the beneficiaries and possessors of whiteness, property, and patriarchy and the violent vulnerability and death of nonwhite, non-propertied, and other non-normative peoples are mutually dependent. In Singh's words, modern policing "determines…who must be subjected to discipline so that others can pursue their self-interest."[189] The exclusive wellbeing of some requires the carceral subjection of others.

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[185] Foucault, *Abnormal*.

[186] Williams, *Our Enemies in Blue*, 112.

[187] Foucault, *Discipline and Punish*, 100-103; McWhorter, *Racism and Sexual Oppression in Anglo-America*, 125-139.

[188] Singh, *Race and America's Long War*, 73.

[189] Ibid., 39.

Neoliberalism and Broken Windows Policing

In the decades leading up to and the years following World War II, and into the Cold War period, new forms of social, economic, and political organization, on the one hand, and new modes of carcerality, on the other, began to germinate and take root. This was also a period in which peoples dispossessed by racial capitalism organized in new ways to challenge the legitimacy of the forces that proliferated racialized, economized, and gendered forms of precarity and death. From labor to black freedom to feminist and other social movements, peoples made subject by exploitative supremacies posed new challenges to the smooth functioning of the systems that ran by means of their oppression. As in previous eras, narratives about "crime" played a central role in these societal transformations. Also as in previous eras, the most predominant narratives depicted the others of whiteness, property, and patriarchy as the sources of alleged increases in—or, really, panics about—crime and what narrators called "disorder."

Neoliberal Racial Capitalism

One of the concepts that helps explain the regressive social, economic, and political transformations of this period is "neoliberalism." A neoliberal order is one that privileges economic privatization, scales back or eliminates social welfare programs, and prizes a culture of independence and self-interest no matter the cost. Some figures, including Marxist economist David Harvey, view neoliberalism as a phenomenon that can be more or less reduced to economic dynamics.[190] Others thinkers, including Wendy Brown, do not disagree that neoliberalism is economic, but instead suggest that the individualistic self-interest at the heart of the concept of *homo economicus* pervades not just the economic, but the social, political, and

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[190] Harvey, *The New Imperialism*.

cultural as well, configuring "all aspects of existence in economic terms," undermining the collective ethos of democracy in the process.[191]

Thanks to the work of scholars including Angela Davis and Michelle Alexander, more and more people are becoming aware of the fact that the early 1970s marked the beginning of what would become the most dramatic proliferation and expansion of carceral institutions in all of history. Today, the United States criminalizes, incarcerates, and surveils more people—overwhelmingly from nonwhite, working class, and impoverished communities—than any other nation in the world: beyond the estimated 2.3 million people living in U.S. prisons and jails, an estimated 8 million (or one in twenty-three adults) in our country live under some form of state captivity or control, which includes persons in jail and prison, on probation and parole, undergoing community sanctions, passing through drug courts, and caged in immigrant detention centers. As a result of these numbers, approximately one in four adults in the U.S. has a criminal record, which is a form of punishment and "civil death" that lasts a lifetime.[192] Beyond those directly under some form of carceral control or supervision, the families and communities of those caught in the grip of the carceral state reaches into the tens of millions, making carcerality one of the most widely encompassing features of life in the U.S. today.[193] While carcerality permeates life in the U.S. today in a way it did not forty-five years ago, when approximately 200,000 persons—compared to the estimated 2.2 million today—in the U.S. lived behind bars,[194] the carcerality of contemporary U.S. society did not originate forty-five years ago, but with the

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[191] Wendy Brown, *Undoing the Demos: Neoliberalism's Stealth Revolution*, First Edition (New York: Zone Books, 2015).

[192] Marie Gottschalk, "Are We There Yet? The Promise, Perils and Politics of Penal Reform," *Prison Legal News* 27, no. 1 (January 2016), https://www.prisonlegalnews.org/news/2016/jan/1/are-we-there-yet-promise-perils-and-politics-penal-reform/.

[193] Ibid.

[194] Prison Policy Initiative, *Mass Incarceration: The Whole Pie 2019.*

formation of whiteness and absolutely exclusive private property regimes that required forms of carceral control to manage to threats to them from their beginning.

As in previous eras, predominant efforts to explain this expansion center around a rise in crime. As Ruth Wilson Gilmore writes, "the dominant explanation for prison growth goes like this: crime went up; we cracked down; crime came down."[195] In addition to the fact that definitions of "crime" are not fixed but ever changing—that "[l]aws change, depending on what, in a social order, counts as stability, and who, in a social order, needs to be controlled"[196]—a more accurate summary, she argues, would be: "crime went up; crime came down; we cracked down."[197] As introduced at the outset of this chapter, the reason for prisons tends to be posed in terms of either "retribution," "deterrence," "rehabilitation," or a combination thereof. As Gilmore and others argue, these traditional understandings of crime and punishment, of why we have prisons at all, overlook the fact that the overwhelming function of prisons is and long has been "incapacitation."[198] Prisons deal with "crime" by disposing of—by warehousing—those accused of committing it.

According to political theorist Jordan Camp, who largely follows Gilmore's line of reasoning, not only did the growth of neoliberalism and the growth of the carceral state take place at the same time; the rise of neoliberalism and the rise of the carceral state are two aspects of the same social processes. In Camp's words, "prison expansion in this period has been the political expression of neoliberal racial and security regimes," which are themselves "the outgrowth of a long counterinsurgency against Black freedom, labor, and socialist alliance that took shape in the struggle to abolish Jim Crow racial regimes." In Camp's analysis, the rise of

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[195] Gilmore, *Golden Gulag*, 17.
[196] Ibid., 12.
[197] Ibid., 20.
[198] Ibid., 14-15.

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the carceral state—and the mass criminalization at its center—was and is ultimately a "strategic response to a crisis of legitimacy" that the neoliberal state's own actions catalyzed and which freedom movements deepened and brought to urgency through their mass organized resistance.[199] In response to the crisis wrought by deindustrialization and the social movements that organized against its deadly effects, the "neoliberal carceral state" emerged through the "withdrawal of the social wage," on the one hand, and the building up of "military action, national security policies, aggressive policing, and mass prison-building programs." In sociologist Loïc Wacquant's analysis, "the prison operates as a judicial garbage disposal into which the human refuse of the market society are thrown."[200] The concurrent gutting of social welfare and public housing on the one hand and an increase in funding for jails, prisons, and police departments on the other are not two distinct phenomenon, but two dimensions of a single reality. In short, the insecure wage labor class that the neoliberal state creates with one hand, it punishes and disappears through broken windows policing with the other. Whereas Wacquant views insurgent uprisings of the long freedom movement as a less significant factor in the rise of the carceral state, Camp argues that such movements posed specific crises of legitimacy in relation to which neoliberal security and austerity were posed as solutions.[201] In this way, neoliberal carcerality constitutes a legal, economic, and political means of "revenge" against and a "solution" to the "social problems" that derive from an inherently violent and disorderly "underclass."[202] Mass criminalization, therefore, did not emerge as a response to real crime, but as a means of managing the "surplus populations" and resistance that characterize society under the social and economic crises of late racial capitalism. Criminalization, fueled by "moral panics

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[199] Camp, *Incarcerating the Crisis*, 5.
[200] Wacquant, *Punishing the Poor*, xxii.
[201] Camp, *Incarcerating the Crisis*, 6-8. Alex Vitale makes a similar argument in *The End of Policing*, 50.
[202] Camp, *Incarcerating the Crisis*, 9-10.

around race, crime, disorder, security, and law and order," is the solution to the crises inherent in

neoliberal racial capitalism itself.[203] In such a context, the institution of policing plays a role in

continuity with its original role of managing classes of people deemed "dangerous"—whether

through their mere state of dispossession or their resistance to it—to the social order that helped

produce their precarity to begin with.

As federal, state, and municipal authorities increased law enforcement and prison budgets

using funds previously used for social welfare during the 1970s, 80s, and 90s, a number of

Supreme Court decisions further buttressed the power of police discretion in a way that left

marginalized communities ever more vulnerable to disproportionate attention and violence at the

hands of the police. One case in particular, *Terry v. Ohio* (1968), modified the threshold of the

probable cause required to conduct a police stop or search of an individual by ruling, in Michelle

Alexander's words,

> that if and when a police officer observes unusual conduct by someone the officer
> reasonably believes to be dangerous and engaged in criminal activity, the officer
> 'is entitled for the protection of himself and others in the area' to conduct a
> limited search 'to discover weapons that might be used against the officer.'
> Known as the stop-and-frisk rule, the *Terry* decision stands for the proposition
> that, so long as a police officer has 'reasonable articulable suspicion' that
> someone is engaged in criminal activity *and* dangerous, it is constitutionally
> permissible to stop, question, and frisk him or her—even in the absence of
> probable cause.[204]

By granting officers greater discretion in determining the threat level of individuals living in

heavily policed communities—communities that are so policed because the law and the police

perceive such communities as more inherently disposed to criminality that threatens the social

order—and by legalizing invasive searches based on a smaller amount of information, the *Terry*

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[203] Camp, *Incarcerating the Crisis*, 15.
[204] Alexander, *The New Jim Crow*, 63.

decision empowered law enforcement to gain even more thorough entry into dispossessed people's everyday lives.

Broken Windows Policing

An additional manifestation of the role police departments would soon play in the criminalization of black and economically dispossessed communities came in the wake of a 1982 article published by George Kelling and James Q. Wilson in the *Atlantic Monthly*. Elaborating on the French aphorism that "he who steals an egg, steals an ox," Kelling and Wilson's "broken windows" theory of urban crime and disorder held that small signs of disorder—like a broken window—have the effect of inviting further, more serious crime. As such, the theory reasons, the way to combat serious crime is to combat the small signs of disorder that make them possible: by fixing broken windows, you repair a neighborhood's vulnerability to the crime that broken windows inevitably draw. According to the theory, behaviors associated with chronically unhoused and other underclass populations—like panhandling, loitering, or public drunkenness—are the signs of disorder that invite more serious crime to proliferate. By "fixing broken windows" in the form of low-level crime, police unite their "order-maintenance" and "crime-prevention" functions into one. Kelling and Wilson write:

> The citizen who fears the ill-smelling drunk, the rowdy teenager, or the importuning beggar is not merely expressing his distaste for unseemly behavior; he is also giving voice to a bit of folk wisdom that happens to be a correct generalization—namely, that serious street crime flourishes in areas in which disorderly behavior goes unchecked. The unchecked panhandler is, in effect, the first broken window. Muggers and robbers, whether opportunistic or professional, believe they reduce their chances of being caught or even identified if they operate on streets where potential victims are already intimidated by prevailing conditions. If the neighborhood cannot keep a bothersome panhandler from

annoying passersby, the thief may reason, it is even less likely to call the police to identify a potential mugger or to interfere if the mugging actually takes place.[205]

Much like early modern views that perceived idleness as the root of crime in industrializing cities, broken windows theory sees the behaviors—and indeed the presence—of working class and underclass populations as problems to be fixed through criminal statutes that disappear the problem from public view, allegedly preventing more serious crime in the process. But as Angela Davis puts it, "prisons do not disappear problems, they disappear human beings."[206] Also like the measures implemented by early modern legal and political authorities and wealthy elites, broken windows isolates poverty from the broader social forces that make it possible and therefore rejects the idea that "crime" committed by underclass and working-class individuals derives from anything other than those individuals' immoral behavior. As George H. W. Bush put it in 1989: "We must raise our voices to correct an insidious tendency—the tendency to blame crime on society rather than on the criminal…. I, like most Americans, believe that we can start building a safer society by first agreeing that society itself doesn't cause the crime—criminals cause the crime."[207] Two-time NYPD and one-time LAPD police chief William Bratton, who helped develop and implement broken windows policing across the globe, put it even more concisely: "The cause of crime is the bad behavior of individuals…not the consequence of social conditions."[208]

Following in the wake of Kelling and Wilson's article, right-wing think tanks like the Manhattan Institute and the Heritage Foundation popularized broken windows by posing it as a

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[205] George L. Kelling and James Q. Wilson, "Broken Windows: The Police and Neighborhood Safety," *The Atlantic*, March 1982.

[206] Angela Y. Davis, "Masked Racism: Reflections on the Prison Industrial Complex," http://www.historyisaweapon.com/defcon1/davisprison.html.

[207] Quoted on *Wacquant, Punishing the Poor, 9. See: George Bush, "Remarks at a Briefing on Law Enforcement for United States Attorneys," 16 June 1989.*

[208] Quoted on Loïc Wacquant, *Prisons of Poverty*, Expanded ed (Minneapolis: University of Minnesota Press, 2009), 23.

solution to social and economic problems facing cities, while public officials including New York City Mayor Rudolph Giuliani and Bratton implemented broken windows philosophy by aligning city policy and policing strategies with it. Under Giuliani and Bratton, "squeegee men," drug dealers, prostitutes, beggars, unhoused persons, and graffiti artists became reviled threats to public order and security, and were targeted as such. Under the banner of two phrases that would become popularized by police forces and municipalities across the country, New York City authorities implemented a "zero tolerance" approach to such "criminal" activity in order to restore the "quality of life" of the public at large. Following New York, and later Los Angeles, broken windows was exported and implemented in police departments and courts across the country and abroad.[209] As outlined at the start of this section, the idea that "[t]he cause of crime is the bad behavior of individuals…not the consequence of social conditions"[210] is intimately tied to a neoliberal ethos of market deregulation and individual responsibility that produces widespread social insecurity in the first place. As such, the criminalization of poverty, exemplified in broken windows policing, Wacquant writes, "serves as a technique for the invisibilization of the social 'problems' that the state…no longer can or cares to treat at its roots." Under such a paradigm, it is inevitable that "the prison operates as a judicial garbage disposal into which the human refuse of the market society are thrown."[211] By penalizing "precariousness,"[212] created in the first place in large part by the neoliberal racial capitalist project of the state,[213] municipalities signal, in Wacquant's words, that "poverty constitutes an intolerable offense against this 'strong and definite state of the collective conscience' of the

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[209] *Wacquant, Prisons of Poverty, 14-16.*
[210] Quoted on Wacquant, *Prisons of Poverty*, 23.
[211] *Wacquant, Punishing the Poor, xxii.*
[212] Ibid., 35.
[213] Ibid., 1; Camp, *Incarcerating the Crisis*.

nation that conceives of America as a society of affluence and 'opportunity for all.'"[214] As such, the penalization of acts and behaviors associated with more visual forms of poverty—e.g., homelessness—serves the purpose of punishing and eradicating such poverty from view, thereby enhancing the "quality of life" of wealthier, propertied urban dwellers. Again, the concurrent gutting of social welfare and public housing on the one hand and the federal, state, and municipal increase in funding for jails, prisons, and police departments on the other are not two distinct phenomena, but two dimensions of a single reality. As Jordan Camp and Christina Heatherton summarize, "broken windows policing has normalized a shift in state capacities away from the production of social goods and towards 'security' concerns produced in their absence."[215] The insecure wage labor working class and underclass that the neoliberal state creates with one hand, it punishes and disappears through broken windows policing with the other.

Embedded in such an approach to poverty, not unlike those of a previous age, is a kind of apotheosis of certain spaces and plots of land—of certain properties. As Wacquant writes, there is, under broken windows policies, a belief in the "sanctity of public space"[216]—particularly those spaces presumed to be exclusively accessible extensions of the private properties of upper class urban residents, free from the impediments and threats posed by poor and nonwhite people. As political theorist Leonard Feldman, citing Andrew Mair, writes, because homeless people "appear to 'deviate from virtually all of the social norms associated with status-seeking society,' such as norms about work, family, and public behavior," "new fields of illegalities" must be constructed in order to produce "danger- and anxiety-free zone[s] around the pleasures and

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[214] *Wacquant, Punishing the Poor,* 12-13.
[215] Jordan T. Camp and Christina Heatherton, "Introduction: Policing the Planet," in Jordan T. Camp and Christina Heatherton, eds., *Policing the Planet: Why the Policing Crisis Led to Black Lives Matter* (London: Verso, 2016), 4.
[216] *Wacquant, Prisons of Poverty, 14.*

pathways of consumptive space and its legitimate middle-class users."[217] It is Feldman's

contention, therefore, that what anti-homeless law enforcement practices aim to protect is the

literal flow of a consuming public, which is accomplished by moving those "physical blockages

[that prevent] the achievement of a unified public space in which consumer goods and consumers

move unobstructed."[218] Indeed, perhaps more than mere "consumption" alone, we might identify

the problem of underclass people's presence not simply in terms of impediment to consumption

but trespass within a landscape oriented around racialized "accumulation by dispossession."[219]

While contemporary criminalization does not focus as heavily on people's "moral" status

through notions of "idleness" and industriousness,[220] it does imbue space itself with a pseudo-

sacred valence such that people deemed "out of place"[221] in terms of either race or class (or

gender) are implicitly defined as persons whose "trespass" pertains not merely to geography but

morality. To be out of place is to be a criminal threat to the neoliberal racial capitalist social

order and the exclusive, possessive, and individualized morality upon which it depends.

"It's not a crime to be homeless"

What does the criminalization of economic precarity look like on the ground, in real time,

today? In 2007, a partnership of downtown businesses in coordination with Metro Nashville

Government and its police department began rolling out a "Please Help, Don't Give" campaign

aimed at curbing panhandling. This campaign was an expression of a larger business effort to

reduce the number of unhoused people spending time in an area of downtown targeted for long-

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[217] Feldman, *Citizens Without Shelter*, 41.
[218] Ibid., 44.
[219] Harvey, *The New Imperialism*.
[220] Feldman, *Citizens Without Shelter*, 50.
[221] Wolfe, *Traces of History,* 17.

term development, the implication being that unhoused people impede such development and the benefits it brings. Powerful business interests have long partnered with police forces in pursuit of their profit-yielding ends, and the same is true in Nashville. As a 2010 report from a subcommittee of the Metro Homelessness Commission found, between 2004 and 2009, arrests of unhoused residents for "quality of life" ordinances rose at unprecedented rates.[222] During this period, Nashville's precinct commanders distributed a pamphlet to their officers giving detailed instructions on how to issue citations and make arrests of unhoused persons for "quality of life" offenses. The downtown business community, tourist bureaus, high-income downtown condo dwellers, city government, and city police joined forces to shape and implement this carceral approach to the crisis of a significant lack of affordable housing and rising rates of chronic homelessness in the city.[223] In 2013, I researched police data and conducted a series of interviews with unhoused people about their experiences being criminalized—cited, arrested, fined, and jailed—for sitting, sleeping, standing, and simply existing in public in Nashville, and published my findings in a special issue of Nashville's street newspaper, *The Contributor*. The two primary criminal charges that the Metro Nashville Police Department (MNPD) uses to criminalize unhoused people in Nashville are "Criminal Trespass" and "Obstructing a Passageway,"[224] both of which constitute Class C misdemeanors. People physically arrested for

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[222] Committee on Police/Homeless Issues, Nashville Metropolitan Homelessness Commission, "Summary Report of Committee on Police/Homeless Issues to the Metropolitan Homelessness Commission" (February 2011). Nashville's Downtown Partnership, in coordination with city government, has mapped out what it calls "business improvement districts." The city, in coordination with the Downtown Partnership, has long deployed police resources to slowly purge people experiencing homelessness from Nashville's Central Business Improvement District.

[223] Andrew Krinks, "Criminal: When Existing in Public Becomes Illegal," *The Contributor*, July 11-31, 2013.

[224] From the Tennessee Code Annotated, "Criminal Trespass" is listed, in part, as follows: "(a) A person commits criminal trespass if the person enters or remains on property, or any portion of property, without the consent of the owner. […] For purposes of this section, 'enter' means intrusion of the entire body." This code also holds that conviction for trespass may not be applicable if a person is a purchasing customer at a business, or if there are no clearly marked signs prohibiting trespass at a property's entrance. However, clearly marked signs provide legal grounds for arrest or citation for Criminal Trespass. Also from the Tennessee Code Annotated, "Obstructing a Passageway" is listed, in part, as follows: (a) A person commits an offense who, without legal privilege,

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these offenses typically plead guilty, as per their public defender's recommendation, in order to avoid jail time. Occasionally, judges dismiss the charges altogether. If, however, the judge finds the defendant guilty, the defendant is required to pay a fine and court costs, which usually amounts to at least a few hundred dollars. Most who are physically arrested under such charges spend anywhere from a few hours to a weekend in jail. Those given only a citation who fail to appear for court may spend up to a week or more in jail if tracked down by police.[225]

In 2012, despite constituting less than 1% of the city's overall population, unhoused persons represented a vastly disproportionate majority of the arrests made for Criminal Trespass and Obstructing a Passageway in the county, with the majority of cases involving the accused sitting, sleeping, or standing on private property, or on some plot of public ground in a way that officers, using their discretion, interpreted as an impediment or an offense against the criminal code.[226] That year, officers made 1,015 arrests of homeless persons for Criminal Trespass, which constituted 52% of all Criminal Trespass arrests that year, and handed out 1,040 citations for the same offense, which, in most cases, required a court appearance and fines. In the same year, officers made 105 arrests of homeless persons for Obstructing a Passageway, which constituted 67% of all such arrests that year, and handed out 61 citations for the same offense.[227]

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intentionally, knowingly or recklessly: (1) Obstructs a highway, street, sidewalk, railway, waterway, elevator, aisle, or hallway to which the public, or a substantial portion of the public, has access…or (2) Disobeys a reasonable request or order to move issued by a person known to be a law enforcement officer, a firefighter, or a person with authority to control the use of the premises to: (A) Prevent obstruction of a highway or passageway; or (B) Maintain public safety by dispersing those gathered in dangerous proximity to a fire, riot or other hazard. (b) For purposes of this section, 'obstruct' means to render impassable or to render passage unreasonably inconvenient or potentially injurious to persons or property." *Tennessee Code Annotated* § 39-14-405, § 39-17-307.

[225] Andrew Krinks, "The crime of existing in public," *The Contributor*.
[226] Ibid.
[227] Andrew Krinks, "Criminal: When Existing in Public Becomes Illegal," *The Contributor*, July 11-31, 2013.

Numbers tell part of the story, but firsthand accounts give us a fuller sense of what it looks like when the police "criminalize homelessness." Here are just a few examples.[228]

Before the sun rose on the morning of April 7, 2013, a 28-year-old woman named Charlotte was digging through a trashcan outside of a Rite Aid at the corner of Rosa Parks Boulevard and Jefferson Street when a police car approached. Moments later, Charlotte found herself in the back of the police car en route to the city jail. As Charlotte's arresting officer wrote in the affidavit, the document all officers must fill out upon making an arrest, "Defendant was observed at arrest location going through trash can. Right next to where defendant was standing in plain view there was a sign posted no trespassing, loitering, or standing." After spending two days in a jail cell for digging her arm through a trashcan in the middle of the night, Charlotte was released back to the streets.

As introduced at the outset, two months earlier, on February 15, 2013, a Metro police officer gave a criminal citation for "Obstructing a Passageway" to Anthony Gunter, a physically disabled black man experiencing homelessness. After selling *The Contributor* street newspaper outside the Nashville Predators hockey game, Anthony missed the last bus, leaving him stuck without shelter downtown. The arresting officer wrote the following in his affidavit: "THIS UNIT INITIATED A TERRY STOP ON THREE INDIVIDUALS AT THE CORNER OF 7TH AV N AND COMMERCE ST WHO WERE OBSTRUCTING THE SIDEWALK TRAFFIC," it starts. A "terry stop"—named after the 1968 Supreme Court case *Terry v. Ohio* cited above—is a stop based on probable cause that a suspect is engaged in criminal activity.

> SUS/GUNTER WAS ONE OF THE INDIVIDUALS BLOCKING THE SIDEWALK WITH A MOTORIZED CHAIR THAT HE WAS SLEEPING IN. THIS PARTICULAR LOCATION IS A COMMON LOCATION FOR OBSTRUCTING A PASSAGEWAY DUE TO A HEATING GRATE THAT

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[228] Each of the following examples comes from Andrew Krinks, "Criminal: When Existing in Public Becomes Illegal," *The Contributor*.

PEOPLE SLEEP ON WHEN IT IS COLD. I OBSERVED AN INDIVIDUAL TRY TO PASS THE GROUP THAT WAS BLOCKING THE SIDEWALK, AND THE INDIVIDUAL HAD TO WALK OFF THE SIDEWALK IN THE GARDENING AREA TO GET PAST THEM.

Anthony rejects the premise of the entire situation as presented by the arresting officer. "I wasn't blocking the sidewalk," Anthony says. "Four o'clock in the morning—who's on the sidewalk? He was very nasty. He just kinda talked to me very disrespectfully. I had to bite my tongue. 'Cause I don't normally take that kinda stuff. I just didn't wanna go to jail. Woulda had to wait two days for them to throw it out. So I ran my car as fast as I could toward the bus station and waited 'til the bus. Sat out there and froze." After pleading guilty, Anthony's court costs totaled $259.33.

At around 10:00 a.m. on June 2, 2013, a formerly unhoused, middle-aged white man named Don Nash was resting on the side of the Exxon Tiger Mart at 12th Avenue and Broadway. Every morning, Don would purchase a soda and a pack of cigarettes, and rest after a long morning on his feet selling *The Contributor* to his customers. On this morning, a cop approached in an unmarked car and asked Don for his ID. A few moments later, the officer asked Don to put his finger on the electronic fingerprint device in his car. After protesting and telling the officer he was just resting after purchasing a soda from the store, the officer responded by asking, "Well how long you been at the Mission?" And Don retorted, "I ain't *at* the Mission! I been gone from the Mission for two years." When Don asked to just be given a warning instead of a citation, saying, "I didn't think it was illegal," Don says that the officer said, "No, you know what that sign means. You know better than what you're doin'." For Don, this was a clear case of discrimination. As he put it, "It made me very, very mad. My blood was boiling. Especially when he said, 'How long you been at the Mission?' Right then and there, I knew he was harassing a homeless person. I wasn't homeless, but he thought I was."

Tina Carter (McKinney), a white woman experiencing homelessness, was cited for Obstructing a Passageway on October 16, 2009, while standing next to a park bench on Church Street near where her friends were sitting. The bench was located outside Morton's, an upscale steakhouse, and directly across from the Downtown Public Library. The officer told her that he wrote the citation because the restaurant had called in a complaint about her allegedly blocking the sidewalk outside their business. "I thought it was a little strange because I wasn't in the way," she said. After blowing off the ticket, not realizing its seriousness, a warrant for her arrest was put out. More than two years later, in January 2012, police tracked her down. She was arrested and spent ten days in jail. "I just hope it doesn't happen to anybody else," she said, "'cause I mean, it's pointless, you know. Find somebody else that is doing something worse than standing in a sidewalk." After her jail stay, Tina owed the city $344.10.

Charles Francis, a gay black man experiencing homelessness, was given a citation on June 21, 2013 for trespassing while trying to stay out of the rain on the property of a closed business. "I felt harassed in a way, you know, being homeless—and they know who I am," he said. "I think that it is kinda like a way of taking away my freedoms, because I wasn't breaking or entering, I was just trying to get in out of the rain. […] I'm not bothering anyone, I'm just trying to have peace and be out of the rain. I just don't think it's right."

Frank Clements, an unhoused white man in his late sixties was given a citation for trespassing on March 19, 2012 for standing on the sidewalk and leaning against a ledge that was within the boundary of a piece of abandoned private property owned by a man who he says had given him permission to rest there. "I had to go to court, but I didn't appear, and I ended up doing five days in jail," he said. "I think it's wrong. I mean, I wasn't hurtin' nobody against the wall on the sidewalk. […] So many people going to jail over nothing—or getting citations—just

because we're homeless, you know. It's not a crime to be homeless." After pleading guilty, Frank's court costs totaled $359.15. Frank died in 2018.

A disabled, middle-aged, unhoused black man that goes by the name "Dr. John" received a criminal citation for propping his swelling ankle up on a crate under a bridge in the middle of a rainy night on July 10, 2013. Because he can't afford the fines, he's still indebted to the city and liable to be arrested at any time. In his words, "Ain't no way I'm gonna build up no daggone 120 dollars. Ain't no way. So they want to eventually put me in jail. It's nothing you can do. You're never right. You're always wrong." After pleading guilty, Dr. John's court costs totaled $259.33.

Doc Mothershed, a middle-aged white man experiencing homelessness, was sleeping behind a ledge at the top of a hill that descended down toward the Cumberland River on May 29, 2013 when an officer shined a light on his face and handed him a citation for trespassing. "I was thinking about my mother who had recently passed away," he said. "I never got over it." After asking to get off with a warning instead, since the supposed "No Trespassing" sign was nowhere in sight, Doc was given a citation anyways. "I felt like I was charged for being homeless and for breathing air," he said. "I wasn't hurting nobody, I wasn't stealing from nobody. […] I was just sittin' there breathin' air, thoughts of my mom passing away runnin' through my mind." After pleading guilty, Doc's court costs totaled $261.00.

A white, 73-year-old unhoused man named William McClain was arrested and taken to jail on April 19, 2013 for sitting under an overhang on an unused property after hours during a rain storm, also mentioned in this chapter's introduction. To William's mind, a "crime" against property would entail destroying property, but, as he says, he was just sitting there. William points to the fact that the city had been removing benches, including the one where Tina was cited, throughout downtown: "What they're trying to do is get all the homeless outta downtown.

But where we goin'?" he said. "I'm 73 with a heart condition. I just had open-heart surgery back in October or so. It's either go to jail, or…"—and that's all he said. After spending nearly 24 hours in jail, William owed the city $365.65.

As Commander Reinbold told me, by finding shelter during a storm on property that was not his own, he transformed the owner of that property, who was not present, into a "victim of crime." The same goes for the rest. Digging through a trashcan, sleeping on a heating grate in winter, seeking shelter during a storm, resting against a wall, standing on a sidewalk, and "breathing air": these are the basic human functions that constitute criminality when committed by people who lack housing. And because, according to an upper-level commander in the MNPD, there is no crime without a victim, to trespass on property—for food scraps, for shelter from weather, for rest—is to do violence against private property's possessors. Private property is not just an object, but an extension of the personhood of its possessor. An order that sacralizes private property renders people without property offenders against property simply for trying to survive, hence Thompson's claim that "the greatest offence against property [is] to have none." The order of private property and policing discerns acts of precarity as acts of violence against it—a twisted inversion of the reality, namely, that a system that creates dispossession and then defines those states of dispossession as states of criminality is an inherently violent system.

"jail cells are a way for slavery"

Broken windows policing targets dispossessed underclass and working-class persons who it constructs as a source of social disorder. Indeed, the so-called "disorderly" peoples whose conditions the neoliberal racial capitalist state creates with one hand it punishes with the other. In addition to economic class status and acts associated with it, nonwhiteness, and blackness in

particular, also marks one as a target of broken windows criminalization. Exactly one hundred years before the birth of broken windows policing, Frederick Douglass identified that the tendency of former planter elites was to conflate crime and color. That tendency continues today, and broken windows is a primary means by which it lives on. Just as black codes and Jim Crow fulfilled the function of black subjugation that slave codes no longer could, so broken windows fulfills a similar function at the intersection of white supremacy and capitalist political economy, namely, managing and containing the racialized "disorderly" populations widely perceived to be inherently disposed to criminality, or whose presence and behavior are believed to enable more serious crime to occur. In this way, broken windows policing does not prevent so much as construct the criminality of lower class and nonwhite populations in order to justify operations that incapacitate, disappear, and in effect purify public spaces of those whose presence is read as a threat to the secure and healthy ordering of cities and the social order more broadly.[229]

The classed and raced dimensions of broken windows policing are mutually formative, as race and class (along with gender) have been throughout history. Ruth Wilson Gilmore defines "racism" as "the state-sanctioned or extralegal production and exploitation of group-differentiated vulnerability to premature death."[230] One of the primary means of racialized vulnerability to premature death is economic dispossession: people of color—especially black people—experience poverty, and thus early death, at disproportionately higher rates than white people.[231] Despite being formally "colorblind" and despite not explicitly identifying the status of poverty as an indicator of criminality, because it targets the spaces and actions of poor and nonwhite peoples, broken windows policing inevitably results in outcomes characterized by the

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[229] On criminalization as purification, see: Rima Vesely-Flad, *Racial Purity and Dangerous Bodies: Moral Pollution, Black Lives, and the Struggle for Justice* (Minneapolis, MN: Fortress Press, 2017).
[230] Gilmore, *Golden Gulag*, 28.
[231] Lipsitz, *How Racism Takes Place*, 1-70.

disproportionate criminalization of nonwhite and lower-class people. Institutions need not define their purpose in racist terms in order to be racist. Such is the insidiousness of appeals to "colorblindness": they reject racism on the surface but maintain it all the same, just in less explicit terms. On paper, broken windows policing does not officially operate on the basis of explicitly race-based considerations, and yet its outcomes show that it is disproportionately concerned with catching poor people and people of color, particularly black people, in petty, mundane acts that might technically be considered unlawful. According to broken windows logic, it is minor crime that paves the way for more serious crime, so rooting it out where it starts—purportedly, with poor and nonwhite people—is an effective means of crime prevention.

In 2016, a collaborative community report distilled a decade of the Metro Nashville Police Department's traffic stop and search data and found that "'driving while black' constitutes a unique series of risks, vulnerabilities, and dangers at the hands of the Metro Nashville Police Department (MNPD) that white drivers do not experience in the same way."[232] Using the department's own statistics, the report shows that, whether their actions are animated by active racial animus or not, "MNPD's traffic stop practices impose a severe disparate or discriminatory impact on the predominantly black and low-income communities that MNPD's traffic stop and search regime disproportionately targets."[233] In addition to vast statistical analysis, the report features lengthy interviews with 22 black drivers living in Nashville that illuminate the human impact of a broken windows approach to policing. Bernard Holmes, for instance, a 28-year-old black man who works at the Boys & Girls Club and lives in North Nashville had recently been driving with a group of black friends when he was stopped—allegedly for an expired tag—and

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[232] Gideon's Army, *Driving While Black: A Report on Racial Profiling in Metro Nashville Police Department Traffic Stops* (October 25, 2016), 7. I edited and co-authored this report in coordination with community organization Gideon's Army.
[233] Gideon's Army, *Driving While Black*, 7.

searched on the side of the road, all despite the fact that he had in fact committed no crime and had no illegal paraphernalia on him. "They took us out of the car, patted us down, and they had us sit on the sidewalk while they searched the car," he said.

> Honestly, it felt degrading. Because honestly, I'm a law-abiding citizen, like I said. There was no reason for them to pull me over. You could tell that it was some malicious intent behind it, like I was being targeted because of the color of my skin. When I was pulled over on the side being searched, citizens in the community looked at me like I did something wrong. [...] And that definitely wasn't the case. [...] And it was degrading. I work for the Boys & Girls Club. I effect change. Why am I being harassed?[234]

Bernard interprets the dehumanizing experience of being stopped and searched in the context of the long arc of the enslavement and economic dispossession of black people in America: "they target us [African Americans] to keep us poor. Like, we already know that jail cells are a way for slavery. Like, for free labor. They target our communities. They don't target the Caucasian communities. They already deem us as unfit citizens so they want to destroy our families, one. Destroy our self-esteem."[235] Forty-five-year-old black Nashville resident Keno Hill echoes Douglas's suggestion that white authorities in America "impute crime with color." Instead of treating all people as "innocent until proven guilty," as American law claims to be oriented, for black people, Keno says, "we're criminals before we have been proven guilty."[236] Being targeted—criminalized—by the police not only makes one feel less than human, but causes one to fear for one's life. Many of the report's interviewees reported that they fear for their life when they see blue lights in the rearview mirror; to be stopped by the police, they say, is to be left feeling fearful, angry, anxious, dehumanized, and traumatized.[237] Twenty-nine-year-old black Nashville resident Lauren Fitzgerald went so far as to say that the collective impact of police

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[234] Ibid., 149.
[235] Ibid., 149-150.
[236] Ibid., 161.
[237] Ibid., 13, 76-81.

brutality on black communities creates a communal post-traumatic stress disorder.[238] Broken

windows criminalization is routine and mundane in nature, which is why it has such a

traumatizing effect on communities of color.

Indeed, more than traumatizing, broken windows policing also kills.

Within hours of the report's release, MNPD dismissed it as misguided and irrelevant,

claiming that racial disparities in traffic stops and searches are accounted for not by racism but

by the fact that they simply police where the crime is, which, they suggested, happens to be

predominantly black communities.[239] Three and a half short months later, white MNPD officer

Joshua Lippert shot and killed Jocques Clemmons, a 31-year-old black father and son, as he ran

for his life after a traffic stop in East Nashville. A year and a half after Clemmons' death, white

MNPD officer Andrew Delke chased and shot black Nashvillian Daniel Hambrick in the back of

the head, despite the fact that, according to the District Attorney, Delke "did not know the

identity of the man he was chasing." Two days later, I watched Dan Dan's mother Vickie weep

before a crowd of people in Watkins Park, just across from where, two days earlier, officer Delke

stopped, planted his feet, aimed his firearm, and murdered her son. "I gotta fight for my son

because they shot him like he was a dog," she shouted. "My child is not a dog. He was a human

being."[240] In both cases, just minutes after they murdered these young black men, MNPD posted

photos of guns the men allegedly held, and soon posted mug shots. Remarkably, thanks to the

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[238] Ibid., 138.

[239] MNPD's spokesperson, Don Aaron, said: "Nashville police officers are deployed at a higher degree to where the victims of crime are, in other words, to areas where there is a higher prevalence of crime and higher requests for police services." Stacey Barchenger and Natalie Neysa Alund, "What 2 million traffic stops show about race and policing in Nashville," *The Tennessean*, October 25, 2016. https://www.tennessean.com/story/news/crime/2016/10/25/what-2-million-traffic-stops-show-race-and-policing-nashville/92722920/. Cf. Policing Project, *An Assessment of Traffic Stops and Policing Strategies in Nashville* (2018); Vitale, *The End of Policing*, 32.

[240] Adam Tamburin and Natalie Allison, "Man shot by Nashville police remembered for caring spirit before protest blocks streets," *The Tennessean*, July 28, 2018. https://www.tennessean.com/story/news/2018/07/28/nashville-police-shooting-daniel-hambrick-andrew-delke-tn-officer-involved-shooting/857788002/.

tireless labor of black organizers and activists calling for greater accountability of the police, Metro Nashville's District Attorney brought a charge against Officer Delke. In a special court meeting prior to even the preliminary hearing, lawyers for Officer Delke sought to bring evidence including photos of Dan Dan mimicking holding a gun and holding a wad of cash. The police criminalize black people, kill them, and then criminalize them after their death to justify the criminalization and murder they carry out. Whether killed by police or vigilantes like the neighborhood watchmen who killed Trayvon Martin, Kelly Brown Douglas writes, "Black victims of fatal violence are presumed guilty of bringing their deaths upon themselves."[241] At its most fundamental level, broken windows policing works by treating nonwhite and poor people as dangerous sources of disorder rather than as human beings. As such, broken windows policing is more than willing to dispose of their lives, which it does not value in the first place.

One of the most widely known instances of a fatal broken windows style terry stop is the case of Eric Garner, a 43-year-old black man choked to death on the sidewalk by white NYPD officer Daniel Pantaleo on July 17, 2014. Officers confronted Garner in Staten Island under suspicion that he was selling untaxed loose cigarettes on the street, an action that is consequential only under a philosophy of broken windows policing that views such a petty crime as the gateway to more serious crime. Garner had been targeted for petty offenses by Staten Island police for at least seven years before the day of his murder, and a civil rights lawsuit he filed in 2007 alleged public sexual violation at the hands of officers. As officers approached him on July 17, Garner protested: "Every time you see me you arrest me. I'm tired of it. It stops today." After begging for the officers to leave him alone, Pantaleo put Garner in an illegal chokehold. After repeating the words "I can't breathe" eleven consecutive times, Garner fell unconscious and died

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[241] Douglas, *Stand Your Ground*, 48.

one hour later. Like eighteen-year-old Michael Brown in Ferguson, Missouri, Garner was a large

black man whose very figure, read through the prism of white supremacist fears of black

animality and violence, already functioned as a potential threat to white security and thus as a

kind of transgression of public space coded according to both white racial supremacy and

officially approved forms of capitalist commerce. The father of six children and three

grandchildren, Garner was no longer able to work more traditional jobs due to health problems.

By selling untaxed cigarettes as a means of survival outside an economy from which he was

barred, Garner trespassed against an order that is based on and thus tolerates and encourages

theft-like acquisition on enormous scales, and yet polices the every move of those who try to

survive via unapproved forms of capital exchange, even to the point of death.[242]

As outlined above, according to John Locke, whose thought helped pave the way for

racial capitalist accumulation by dispossession and the criminalization that emerged from it, in a

world ordered according to the principle of individual self-ownership, the primary purpose of

civil government is "the preservation of property."[243] As such, for Locke, it is reasonable to "kill

a thief" because a thief takes away the most sacred right of preserving one's own life, liberty,

and property, a right that grounds the social order more broadly. Some interpreters discern

Locke's theory as the basis for the rights available to all people in western liberal democracies

like the United States. And yet, from the seventeenth century to today, the rights of self-

ownership and liberal freedom have been granted in deliberately inconsistent ways according to

racialized, classed, and gendered demarcations. The right to self-ownership is a fundamental

expression of whiteness—and maleness—and has been denied to black and other nonwhite

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[242] For more on Garner and his death at the hands of the NYPD, see: Matt Taibbi, *I Can't Breathe: A Killing on Bay Street*, First edition (New York: Spiegel & Grau, 2017).
[243] Locke, *Two Treatises of Government*, 350-351, 268-269.

people and women for centuries.[244] Through his actions and words on the day he died at the hands of Daniel Pantaleo—at the hands of broken windows policing—Garner made two Lockean claims: first, he claimed the right to acquire the means to preserve his and his family's life, and second, he claimed the right to freely determine his existence free from the violent coercion of others. On both accounts, Garner was denied, to the point of death—because those who possess whiteness and property have a claim on the capacity to possess that nonwhite and non-propertied people are not permitted to share without special permission from white propertied men and women. As agents of a state that exists to protect and maintain the power of whiteness and/as property, police confronted and killed Garner as a transgressor of a political economy and sociality ordered by racialized rights Garner claimed but did not in fact possess. In a world ordered according to the supremacies of whiteness and/as property, Eric Garner can only trespass. As a large black man engaging in unapproved forms of economic exchange and survival in a world made for whiteness and/as property, Eric Garner, in his person and action alike, is fundamentally "out of place,"[245] and thus a threat to the proper—the propertied—order of things. For the same reason, Daniel Pantaleo's arm around Eric Garner's neck is not the irregular act of a "bad apple" but a routine expression, taken to deadly conclusion, of an institution that originated and persists for the purpose of protecting and purifying a racial capitalist social order from those, like Garner, who register as impurity and threat against it.[246]

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[244] In Kelly Brown Douglas's words, under chattel slavery, "black people did not have the rights to possess their bodies." Douglas, *Stand Your Ground*, 53.

[245] Wolfe, *Traces of History,* 17.

[246] Vesely-Flad, *Racial Purity and Dangerous Bodies*.

Conclusion: *Who do you serve?! Who do you protect?!*

"Were the dangerous classes criminal? Or were they criminalized?"[247] Was Eric Garner a

criminal? Or was he criminalized? The long arc of criminalization—from early racial capitalist

accumulation by dispossession to chattel slavery to Jim Crow to strikebreaking to broken

windows—is the history of white, propertied men (and women) defining nonwhite, non-

propertied peoples as criminal treats to the social order. The dangerous classes—commoners,

vagrants, nightwalking women, enslaved Africans, formerly enslaved Africans, free black

Americans, working class immigrants, laborers, unhoused people—are "criminal" because white,

propertied men have long defined criminality itself according to the lives and actions of their

"others" who register as threat to their inherently exclusive power and security. Criminalization

is conceptual, a matter of defining populations and criminality in terms of one another, and

material, a matter of realizing those definitions through carceral surveillance, capture, and

confinement. Criminalization traps nonwhite and non-propertied people in the presumption of

guilt, and then it traps them in handcuffs, a jail or prison cell, or a carceral landscape that

restricts and contains them. The presumption of black and non-propertied guilt is not arbitrary;

indeed, it finds its source in the presumption of the godlike innocence, morality, and power of

whiteness and property (and patriarchy). Indeed, as we have already seen and will explore more

deeply in the next chapter, the constructed godlikeness of whiteness and property, on the one

hand, and the constructed guilt of nonwhiteness and propertylessness, on the other, are two

dimensions of the same social order in which we live.

The murder of Eric Garner was the result of a decade-long, focused attempt to "fix" a

"broken window." And yet, thanks to the uprisings and organizing that emerged in response to

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[247] Williams, *Our Enemies in Blue*, 109.

racialized policing and extralegal violence across the nation, the effort to disappear Garner in fact illuminated the rationales and systems that killed him and keep on disappearing and killing others like him. Garner's dying words—"I can't breathe" and "this ends here"—became rallying cries of a new Movement for Black Lives ready to illuminate and struggle to dismantle the racial capitalist and carceral injustices embedded in our nation's foundations.[248] Those protests throughout 2014 and 2015—in Ferguson, New York, Baltimore, and beyond—were often cast as expressions of "black rage." In some sense, this is true, and black people in America have centuries worth of injustice to rage about. And yet, in another sense, as Carol Anderson argues, what we saw in the uprisings of 2014 and 2015 were manifestations of "white rage." Operating under the "aura of respectability" and "the niceties of law and order," white rage is that recurring force in American history that erupts anytime black people challenge the white supremacy at the heart of the nation.[249]

Police officers who kill black, brown, and dispossessed people seldom face a jury in a court of law as a consequence of their actions. In the absence of any semblance of state-initiated "justice," demonstrators facing down crowds of police officers join their voices to put policing on trial with that question with which we started: "*Who do you serve?! Who do you protect?!*" It is a question that implies its own answer. People like 70-year-old black Nashville oral historian and poet KHAOS Thomas, who has been pulled over by the police hundreds of times in his life, know from experience that the police aren't there to protect people like him. "They ain't no officers of the peace. They don't protect and serve. Not in my community. Not in the neighborhood I come from," he says. "I think they doing what they've always done from the

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[248] Camp and Heatherton, "Introduction: Policing the Planet," 1.
[249] Carol Anderson, "White Rage," in Jesmyn Ward, ed., *The Fire This Time: A New Generation Speaks about Race*, First Scribner hardcover edition (New York: Scribner, 2016), 83. See also: Carol Anderson, *White Rage: The Unspoken Truth of Our Racial Divide* (New York: Bloomsbury, an imprint of Bloomsbury Publishing Plc, 2016).

invention of law enforcement in this country. I think that they just an update of the slave catchers of old. I think their purpose is to serve those who have and protect their interests against those who have not."[250] *Who do you serve?! Who do you protect?!* "Those who have"—those whose identities and powers quite literally came into existence as modes of exclusive and limitless possession, of having—against "those who have not." The thriving of whiteness, private property, and patriarchy—in their intertwining—depend upon the criminalizing institution of policing to "protect their interests against those who have not."

Some might argue that while the origins of policing may have been racist and classist, the primary purpose of policing today is fighting crime, and therefore keeping people safe. It is true that policing and other criminal justice institutions concern themselves with purposes other than the social control of the "dangerous classes," including genuine concerns for safety. The question is not whether policing keeps people safe; the question is *which* people does it keep safe, and at what cost? The question then arises: do the police engage in social control or do they keep people safe? The answer is "yes": these two functions, understood in their particular (raced, classed, and gendered) deployments, are two interrelated part of the same whole. More often than not, policing's concern for safety for some leads to the criminalization of nonwhite and non-propertied peoples because contemporary carceral institutions still operate—sometimes explicitly, sometimes implicitly, sometimes by intent, sometimes by outcome—on the basis of frameworks that conflate nonwhiteness in general, blackness in particular, and states of economic dispossession with criminality. "We cannot reduce all policing to the active suppression of social movements and the control of racial minorities," Alex Vitale writes.

> Today's police are clearly concerned with matters of public safety and crime control, however misguided their methods are. The advent of Compstat and other management techniques are in fact designed to address serious crime problems,

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[250] Gideon's Army, *Driving While Black*, 128.

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and significant resources go into these efforts. But this crime-fighting orientation is itself a form of social control. … [W]hat counts as crime and what gets targeted for control is shaped by concerns about race and class inequality and the potential for social and political upheaval.[251]

Even when policing is concerned with crime and safety—primarily the "crime" of the "dangerous classes" and the "safety" of those they allegedly threaten—it regularly functions as a tool of social control. As Vitale puts it, "American crime control policy is structured around the use of punishment to manage the 'dangerous classes,' masquerading as a system of justice. The police's concern with crime makes their social control functions more palatable."[252] Policing does not have any consequential impact upon the numbers of violent or non-violent crimes committed.[253] The presence of high numbers of police officers in a given area, therefore, does not indicate or promote safety. As 25-year-old black Nashville organizer Ron White puts it, "If police are supposed to make a neighborhood safer, then black communities should be the safest place for anybody to go, 'cause we always have cops in the neighborhood. […] If we have all the cops and we're still unsafe, then who's not doing their job?"[254] The question is not whether policing keeps people safe; the question is *which* people does it keep safe, and at what cost? From the constabulary to the night watch to the slave patrol to the modern police department, policing in the United States (and Europe) has by and large proven that "while the specific forms that policing takes have changed as the nature of inequality and the forms of resistance to it have shifted over time, the basic function of managing the poor, foreign, and nonwhite on behalf of a system of economic and political inequality remains."[255] Who do the police serve and protect?

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[251] Vitale, *The End of Policing*, 51.
[252] Ibid., 52.
[253] Ibid., *The End of Policing*, 32; David H. Bayley, *Police for the Future*, Studies in Crime and Public Policy (New York: Oxford University Press, 1994); Policing Project, *An Assessment of Traffic Stops and Policing Strategies in Nashville* (2018).
[254] Gideon's Army, *Driving While Black*, 109.
[255] Vitale, *The End of Policing*, 34.

The possessors and beneficiaries of whiteness, private property, and patriarchy. It is in pursuit of

that service and protection that those deemed a threat to the pseudo-godlike powers of whiteness,

property, and patriarchy are criminalized.

CHAPTER 4

Measuring Salvation in "Chains and Corpses":
Criminalization as Carceral Soteriology

In his November 1970 letter to black radical feminist freedom fighter and intellectual Angela Davis, James Baldwin reflected on the meaning of the ongoing reality of "chains on black flesh." "Dear Sister," he writes, "One might have hoped that, by this hour, the very sight of chains on black flesh, or the very sight of chains, would be so intolerable a sight for the American people…that they would themselves spontaneously rise up and strike off the manacles. But no, they appear to glory in their chains; now, more than ever, they appear to measure their safety in chains and corpses."[1] Aren't chains a relic of history? Why do they persist? As Baldwin indicates, measuring safety by chains and corpses was not a phenomenon unique to the 1970s.[2] Indeed, three hundred years before Baldwin ever put pen to paper, the aspiration to a transcendent safety obtained through chains on black flesh helped give birth to the racial whiteness by which some come into "ownership of the earth forever and ever, Amen!"[3] at the expense of others. For whiteness to be something like divine and all-powerful, blackness must be damned to chains, rendered powerless, captive, exploitable. For white folks to live in their own exclusive heaven, black folks—and many others besides—must go to hell. The modern history of chains and corpses—from chattel enslavement to carceral confinement—is not arbitrary, without reason, but purposed, a byproduct of a particular desire at the heart of the Euro-American Christian project. Chains continue to capture black flesh, Baldwin writes, because the

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[1] James Baldwin, "An Open Letter to My Sister Angela Y. Davis" in James Baldwin, *The Cross of Redemption: Uncollected Writings*, ed. Randall Kenan (New York, NY: Vintage Internat., 2011), 255.
[2] Baldwin, "An Open Letter to My Sister Angela Y. Davis," 254-260.
[3] W. E. B. Du Bois, *Darkwater: Voices from within the Veil* (New York, NY: Verso, 2016), 18.

idolatrous, pseudo-religious aspirations to safety, power, and control inherent in whiteness and racial capitalism demand it:

> We know that we, the blacks, and not only we, the blacks, have been, and are, the victims of a system whose only fuel is greed, whose only god is profit. And we know that, for the perpetuation of this system, we have all been mercilessly brutalized, and have been told nothing but lies, lies about ourselves and our kinsmen and our past, and about love, life, and death, so that both soul and body have been bound in hell.[4]

White America obtains its wealth and power, and thus its safety, only when black people are "brutalized" for white profit and eventually "bound"—"both soul and body"—"in hell." The image of hell in Baldwin's letter is not incidental, but intentional, and one he revisited throughout his work. Fifteen years after writing to Davis, for instance, Baldwin wrote to South African Anglican bishop and anti-apartheid freedom fighter Desmond Tutu about the "hell" that whiteness creates for black people around the world: "you and I, who have never met on earth (but who may meet in that kingdom that you are struggling to make real), have already met: in hell." To be black in America, in any white supremacist society, Baldwin suggests, is to have visited hell, and to know an inherent kinship and solidarity with others so dispossessed and held captive.[5] White people, on the other hand, Baldwin writes, live by the illusion that "hell is a place for others," a place and system that "they control."[6] As we have already seen, the aspiration to the godlike power to control people's destinies may be illusory, but its effects are all too real.

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[4] Baldwin, "An Open Letter to My Sister Angela Y. Davis," 260.

[5] Du Bois also refers to the experience of prison as the experience of hell: "What turns me cold in all this experience is the certainty that thousands of innocent victims are in jail today because they had neither money, experience nor friends to help them. The eyes of the world were on our trial despite the desperate effort of the press and radio to suppress the facts and cloud the real issues…but God only knows how many who were innocent as I and my colleagues are today in hell. They daily stagger out of prison doors embittered, vengeful, hopeless, ruined. And of this army of the wronged, the proportion of Negroes is frightful. … There is a desperate need…to oppose this national racket of railroading to jails and chain gangs the poor, friendless and Black." Quoted in Julian Bond's Foreword to Angela Y. Davis, ed., *If They Come in the Morning...: Voices of Resistance* (London: Verso, 2016), xi.

[6] James Baldwin, "The Fire This Time: Letter to the Bishop" in Baldwin, *The Cross of Redemption*, 265.

As I argued in the second chapter, whiteness is a theological-political phenomenon: emerging from the confluence of colonialism, capitalism, and the Christian theological thought and practice that buttress them, whiteness, along with the private property and patriarchy with which it is fused, is a means by which humans seek to transcend their finitude in pursuit of the godlike power to possess, re-create, and come into exclusive possession of the world and its peoples. Whiteness, private property, and patriarchy obtain the status of *dei* by "unmaking" or de-creating the *imago dei* in their others, defining them as inherently distant from God. Indeed, the *dei*fication of whiteness, property, and patriarchy and the condemnation of their others as inherently and fundamentally sinful are two aspects of the same reality: the deification of whiteness entails—and indeed requires—the damnation of blackness and all nonwhiteness to hell. If whiteness and private property possession—and patriarchal power—are sacred, then nonwhiteness and propertylessness inevitably constitute states of moral trespass, and thus warrant damnation, which is to say, a return to their proper place in the allegedly natural, fundamentally inequitable order of things. Whiteness, private property, and patriarchy are concretions of the desire to establish heaven for a few and hell for many.

Continuing my exploration of the fundamentally dispossessive work of whiteness, property, and patriarchy begun in chapter two, this chapter theorizes the criminalization of black, other nonwhite, and economically dispossessed peoples (outlined in the previous chapter) as one of the primary forms of moral condemnation that emerges from the self-deifying soul of whiteness, private property, and patriarchy. If whiteness and property are manifestations of a fundamentally possessive—and so others-dispossessing—theological anthropology, as I argue, then the criminalization of black and economically dispossessed peoples that they require are functions of a distorted soteriology, a perverted system of salvation. Within Christian theology,

the question of human personhood before God (theological anthropology) and the question of why, how, and what it means that God "saves" humans from their condition of sin and brings them into uncorrupted communion with God (soteriology) are fundamentally intertwined. The same goes for their distorted and human-distorting social and political manifestations: if the theological anthropologies of whiteness, property, and patriarchy entail exclusive self-deification, then the criminalization that emerges from them is a drama of pseudo-salvific proportions, a pseudo-soteriological means of restoring to their proper subjected place—by damning and containing—those constructed as threats to a world made for the godlike possessors and beneficiaries of whiteness, property, and patriarchy.

It may be tempting to dismiss the raced and classed pseudo-soteriology of criminalization as a fact of an earlier time when criminal justice was articulated in more explicitly religious terms, but pseudo-religious legitimations of carceral violence in defense of whiteness and property are a fact of the present as well. On August 9, 2014, twenty-eight-year-old white St. Louis County police officer Darren Wilson murdered eighteen-year-old Michael Brown, a black man, by shooting him in the middle of the street outside the Canfield Green apartment complex in Ferguson, Missouri, a predominantly black and low-income community in St. Louis. Wilson's pursuit of Brown, it turns out, was not a random act of cruelty but the outcome of what a U.S. Department of Justice investigation identified as an intentionally discriminatory program of targeting and extorting black and economically dispossessed residents through criminal citations and fines.[7] On September 16, more than one month after he killed Brown, Wilson testified before a grand jury about some of the alleged details of the events and circumstances that led to Brown's death. At one point in the testimony, Wilson claimed that Brown gave his friend Dorian

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[7] United States Department of Justice, Civil Rights Division, "Investigation of the Ferguson Police Department," March 4, 2015.

Johnson a handful of cigarillos so that Brown could free his hands up to reach into Wilson's police car window, allegedly in order to attack him. St. Louis County police would later claim Brown stole the cigarillos from a convenience store, with alleged video evidence, thereby presumably justifying Wilson's pursuit and substantiating the supposed criminality that would, in turn, legitimize Brown's death. "I tried to hold his right arm and use my left hand to get out to have some type of control and not be trapped in my car any more," Wilson told the grand jury. "And when I grabbed him, the only way I can describe it is I felt like a five-year-old holding onto Hulk Hogan." The interviewer asked for clarification: "Holding onto what?" Wilson replied: "Hulk Hogan, that's just how big he felt and how small I felt just from grasping his arm."[8] A few minutes later, after further describing his portrayal of a struggle that Wilson claimed ensued through the window of his squad car, Wilson said his gun fired, breaking the window. After Brown, presumably shocked from the gunfire, stepped back from the window of the car, Wilson reported that Brown "looked up at me and had the most intense aggressive face. The only way I can describe it, *it looks like a demon*, that's how angry he looked."[9] Moments later, Wilson fired on Brown at least six times, killing him. His lifeless body remained face down in the street for four and a half hours. On Monday, November 24, 2014, St. Louis prosecutor Bob McCulloch announced during a televised press conference that the grand jury had decided not to indict Wilson for Brown's death.

The fact that Darren Wilson described Michael Brown with the words "it looks like a demon" does not necessarily indicate that Wilson believed Brown was literally a demonic being. And yet, the fact that Wilson described Brown in such terms does illuminate the religiosity at work in popular associations of nonwhiteness and poverty with immorality, monstrosity, and

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[8] Quoted in "State of Missouri v. Darren Wilson: Grand Jury Volume V" (September 16, 2014), 212.
[9] Quoted in ibid., 224-225. Emphasis mine.

criminality. As a result, Wilson's testimony tells us more about the theological dimensions of the whiteness, property, and carcerality he embodies than it does about the young man he continued to criminalize even after he had already murdered him.[10] In a world made for pseudo-divine whiteness and property, a young black man standing up for himself in the face of carceral suspicion, surveillance, and pursuit can only look like a demon, a being predisposed to evil, a being who belongs in the hell he seems to come from. If whiteness and/as property are divine, then nonwhiteness and poverty are likely to be discerned as demonic. For whiteness to enjoy its heaven of transcendent safety, Michael Brown must be damned, sent back to hell. Unlike the non-competitive abundance inherent in God's created order,[11] the pseudo-divinity of whiteness and/as property is built on a scarcity that makes the racialized social order a zero-sum game in which one's power requires the other's powerlessness, in which one's possession requires the other's dispossession, one's salvation the other's damnation.

The purpose of this chapter is to demonstrate how the criminalization of black, other nonwhite, and economically dispossessed peoples expresses not simply a secular political reality but a distorted, death-dealing system of pseudo-salvation. To set up the argument, I begin by outlining some of the key ways that religion and criminal law have intertwined both conceptually and materially throughout history, especially in the modern west, and in the United States in particular. Illustrating how the law that white propertied men and women have deployed for their protection has been shaped by and in turn shapes (Christian) religious thought and practice will provide a backdrop against which to discern the dynamics of the specific pseudo-salvific work of

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[10] According to Baldwin, the incarceration of so many "dark faces" and poor people tells us more about "those who hold the keys" than those held captive by them. James Baldwin, "This Far and No Further" in Baldwin, *The Cross of Redemption*, 164.

[11] Kathryn Tanner, *Jesus, Humanity and the Trinity: A Brief Systematic Theology* (Minneapolis, MN: Fortress Press, 2001), 2.

criminalization. Having explored those intertwinings, I will outline key features of what I argue

is a predominant trajectory within Christian soteriological thought that helps us discern similar

dynamics at work in criminalization. I do so through three of the most influential theologians in

the tradition who carry forward important theological continuities across nearly one thousand

years of Christian thought and practice: Augustine, Anselm, and Calvin. I interpret and trace the

commonalities that bind their theologies through what I call a soteriology of subjection that

understands sin as the disobedient refusal to be subject to a benevolent God—a refusal that

derives from a corrupted ontological state—and salvation as that which enables a return to life-

giving subjection to God. For these figures, the refusal to be subject to God establishes a relation

of indebtedness to and guilt before God. As I will show, a key presumption from which these

theologies operate is that wrongdoing—or, more specifically, ontological wrong-being that

produces wrongdoing—requires either recompense or punishment, which is why they interpret

salvation as entailing a satisfaction of debt and/or a justice-satisfying punishment. The same

presumption undergirds criminalization, to deadly ends.

        After outlining this trajectory of Christian soteriology, I deploy it as a tool for discerning

the pseudo-soteriological work that criminalization performs in a social order made by and for

the possessors and beneficiaries of godlike-power-aspiring whiteness, private property, and

patriarchy. My argument, in short, is that, in a world where whiteness, property, and patriarchy

are approximations of godlike power, black, other nonwhite, and economically dispossessed

peoples inevitably register as criminal threats, which is to say ontologically corrupted peoples

inherently disposed to disobediently refusing proper subjection, staying in their proper place in

the divine and social order of things. The criminal refusal to be subject (to a law made by and for

the possessors of whiteness, property, and patriarchy) establishes a relation of indebtedness and

guilt that can only be paid by carceral recompense or punishment. Criminalization is thus a pseudo-soteriological means by which people constructed and legally defined as criminal are made to "pay their debts" by submitting to punishment that restores them to their proper (inferior) place in the social order. If the possessors of whiteness, property, and patriarchy are like gods, then criminalization is a means by which they restore inherently criminal (sinful) black, other nonwhite, and economically dispossessed peoples to their proper subjected and exploited place beneath them. This restoration to proper place is, from the perspective of those with power, a kind of salvation for those they hold subject insofar as it is a return to a place in a social arrangement that best suits their allegedly immoral nature and limited capacities. For those who experience this return to subjection, however, as Baldwin makes clear, it is in fact a kind of damnation to hell on earth. Thus, in the end, this restoration to proper subjection constitutes a kind of salvation—in the sense of deification, becoming God—not for those held captive, but for the managers and beneficiaries of a white supremacist capitalist patriarchal social order who measure and obtain their idolatrous, illusory safety—their pseudo-salvation—"by chains and corpses." After illustrating the pseudo-soteriology of criminalization, I conclude by suggesting that criminalization, as a distortion of salvation that damns and deals death, is in fact a manifestation of structural sin and evil.

Religion and Criminal Law in the Modern West

To begin to understand the modern and present-day criminalization of black, other nonwhite, and economically dispossessed peoples as a distorted system of salvation, I start by tracing key dimensions of the historical intertwining of religion and criminal law in the modern west. Well before modernity, in the ancient world, ways of thinking about God and ways of thinking about

the law and the political sphere were often mutually informative. Among the multitude of ways that Jewish and Christian scripture image God are God as sovereign king or lord, or as just judge or lawmaker.[12] Following the conceptual frameworks and metaphors of scripture, many ancient, medieval, and early modern Christian theologians also understand God as a kind of sovereign or judicial authority whose divine action—including both condemnation and justification, damnation and salvation—reflect the justice that is essential to God's very nature. In many cases, these ways of thinking about who God is and what God does borrow from the political realm in order to help humans understand something of God's nature: we know what kings, lords, and judges are like, and we can understand God analogously, realizing that God's power ultimately exceeds such earthly powers. As we will see more in what follows, some of the most influential theologians in the tradition help convey the fundamentals of theology by imaging God and God's activity by way of the political terms of their context and the attendant social and economic dynamics operative therein, including slavery, captivity, debt, and the law itself. While such images of God borrow from the political realm, their wide usage also ends up shaping the political realm, as well. As theologian Timothy Gorringe writes, "Images for God may be borrowed from political discourse…but they then develop a life of their own and in turn come to affect political ideas. Thus, [in Nicholls' words,] 'Theological rhetoric, child of political experience, may also be mother of political change.'"[13] The point is not only that metaphors for God derive from political conceptualities and formations, but that political conceptualities and formations also derive from God-talk: the theological and the political are—and have long

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[12] God is referred to as "Lord" thousands of times throughout scripture. The realm of God is figured as a "kingdom" throughout all of scripture, and especially in the New Testament. As for God as just judge or lawmaker, here are just a few of many examples: Genesis 16.5; Judges 11.27; Psalm 72.2; Psalm 75.7; Isaiah 33:22; Micah 4.3; Hebrews 12.23; James 4.12; Revelation 6.15-17.

[13] Timothy Gorringe, *God's Just Vengeance: Crime, Violence, and the Rhetoric of Salvation* (Cambridge, UK: Cambridge University Press, 1996), 8. Gorringe is quoting from David Nicholls, *Deity and Domination: Images of God and the State in the 19th and 20th Centuries* (London: Routledge, 1989), 14.

been—mutually formative. In its concrete historical practice, Christian faith has been positioned in relation to earthly political power in various ways. For at least the last seventeen hundred years, since the fourth century when the Roman Emperor Constantine made Christianity the official religion of the empire, Christianity has intertwined with political authority in both thought and practice to such an extent that it can at times be difficult to fully distinguish theological and political rationales from one another.

The fusion of theological and political rationales is especially evident when it comes to western criminal law in the medieval and modern eras. As Gorringe shows, criminal law and so-called "satisfaction" theory, associated with Anselm, which I explore at greater length below, emerged at the same time and in relation to one another during the eleventh century. In Gorringe's words, during that period, "Theology drew on legal notions and legal discussion…and law turned to theology for metaphysical justification."[14] With the Protestant Reformation and the period of "modernity" that emerged in its wake, theology and politics continued to inform one another: Luther viewed the punishing apparatuses of civil government as "God's hangmen," for example, and Calvin figured God as a kind of Absolute Monarch. During this time, the relationship between theological thought and criminal law deepened in ways that we can still observe today. According to scholar of religion and law John Witte Jr., the Protestant doctrine of the three "uses" of the moral law that God gives to humans as a basis for life and ordering society—"civil," "theological," and "educational"—serve as an antecedent and analogue to the predominantly articulated three dimensions of Anglo-American criminal law and punishment: deterrence, retribution, and rehabilitation. What are the connections between these uses or purposes of moral and criminal law? In the tradition of the moral law, the civil use of the

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[14] Gorringe, *God's Just Vengeance*, 22.

law is "to restrain persons from sinful conduct by threat of divine punishment." By restraining unrighteousness and facilitating—or even forcing—righteousness, the law in its civil use "allows for a modicum of peace and stability in this sin-ridden world." The theological use of the moral law is "to condemn sinful persons for their violations of the law," which "ensures both the integrity of the law and the humility of the sinner."[15] According to Calvin and others, the moral law in its theological use is like a mirror revealing humanity's sinfulness to itself, a revelation that causes despair, which Reformers believed "was a necessary precondition" of redemption.[16] The "educational" use of the moral law is to facilitate and enhance "the spiritual development of believers." Protestant reformers, in sum, believed that the moral law plays an important part in the salvation of humans: "It coerces sinners so that they can be preserved. It condemns them so that they can be justified. It counsels them so that they can be sanctified."[17]

In Witte's analysis, the Protestant doctrine of the three uses of the moral law is not necessarily the sole source but is an important antecedent and analogue of Anglo-American criminal law: the two exist, in Witte's words, in a relationship of "doctrinal cross-fertilization."[18] Early modern jurists, Witte writes, shared with theologians "a general moral theory of government and criminal law": God "imposes divine punishments," and civil magistrates "are God's vice-regents in the world" who carry out God's will in the political and social sphere. Criminal law was therefore understood to be an extension or elaboration of the moral law: criminal law parallels moral law and criminal punishment parallels divine punishment.[19] Just as the civil use of the moral law restrains sinners, so the deterrent use of criminal law forces "civic

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[15] John Witte, *God's Joust, God's Justice: Law and Religion in the Western Tradition* (Grand Rapids, MI: William B. Eerdmans Pub, 2006), 265.
[16] Ibid., 266.
[17] Ibid., 267.
[18] Ibid., 287.
[19] Ibid., 279-280.

morality" by outlawing acts that transgress against the moral basis of the law that upholds social and political order. Likewise, just as the theological use of the moral law condemns and holds a mirror up to sinners so the retributive function of criminal law provides a means for re-establishing justice and social order by avenging for wrongs carried out. Finally, in addition to re-establishing a sense of justice, like the educational use of the moral law, criminal punishment provides an opportunity for the criminal to rehabilitate to society's moral (and sociopolitical) norms by repenting for their wrongdoing and coming to God (and submitting to the law), an intention reflected in the late eighteenth, early nineteenth century development of the penitentiary, which I explore further in what follows.[20] Though few people think of criminal law today as an explicitly religious phenomenon, early modern Protestant jurists and theologians "regularly collaborated in formulating criminal doctrines and inflicting criminal punishments."[21] Indeed, just as theologians situated their commentaries on moral law within a larger theory of salvation, so jurists situated their development of criminal law within a larger theory of government: the work of salvation and the work of government in the context of carceral punishment are cognates.[22] Though they are not regularly recognized today, such mutual influences —especially in England and the United States—were operative in the legal system(s) in which criminalization first emerged and continues to this day.

Crime and Divine Covenant: The Puritans

Puritan Calvinists in England and colonial America were among those in the early modern period who built criminal justice institutions as expressions of their understandings of

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[20] Ibid., 282-283.
[21] Ibid., 287.
[22] Ibid., 286-287.

God's moral law. From the point of view of early American Puritans, civil society is bound by a covenant with God so that life on earth must follow God's precepts or else be damned. As Witte writes, for Puritans, the moral law "binds the unregenerate," those who are "beyond the realm of salvation," and it also binds and facilitates the obedience of the redeemed.[23] As such, the Puritans believed that criminal sanction or punishment—incapacitating the irredeemable and chastening the redeemable—was one of means by which they could uphold their social contract with God. For the Puritans and many after them, crime was "an outgrowth of the offender's estrangement from God" that threatened the whole community by jeopardizing the community's covenant with God.[24] As historian Adam Hirsch writes, "Puritans conceived that they had bound themselves to obey the Lord's commands; sins accordingly represented an affront to God, and their punishment constituted an expiatory obligation to His authority." In the words of seventeenth and eighteenth century Puritan minister Cotton Mather, the purpose of carceral punishment is:

> partly to Reclame the Offenders, and by a costly Instruction, to teach them that Sin is an *Evil and a Bitter Thing*, & make them afraid of Offending any more: Tis partly to Defend the *Beholders*, and affright others from the Sin that will bring such *Penalties* upon them…. Yea, Tis also to Divert the Wrath of God, which will burn and break forth against the Land, where sin is Countenanced.[25]

Punishment, for the Puritans, was a means of deterring, defending against, potentially redeeming, and atoning for sin in its secular manifestations. Sin, understood socio-politically as "crime," "assumed the form of a secular compact broken"[26] in a community that understood its origins and ends in explicitly religious terms. In the early American colonies, historian Jennifer Graber writes, "not all sins were crimes, [but] all crimes were sins."[27] As such, Graber points out,

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[23] Ibid., 273.

[24] Adam J. Hirsch, *The Rise of the Penitentiary: Prisons and Punishment in Early America* (New Haven, CT: Yale University Press, 1992), 19.

[25] Quoted on ibid.

[26] Ibid., 29.

[27] Jennifer Graber, *Furnace of Affliction: Prisons and Religion in Antebellum America.* (Durham, NC: University Of North Carolina Press, 2014), 7.

Puritan ministers, who often formally accompanied colonial processions to the gallows, regularly proclaimed "that civil government served as God's institution for keeping social order," and that "lawbreakers under judgment represented the entire community's sins."[28]

Despite generally being formally secular institutions, modern prisons in their early European and American origins were nevertheless thoroughly imbued with religious ideas that would animate the mechanisms by which they carried out punishment and "correction" for "crime" in much the same way as God might carry out punishment as part of the process of redemption for sin. In the end, the redemption that punishment helped facilitate was as much about the larger community or social order in which that person lived as it was about the individual guilty party: punishment was not just for the individual, but through the individual, for the community's covenant with God reflected in the quality of its social order. The punishment of people defined as criminals and the creation or maintenance of a social order are two sides of the same coin, which is why we only understand criminalization if we also attend to the broader social order that makes it possible and necessary. The core presumption at work in such arrangements is that "crime"—however one legally defines it—threatens the social order and that punishment restores it. In the words of eighteenth-century English writer Henry Fielding—who influenced what would become the institution of policing in England—criminal conduct "tears both the moral fiber and the social fabric of the community; criminal punishment serves to mend that tear."[29] Indeed, criminal punishment, from such a view, not only helps mend social relations, but in so doing helps create the social order that God is purported to desire. As nineteenth-century clergyman J. Welland put it, "punishment may be inflicted for some benefit [of] pointing out that sin is not to be regarded as a solitary act, beginning and ending in ourselves, but as an

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[28] Ibid., 9.
[29] Quoted on Witte, *God's Joust, God's Justice*, 282.

offence and injury to the supreme Law, and so to all, for the law is the life of the community."[30] Crime is a transgression of the law; but it is also, more importantly, a transgression of the social order that the law aims to preserve.

Noting who, historically, has been defined as inherently criminal threats to the social order tells us a great deal about how the political theology of carcerality has justified criminalization as an expression of divine justice. As I outlined in chapter three, the earliest target of carceral laws and institutions—their reason for coming into being—in early modern England and Europe was economically dispossessed people accused of "idleness" and "vagrancy," which were offenses against both criminal law and the moral virtue of personal industriousness undergirding criminal law. Confinement as a punishment in its own right—as opposed to just a brief precursor to corporal punishment, as had been the tradition for millennia—first appeared in England in the mid-sixteenth century, and solidified as the norm in the two centuries that followed. Because prisons were created to manage the perceived threat of poor people, it was overwhelmingly poor people who were caged in them, both then and now. Up until the late eighteenth century, in addition to confinement, punishment for vagrancy, low-level theft and robbery, as well as other crimes of varying degrees committed by economically dispossessed people, was often public and gruesome, and included public torture, whippings, executions, and so on. The legal language used to describe those whose actions the law defined as prosecutable was thoroughly moralistic in nature, which reflected the fusion of civil and criminal law with the God-given moral law, as explored above.[31] For most early modern jurists,

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[30] Quoted on Witte, *God's Joust, God's Justice*, 82, footnote 61.
[31] As seventeenth century Lord Chief Justice Matthew Hale put it, "Christianity is Parcel of the Laws of England: Therefore to reproach the Christian Religion is to speak in Subversion of the Law." The inverse was also true: to speak or act against the law was, in a sense, to transgress against Christianity. Quoted in Timothy Gorringe, *God's Just Vengeance*, 1.

the criminality of vagrants and so-called "masterless" people was a byproduct of their immorality, their distance from God, which warranted a punishment that roots out such immorality from the social order and that corrects it through torture, execution, or morality-inducing labor—the opposite of godless idleness—in a bridewell, prison, or workhouse.

Mortification for Salvation: The Penitentiary

A religious sensibility of sin and salvation has undergirded the criminal law and its punishment of poor people from its very beginnings in the early modern period. It was in late eighteenth and early nineteenth century America, however, that carceral punishment and confinement took on new, more explicitly religious shape and meaning, beginning with the advent of the "penitentiary," the beginning of the replacement of the English and American system of public corporal punishment, torture, and execution. In response to both the growing ineffectiveness of more public and corporal punishments,[32] on the one hand, and the desire for an approach that married effectiveness and more humane treatment, on the other,[33] upper class Protestant reformers and officials developed penitentiaries, which combined the early monastic and ecclesiastical practice of solitary confinement with the forced manual labor made prominent by bridewells and workhouses before it.[34] Protestant reformers believed that solitary confinement provided what literary theorist Caleb Smith calls "an architecture of reflection" that facilitated penitence for one's crimes (sins).[35] Likewise, reformers believed—as ruling class jurists and lawmakers had believed for centuries before them—that manual labor would help transform the

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[32] Mark Colvin, *Penitentiaries, Reformatories, and Chain Gangs: Social Theory and the History of Punishment in Nineteenth-Century America*, 1st ed (New York: St. Martin's Press, 1997), 36.
[33] Ibid., 29; Caleb Smith, *The Prison and the American Imagination* (New Haven, Conn.: Yale University Press, 2011), 17.
[34] Colvin, *Penitentiaries, Reformatories, and Chain Gangs*, 47-53; Andrew Skotnicki, *Religion and the Development of the American Penal System* (Lanham, Md: University Press of America, 2000).
[35] Smith, *The Prison and the American Imagination*.3.

idleness at the root of criminals' immorality into a work ethic and self-discipline that was good

not only for the individual offender but the larger social order that needed such behavior in order

to function efficiently.[36] In short, reformers proposed the solitary confinement and hard labor of

the penitentiary as a just, effective, and seemingly more humane punishment designed to draw

feelings of remorse out of criminals, and, in the case of impoverished people charged with

idleness, to "spark a craving for employment."[37] If criminality, as early reformers believed, was

"an outgrowth of the offender's estrangement from God," then the way to overcome that

estrangement and mend the moral and social disorder created by it is not just bodily torture but

rehabilitation made possibly by the supposedly restoring qualities of solitude and labor. Indeed,

as some proponents of the penitentiary argued, if criminality is estrangement from God, then

prison should be a kind of church.[38]

It is true that the penitentiary approach to carceral justice of the late eighteenth and early

nineteenth centuries entailed a somewhat gentler brand of social-spiritual redemption than the

public-torture-performing institutions that preceded them. And yet, the fact that eighteenth and

nineteenth century carceral punishment transitioned from more gruesome bodily punishment and

execution to a more palpably religious system that isolated and disciplined the body in order to

reach and reform the soul does not necessarily make it more humane.[39] As Caleb Smith shows,

literature produced by reformers, theorists, and writers from the late eighteenth and early

nineteenth centuries typically figures the prisoner in one of two ways: "a reflecting, self-

governing soul," on the one hand, and a mortified and "dehumanized body," on the other. While

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[36] Colvin, *Penitentiaries, Reformatories, and Chain Gangs*, 48-53.
[37] Hirsch, *The Rise of the Penitentiary*, 19.
[38] Ibid.
[39] Michel Foucault, *Discipline and Punish: The Birth of the Prison*, trans. Alan Sheridan, 2nd Vintage Books ed (New York: Vintage Books, 1995).

these two seem to be utterly distinct and irreconcilable—one emphasizing a redeemed soul and

the other a kind of living corpse—they are both in fact "fundamental to the carceral imagination

of the last two centuries." Indeed, contrary to common perception, dehumanization and

redemption represent two dimensions of a single process that the penitentiary sought to facilitate.

In Smith's analysis, the logic or "poetics" of the penitentiary were "organized around a narrative

of rebirth," which "required, as a precondition, the convict's virtual death." If the penitentiary,

which was premised on the notion of humane treatment, seemed to be a brutal place, it's because

it was: redemption is only possible through the mortification and death of the old self that makes

way for the rebirth of the new self. As Smith summarizes:

> The prison adapted ancient myths of resurrection to the demands of a post-Revolutionary social contract. It was a 'living tomb' of servitude and degradation as well as the space of the citizen-subject's dramatic reanimation. Its legal codes divested the convict of rights; its ritualized disciplinary practices stripped away his identity; it exposed him to arbitrary and discretionary violence at the hands of his keepers; it buried him alive in a solitary cell. But it also promised him a glorious return to citizenship and humanity. It mortified the body, but it also claimed to renovate the soul. Its ideal subject was one who, in the words of one great Philadelphia reformer, 'was dead and is alive.'[40]

Smith makes clear that the language of dehumanization did not come exclusively from those

protesting the conditions of penitentiaries. Indeed, "[t]he very reformers who built the prison

system understood it as a place of deliberate mortification."[41] Deploying the concept and practice

of "civil death," which was central to the mythological origins of the social contract that

sacrifices liberty in exchange for security, the penitentiary shared with the plantation the power

to strip all power and identity from those confined therein to such an extent that many argued

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[40] Smith, *The Prison and the American Imagination*, 6.
[41] Ibid., 28.

that the convicts who endured the "living death" of the penitentiary approached "the condition of a Slave."[42]

The passage from the free world to carceral captivity during the era of the penitentiary was not a simple transition from one place to another but a thorough transformation that late eighteenth and early nineteenth century reformers, lawmakers, and prison authorities conceived through a ritualized synthesis of religious and political rationales. In Smith's words, the proponents of the penitentiary "used a narrative of death and resurrection to understand the cell as the scene for a new political ritual, a drama of power and subjection for the modern social contract."[43] As we will see in what follows, it is precisely a religiously conceived notion of "subjection" that will help us discern precisely how the dehumanizing work of criminalization and carceral institutions are not departures from but expressions of a religious rationale. The penitentiary's religiosity was especially evident in its earliest stages. Those convicted and sentenced and entering a penitentiary in the early nineteenth century were made to submit to a ritual that symbolically realized one's civil death: stripping away clothing, hair, and name, and being placed in a hooded garment resembling a burial shroud while escorted to one's cell.[44] As the warden of New York's Auburn Prison told his inmates in 1826, "While confined here…you are to be literally buried from the world."[45] Auburn and other prisons across the northeast, Smith writes, regularly "depicted the convict's initiation to penitence as a ritualized burial."[46] When Charles Dickens visited Eastern State Penitentiary in the early nineteenth century, he observed that the prisoner is "a man buried alive."[47] The seeming paradox between the reformers' vision

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[42] Ibid., 12.
[43] Ibid., 13.
[44] Ibid., 37-38.
[45] Quoted on ibid., 39.
[46] Ibid., 41.
[47] Quoted on ibid., 38.

of a humane institution for reformation and the reality of carceral dehumanization was hardly a

paradox for those who envisioned and operated such institutions: in order to be reborn, one has

to die, and the penitentiary helped realize that civil and social death. As imprisoned Black

Panther George Jackson wrote in 1970, more than a century after the birth of the penitentiary,

"Capture is the closest thing to being dead that one is likely to experience in this life."[48] Indeed,

Jackson's comment only fifty short years ago helps us understand that the dehumanizing

subjection of carceral captivity is far from a thing of the past.

The religious symbolism inherent in the architecture and operation of the penitentiary

was more than a mere point of reference for the violence and dehumanization it meted out.

Prison chaplains and administrators of the first half of the nineteenth century consistently

understood the work penitentiaries performed as a materialization of a religious (and political)

drama. One early nineteenth century prison chaplain, Reverend John Stanford, preached his very

first prison sermon from Isaiah 48:10: "Behold, I have refined thee, but not with silver; I have

chosen thee in the furnace of affliction."[49] According to Jennifer Graber, Stanford "noted that the

prison hosted the fullness of divine action, including the suffering necessary for redemption. He

believed that criminals necessarily experienced state-imposed physical and psychological pain.

While humiliating and awful, such torments were necessary."[50] While redemption was available

to convicted criminals, those who "obey not," Stanford would say, "shall perish by the sword."[51]

In Dominique DuBois Gilliard's words, "Stanford depicted the state's violence as an extension

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[48] Quoted on ibid., 27.
[49] This resonates with Augustine's notion, explored below, of merciful punishment: "For you were always with me, mercifully punishing me, touching with a bitter taste all my illicit pleasures. … You 'fashion pain to be a lesson (Ps. 93:20 LXX), you 'strike to heal,' you bring death upon us so that we should not die apart from you (Deut. 32:39). Augustine, *Confessions*, trans. Henry Chadwick (Oxford: Oxford University Press, 2008), 25.
[50] Graber, *Furnace of Affliction*, 54.
[51] Quoted on Dominique DuBois Gilliard, *Rethinking Incarceration: Advocating for Justice That Restores* (Downers Grove, Illinois: IVP Books, 2018), 123.

of God's will and as a necessary part of an internee's transformation."[52] State violence—and carceral violence in particular—is a medium of divine violence, and thus legitimate, even sacred.

The Religion of Obedient Citizenship and Penal Incapacitation

A range of religious leaders and thinkers contributed to shaping evolutions in the shape of carceral institutions in America. As Graber illustrates, the religious influences reformers made on early America's prisons were as varied as they were multiple. Ultimately, each effort failed to achieve the fullness of the hoped-for goals of religious transformation—transformation of both inmates and the systems that held them captive. With time, religious reformers resorted to a more secularized packaging for their religious ideals, adapting their vision of an institution that performed a primarily religious purpose to the more secular goal of producing good, self-governing citizens, what Benjamin Rush called "republican machines."[53] This secularized packaging of religious rationales does not, however, indicate that carceral justice underwent a complete evacuation of religious rationales altogether. On the contrary, the religion of the reformers' visions for penal justice did not so much disappear as find redeployment in and through the concepts of good citizenship and political obedience already entailed in existing conceptions of religious virtue. "In order to secure their prison programs," Graber writes, "Protestant reformers increasingly articulated a religiosity of citizenship focused on lawful living and obedience to secular authority."[54] Creating and maintaining institutions that explicitly facilitated religious conversion might not have been possible, but articulating obedient citizenship in religious terms was. While the full hopes of Protestant prison reformers may not

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[52] Gilliard, *Rethinking Incarceration*, 123.
[53] Colvin, *Penitentiaries, Reformatories, and Chain Gangs*, 51.
[54] Graber, *The Furnace of Affliction*, 12.

have been realized, the religious sensibilities through which they articulated and forged carceral

institutions remained. As historian Mark Kann notes of nineteenth century prison reformers,

"[their] policies failed but their words succeeded."[55] Indeed, despite the fact that carceral

institutions in the U.S. today hardly claim to be performing an explicitly religious task, the

religious language of the reformers remains embedded in the everyday practice and language of

today's carceral systems, as we will see.

From its beginnings, and especially as time went on, the penitentiary was not concerned

with facilitating purely spiritual redemption or moral rehabilitation in isolation from ideas about

how one should live in society. On the contrary, the rehabilitation penitentiaries sought to

facilitate was rehabilitation to norms defined between the political and the religious. Reformers,

lawmakers, and other authorities designed the particular conditions of the penitentiary—isolation

and manual labor specifically—as a way of correcting the immoral criminal dispositions that

allegedly led to trespasses against the law, the moral arbiter and basis of the social order. The

goal of the penitentiary was not to produce pious saints but obedient, self-governing citizens.

While it might seem that religious piety would be a religious characterization and obedient

citizenship a secular one, the latter was itself conceived as a definitively moral way of being in

the world. Foucault provides a summary of the synthesis of the moral and political logics

undergirding punishments of hard labor and solitary confinement:

> …isolation provides a 'terrible shock' which, while protecting the prisoner from
> bad influences, enables him to go into himself and rediscover in the depths of his
> conscience the voice of good; solitary work would then become not only an
> apprenticeship, but also an exercise in spiritual conversion; it would rearrange not
> only the complex of interests proper to *homo oeconomicus*, but also the
> imperatives of the moral subject. The cell, that technique of Christian monachism,
> which had survived only in Catholic countries, becomes in this protestant society
> the instrument by which one may reconstitute both *homo oeconomicus* and the
> religious conscience. Between the crime and the return to right and virtue, the

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[55] Quoted on ibid.

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> prison would constitute the 'space between two worlds' the place for the individual transformation that would restore to the state the subject it had lost.[56]

When it comes especially to the socially inferior "dangerous" classes—black, other nonwhite, and economically dispossessed peoples—carceral captivity has historically been not about rehabilitation abstractly, but rehabilitation *to* one's proper place in the social—and, by extension, divine—order of things, specifically. Just as the "*ora et labora*" (prayer and work) of early Christian monasticism facilitated the spiritual transformation of monks, so the solitude and labor of the penitentiary cell seeks to facilitate the moral and political transformation of those who have failed to be the kind of moral and political agents that the social order requires. Indeed, Foucault is clear that the religious frameworks manifest in the cell and the conversion—through solitude and labor—that it makes possible are mechanisms deployed for more than religious purposes narrowly conceived: solitude and confinement are mechanisms deployed for the restoration of the convicted criminal to "*homo oeconomicus*," a subject seeking their own wealth and wellbeing in a political economy that works only when all persons are likewise operating out of their own self-interest.[57]

If producing good citizenship and instilling the principle of obedience to authority was a purpose of penitentiaries, that is because those held in them were understood to have been insufficiently obedient to authority and to the social order more broadly. Then, as now, that insufficient obedience is framed as a manifestation of moral failure or inferiority. Criminalization targets people who are out of place—spatially, culturally, behaviorally, and so on—in relation to whiteness, private property, and patriarchy, which are themselves constructed

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[56] Foucault, *Discipline and Punish*, 122-123.

[57] For more on the various strands of Christian religious thought and practice—including Calvinism, Arminianism, Antinomianism, and Quakerism—that fused with European enlightenment, rationalist, and capitalist doctrines of individual disciplined striving to help forge the penitentiary and the social imaginary of which it was a part, see: Colvin, *Penitentiaries, Reformatories, and Chain Gangs*, 43-46.

as approximations of godlike power and moral superiority. Before, during, and after the shift to the penitentiary model, carceral institutions have been places for disciplining and normalizing dispossessed and propertyless peoples—peoples forced by various means into poverty—whose actions and behaviors were the basis of legal and popular definitions of "criminality." Even the charitable spirit of some reformers remained a paternalistic one that still viewed poor criminals as people whose especially depraved state necessitated intervention. Before, during, and on the other side of the penitentiary model, jails and prisons were—are—places for disciplining, punishing, and managing primarily dispossessed and propertyless peoples whose actions and behaviors are the basis of definitions of criminality.

The aspiration to facilitate inmates' moral reformation became a more prominent pillar of nineteenth century carceral justice compared to previous eras, but it remained an aspiration to the reformation of people whose immorality was understood to be fundamentally tethered to their poverty, which was understood to pose a fundamental threat to a morally sound social order. Indeed, while reformers certainly believed that carceral facilities like the penitentiary could be places where people could experience religious (and political) redemption that also benefits the wider social order, history shows that such institutions were not exclusively focused on the restoration and wholeness of every individual who entered their doors. Prisons in early America largely served the purpose of further marginalizing already marginalized people, a practice allegedly motivated by the belief that some people were fundamentally and inherently criminal, unruly, and therefore incapable of proper citizenship. As Kann writes, "[m]ost reformers, legislators, and prison officials believed there was little chance that disorderly women, blacks, and lower-class convicts could be redeemed."[58] Thus, Kann suggests, many reformers believed

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[58] Mark E. Kann, *Punishment, Prisons, and Patriarchy: Liberty and Power in the Early American Republic* (New York: New York University Press, 2005), 211.

the only way to "manage [such] disorderly people [was] by removing them from free society."[59] By imputing some people as more inherently depraved than others who were defined as more capable of redemption, religious and secular reformers, otherwise possessing some semblance of good intentions, were nevertheless guided by logics that enabled them to deem disposable those people who did not fit society's normative—raced, classed, gendered—standards for full personhood, and who, in their alleged deviance, were understood to be more likely to pose a threat to social order. Therefore, Kann suggests, "To mainstream Americans, incarceration meant the removal of the most fearful elements of the dangerous classes from free society. To marginal Americans, long-term imprisonment signified the state's threat to incapacitate and warehouse them for deviant or rebellious behavior."[60] By incapacitating those persons perceived as a threat to the natural order of society, reformers secular and religious alike understood themselves justified insofar as, in incapacitating potential or likely criminals, they were preventing further crime that would inevitably proliferate should such people be allowed to exercise their disorder-producing immorality freely.

Some early nineteenth century prison authorities were less discriminating in who they believed to possess a capacity for reformation. According to Elam Lynds, who started as an agent at Auburn before becoming the director at Sing Sing, all adult prisoners were entirely unredeemable.[61] Lynds' prisons, which were notoriously brutal in their dehumanizing treatment of prisoners, clearly reflected that belief. Much like Lynds, his contemporary, chaplain Jonathan Dickerson believed that redemption among criminals is so rare that is ought not be pursued at all. As Gilliard writes, Dickerson, who operated from a Calvinist theological frame, "believed that

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[59] Ibid.
[60] Ibid., 210.
[61] Gilliard, *Rethinking Incarceration*, 123-124. Graber, *The Furnace of Affliction*, 113.

all people deserve judgement, but only a few were chosen for salvation by God, and criminals were not among God's elect."[62] In Chaplain Dickerson's quite concise and clear words, prisoners are a "great moral waste."[63] It is little wonder, then, that Alexis de Tocqueville and Gustave de Beaumont observed in the nineteenth century that the criminal in the United States of America is "an enemy of the human race and every human being is against him."[64]

Ruth Wilson Gilmore argues that the traditional reasons given for the existence of prisons—deterrence, retribution, and rehabilitation—do not adequately capture the degree to which prisons have long been institutions fundamentally oriented toward the incapacitation of those deemed a threat to the social order, especially today.[65] We fail to understand carceral incapacitation, however, if we reduce it to an arbitrary cruelty carried out by authorities recklessly fixated on meaningless violence. Carceral incapacitation is not just incapacitation *against* "criminals" but incapacitation against criminals *for* the managers and beneficiaries of the larger white supremacist capitalist patriarchal social order within which carceral incapacitation is deployed. While Gilmore is right that incapacitation is arguably the central purpose of carceral institutions like the prison, that does not therefore mean that deterrence, retribution, and rehabilitation are not also categories that have shaped carceral institutions. Indeed, I would suggest that in the hands of people seeking godlike "ownership of the earth forever and ever, Amen!" the retribution, deterrence, and rehabilitation derived from the moral law[66] are precisely tools for incapacitating those whose being or action register as threat against the dominant social order. As Witte argues, the civil or deterrent function of the law is to restrain and outlaw, the

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[62] Gilliard, *Rethinking Incarceration*, 134.
[63] Quoted on Gilliard, *Rethinking Incarceration*, 134; Graber, *The Furnace of Affliction*, 123.
[64] Quoted on Gilliard, *Rethinking Incarceration*, 132; Graber, *The Furnace of Affliction*, 120.
[65] Ruth Wilson Gilmore, *Golden Gulag: Prisons, Surplus, Crisis, and Opposition in Globalizing California* (Berkeley: University of California Press, 2007), 14-15.
[66] See above.

theological or retributive function of the law is to condemn and avenge for wrongs committed, and the educational or rehabilitative function of the law is to restore people to proper respect for the social (and moral or divine) order of things. When wielded by the managers of the social order, this three-fold manifestation inevitably leads to incapacitation. To restrain and outlaw those defined as criminal entails forging spaces of subjection that take away people's freedom and capacity to pursue a meaningful, self-determining existence. To condemn people as "criminal," to avenge for wrongdoing through punishment, entails taking away one's liberty and power with a permanence that lasts beyond one's penal sentence. Even to "rehabilitate" is to rehabilitate one to a religiosity of citizenship characterized by proper obedience and subjection to authority, by respect for and proper positioning in the hierarchically raced, classed, and gendered order of things. Deterrence, retribution, and rehabilitation, in the hands of those who use the law to establish and maintain white supremacist capitalist patriarchal order, are means of violent incapacitation. Historically fused as it is with religious reasoning, the law often functions as a means by which some obtain godlike power by legally condemning others to hell.

There is no American carcerality apart from religious ideas and practices. Civil and criminal law in the modern west are understood to be morally grounded, or at the very least, to preserve the possibility of a moral social order. As Gilliard writes, in a nation where Christian understandings of justice and state law are mutually formative, "there is little distinction between committing a sin against God and committing a crime against the state." As a result, Gilliard argues, "Christians largely see the state as morally obligated to punish offenders, exclusively responsible for criminal justice, and divinely ordained for human governance. Our criminal justice system has thereby become an ordained agent of 'divine' retribution."[67] As a result of

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[67] Gilliard, *Rethinking Incarceration*, 156-157.

these intertwinings, in the popular imagination in the United States today, being a "law abiding citizen" corresponds inherently to moral virtuousness while unlawfulness indicates and expresses moral failing. To be more precise, the religiosity encoded in criminal law is not a general religiosity, but a religiosity of whiteness, property, and patriarchy wherein to be a possessor of one or multiple of these identities or powers is to be presumed more inherently moral and trustworthy than others. Thus, because one of the functions of the law is to be a tool for implicit and explicit ruling class power, criminalization in the United States is a means of ensnaring the raced, classed, and gendered "others" of those with social, political, and economic power.[68] The "law and order" ethos and policy that has helped shape the law and carceral institutions from the 1960s to today rests on the construction of a dangerous and inherently immoral threat that has both implicitly and explicitly taken the form of black, other nonwhite, and poor people, primarily (though not exclusively) in urban centers. As explored in chapter one, full personhood and access to full citizenship in the United States has traditionally given preference to white propertied men (and, with time, white propertied women), which means that the actions and even existence of people who are not white propertied men—and/or the women who are the extensions and beneficiaries of their property and power—are far more vulnerable to being discerned as inherently, ontologically antagonistic to the law, and thus to the social order that it presumes. Despite being articulated in ways that seem to disregard race, class, and gender, legal structures in the west today, and in the United States in particular, still tend to be applied in deliberately disproportionate ways against the nonwhite and non-propertied peoples that tend to register as threat or potential threat—as trespassers in a world made for the possessors and beneficiaries of pseudo-godlike whiteness, property, and patriarchy.

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[68] As Gilmore writes of the evolution of criminal codes, "Laws change, depending on what, in a social order, counts as stability, and who, in a social order, needs to be controlled." Gilmore, *Golden Gulag*, 12.

The social imaginary of the religious influences on carceral practice in early America viewed poor and nonwhite people as irredeemable threats that needed to be brought under control. Despite all the changes in the function of race and class (and gender) in the United States in the ensuing centuries, the same remains true today. It might seem that a system that believes some are inherently irredeemable threats to society is, by default, an irreligious one, the idea being that religious undertones disappear when the hope of redemption does. But as we've already seen, dehumanizing punishment and humane rehabilitation have historically expressed not two distinct phenomena but two dimensions of the same religious rationale. Indeed, considering in greater detail the dynamics of a predominant trajectory in Christian soteriological thought will help us discern how even the dehumanizing incapacitation of surplus populations—transforming them into obedient subjects and returning them to their proper place in the divine and social order of things—manifests not a secularly political but a theological-political rationale and practice.

Christian Soteriology of Subjection

Predominant Christian anthropologies understand human personhood as a combination of two fundamental facts: God created all humans *imago dei*—in the image of God—and all humans (and the whole of creation) are, at the same time, fundamentally corrupted by the condition of sin, alienating humans from God and thereby placing them in a state of condemnation, indebtedness and ruination before God.[69] The tension of these two concurrent realities finds its resolution for most Christian theologies not in human effort but in the saving grace of God. As we saw in the second chapter, the predominant Christian understanding of sin discerns its crux as

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[69] Another prominent trajectory of soteriological thought conceives of sin not strictly as a state of guilt or indebtedness but ailment that needs divine healing. I explore this trajectory in the final chapter.

self-seeking pride. Salvation, then, is salvation *from* the condition of sin-as-pride and salvation *to* restored communion with God, human others, and creation itself. While understandings of what precisely sin and salvation entail vary across Christian thought, many Christian theologies—especially pre-modern theologies—interpret sin and salvation in terms of a human obedience and subjection that properly reflects the radical difference in power and ontology between humans and God. Within this framework, sin is like a disobedient refusal to be subject to a benevolent authority, and salvation is like an obedient return to subjection to a benevolent authority. Consisting of more than isolated actions or behaviors, Christian theology understands sin as a condition, a state of being in which one's God-given nature is corrupted by the inclination to pride, leaving one unable to will the good that God desires apart from the special intervention of God's saving grace. So fundamental and all-encompassing is the condition of sin, of what Luther called the "bondage of the will" to sinfulness, that many theologians describe the mortal condition of sinfulness in terms of a kind of captivity. Because God cannot, as God, create or will sin, captivity to sin is a self-willed condition, a set of chains that humans, beginning with Adam and Eve, choose for themselves.[70]

While many theologians and Christians might view these widely accepted theological ideas as matters of theology and faith in isolation from matters of being in the world, the reality is that they both derive from and in turn contribute to shaping a synthesis of theological and political concepts. The aspects of predominant Christian soteriology outlined in brief above illuminates the fusion of the theological and the political in two senses: (1) they gain their coherence in part by implicitly analogical reference to political notions of sovereignty and subjection, and, in turn, (2) contribute to legitimizing and even sacralizing certain forms of

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[70] Augustine, *Confessions*, 47-48.

political authority and the demand for obedience to it. As outlined above and in this project's introduction, this nexus of Christian theological and political rationales begins with the abundance of Jewish and Christian scripture's use of political frames of reference to convey the meaning of all manner of theological ideas and religious practices. It is little surprise then that millennia of Christian theologians reasoning at the intersection of scripture, tradition, and experience also utilize and elaborate upon such notions to make of sin and salvation as the dynamics of every new historical moment demand. Intertwining in new ways over the course of millennia, it can be difficult to discern where the theological and political begin and end.

Relying for its coherence on political sovereignties and subjections, the idea that sin is the refusal to be subject and that salvation is a return to benevolent subjection may not in itself be inherently destined to catalyze further human abuses of power. And yet, the reality is that aspects of such a soteriological presumption have historically informed political arrangements in which human actors and institutions mimic and sometimes understand themselves to be facilitators of God's subjecting and salvific work in ways that in fact proliferate immense violence and harm. Indeed, my argument is that the criminalization of black, other nonwhite, and economically dispossessed peoples relies upon and expresses a distorted soteriology that deploys notions of sin as the refusal to be subject and salvation as a return to subjection to sacralize and legitimize the carceral defense of whiteness, property, and patriarchy, and the godlike powers they seem to embody. While this soteriological framework—prior to any of its materially political deployments—poses some problems in itself, which I will explore later, the crux of my critique focuses on deliberately selective, inequitable, and abusive political deployments of it. As I will explore more thoroughly in the next section, I identify such political soteriologies as theo-carceral or carceral soteriologies because they translate—and so distort—theological concepts

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into deliberately inequitable material arrangements that preserve the pseudo-godlike power of some by holding others in a theologically and politically legitimated captivity. Theo-carcerality is a way of subtly or explicitly imbuing carceral containment with sacred legitimacy in such a way that the institutions that carry it out approximate godlike authority and power. The imbuing of carceral containment with sacred legitimacy is made possible by the fact that the core metaphors and images of a predominant stream of Christian soteriological thought make sense of sin and salvation in and through images of (benevolent) subjection.

Ultimately, as I argued in the second chapter, and will argue again at the conclusion of this chapter, aspirations to limitless and exclusive godlike power and control over others are in fact expressions of the sin of exclusive self-deification at the expense of others. Such ways of being may be called "sin" not simply because God can't handle the competition of humans seeking divine-like status but because the aspiration to "play God in the realm of human affairs" inevitably deals suffering and death to other humans, which is the crux of the moral offense against God's desire for the world.

In order to understand how components of this soteriological framework resemble, help shape, and lend legitimacy to carcerality in general and criminalization in particular, I begin by exploring the sources and elements of this trajectory of sacred subjection within Christian soteriological thought. While this soteriological trajectory cannot be traced to any single figure, engaging with the work of three in particular, whose interpretations and elaborations of scriptural themes help shape dominant western theological and political thought broadly, will help illuminate some of its central features. Augustine (354-430), Anselm (1033-1109), and Calvin (1509-1564) lived and wrote centuries apart from one another. Normally it might be methodologically questionable to synthesize thought from figures who each lived approximately

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500 years before or after the next. Doing so with three of the most influential theologians in the Christian tradition, however, helps demonstrate important continuities in theological thought that persist not only from the fifth to the sixteenth century, but to the present moment, as well. While the contributions of each figure exceed what can be covered in one chapter, I focus my reading of their work on how each theologian makes sense of the theological problem of sin and the resolution of salvation by way of penal and economic frameworks that both borrow from and contribute to political conceptualities based in subjection and captivity, allowing for proper distinctions between thinkers and even for the variations within the thought of each figure individually.

Augustine

Christian carceral soteriology makes sense of sin in terms of the disobedient refusal to be subject to a benevolent God, and salvation or uncorrupted existence—both original and restored—in terms of subjection to that same benevolent God. For Augustine, the root of all sin is pride. Pride constitutes a turning in toward oneself and thus away from God, a disordered desire in which one desires or worships created things rather than the creator: "My sin consisted in this, that I sought pleasure, sublimity, and truth not in God but in his creatures, in myself and other created beings."[71] Augustine understands this pride to lead to the enjoyment of sin for its own sake, in the sense of the pleasure it brings: sin becomes its own end, which he defines in terms of a kind of wanton criminality.[72] Summarizing the impetus of his famous account of stealing pears as a young boy, he writes, "my pleasure was not in the pears; it was in the crime

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[71] Augustine, *Confessions*, 22-23.
[72] Ibid., 31-33.

itself…."[73] Augustine understands sin to be a disorder in the sense of a defect in our nature—a corruption. This defect or corruption results in a state of guilt before God: "The whole human mass of the human race was under condemnation."[74] Sin, for Augustine, is inherited hereditarily after Adam so that humans are born into a state of condemnation, and depend absolutely upon God for deliverance from it.

For Augustine, sin is a condition by which humans are bound, in the sense of captivity. In his *Confessions*, his long penitent love letter to God, Augustine writes of his time before he was transformed by God's grace, "Your wrath was heavy upon me and I was unaware of it. I had become deafened by the clanking chain of my mortal condition, the penalty of my pride."[75] While it might seem that it is God who places humans in chains, the opposite is true: Augustine is clear that, because God does not—and cannot—create sin (because it is a privation of the good that God can only create), it is *we* who create the chains that bind us, and under which we groan: "You hear the groans of prisoners (Ps. 101:21) and release us from the chains we have made for ourselves, on condition that we do not erect against you the horns (Ps. 74:5f) of a false liberty by avaricious desire to possess more and, at the risk of losing everything, through loving our private interest more than you, the good of all that is."[76] The idea of self-willed captivity takes multiple forms throughout Augustine's work. Elsewhere in his *Confessions*, Augustine uses images of unpunished prisoners and runaway slaves to convey the rebellious nature of humanity under sin:

> Was my pleasure to break your law, but by deceit since I had not the power to do
> that by force? Was I acting like a prisoner with restricted liberty who does without
> punishment what is not permitted, thereby making an assertion of possessing a
> dim resemblance to omnipotence? Here is a runaway slave fleeing his master and

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[73] Ibid., 33. Sin is for its own sake: "Was it possible to take pleasure in what was illicit for no reason other than that it was not allowed?" (32).

[74] Augustine, "Enchiridion," in *Basic Writings of Saint Augustine*, ed. Whitney J. Oates, vol. 1 (New York, NY: Random House, 1948), 673.

[75] Augustine, *Confessions*, 24.

[76] Ibid., 47-48.

pursuing a shadow (Job 7:2). What rottenness! What a monstrous life and what an abyss of death![77]

A prisoner going unpunished, a slave fleeing his master: humanity under the condition of sin is humanity seeking to escape the subjection for which they are made and, having sought to escape it, the subjection they deserve. Humans were created for subjection to a master. For Augustine, this subjection is subjection not to an arbitrary or evil master, but a fundamentally benevolent one: subjection and obedience are the means by which humans come into life. But humans are made for subjection nonetheless. Indeed, for Augustine, the prideful freedom that humans seek in fact leads to just another form of subjection—to evil instead of the good.

Fleeing subjection to a benevolent God, humans find themselves in subjection to the devil. In his *On the Trinity*, Augustine argues that God's justice means that our sinful state determines that we be turned over to the Devil. While this might seem to indicate, again, that it is God who chooses to hand us over to the power of the devil, Augustine argues that it is first humans' choice to sin; in light of God's justice, this choice means that humans are delivered—or perhaps even deliver themselves—over to bondage to the power of evil. Augustine, engaging Hebrew scripture, argues, God's punishment is a form of mercy, as fire purges impure elements, and brings us back to God. As he writes in his *Confessions*:

> But I in my misery seethed and followed the driving force of my impulses, abandoning you. I exceeded all the bounds set by your law, and did not escape your chastisement—indeed no mortal can do so. For you were always with me, mercifully punishing me, touching with a bitter taste all my illicit pleasures. … You "fashion pain to be a lesson" (Ps. 93:20 LXX), you "strike to heal," you bring death upon us so that we should not die apart from you (Deut. 32:39).[78]

Punishment for sin is not only deserved, it is a merciful good—of God, sacred. God's punishment, for Augustine, is not arbitrary vengeance; indeed, it is humans' own stubborn and

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[77] Ibid., 32.
[78] Ibid., 25.

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rebellious will before a just God that warrants punishment, which is why humans can be said to exist in a captivity to sin that is of their own making. Humans groan under chains of their own making.

Just as because of our sin God delivered us *unto* the devil, so God, hearing our groans under our self-made captivity, delivered us *from* the devil through the propitiatory sacrifice of Christ's blood, which pays for our release from our state of corrupted and indebted captivity to evil. It is God's justice that sets humans free, Augustine writes, and so it is "just that the debtors [humans], whom [the devil] held, should be set free, since they believed in Him whom [the devil] slew without any debt. It is in this way, then, that we are said to be justified by his blood [Romans 5:9]."[79] The sinful condition of humankind is a condition of condemnation, which is also a condition of indebtedness: sin against God and God's law places humans in a state of obligation to God, which is to say a state of indebtedness. Apart from Augustine's usage of the terms, in the ancient world, debt was not just an abstract relation of obligation, but a relation by which one was bound, even physically. To speak of debt is to speak of bondage. Deploying the biblical logic of propitiatory blood sacrifice that releases one from debt, which is widely conceived as a cognate and cousin of sin, Augustine argues that God overcomes the devil via the very flesh and rational creatureliness (Jesus) that the Devil "prided himself in having overcome" and held captive.[80] Releasing humans from the devil is releasing humans from the debt bondage of sin. Indeed, the very notion of "redemption" implies a "buying back," a release or "ransom" or "deliverance" from bondage.[81]

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[79] Augustine, *On the Trinity. Books 8-15*, ed. Gareth B. Matthews, Cambridge Texts in the History of Philosophy (Cambridge, UK: Cambridge University Press, 2002), 124.
[80] Ibid., 129.
[81] F. W. Dillistone, "Redemption" in Alan Richardson and John Stephen Bowden, eds., *The Westminster Dictionary of Christian Theology* (Philadelphia: Westminster Press, 1983), 487-488.

As we can see, Augustine makes sense of salvation—redemption—not only in terms of judicial images and metaphors of subjection and condemnation, but also of economic metaphors of indebtedness and release. More specifically, Augustine shows and plays upon the continuity between the judicial and the economic, a continuity he did not invent but which he arguably helps solidify through the soteriology—and the ransom theory of atonement—he helped develop. According to Augustine, seeking to remedy the fact that the humans God created were wasting away in captivity to the devil, Christ's blood—and specifically the sheer value or costliness of it—left the devil with no choice but to release humans: Christ's blood delivered us from the grip of the devil and voided the power of death and the devil himself. Christ's blood releases humans and puts the devil under captivity. The conqueror of the first Adam was conquered by the second Adam—Christ—who initiates a new liberated race. Christ releases us on the condition that we do not love our liberty more than the God who secures it. Put otherwise, the liberation that God initiates in Christ is not freedom to do whatever one wants, but is freedom that consists in a journey from rebellion and pride to proper obedience and submission to a God who gives us all we need. Since self-centered pride is the root of sin, self-relinquishing submission is the root of its correction, which is why Augustine describes sinfulness in terms of runaway slaves and prisoners, and salvation in terms of rebellious creatures returning to subjection to a beneficent God. Salvation consists in a journey from pride and rebellion to humility and subjection. Through God's redemptive deliverance, humans are justified before God by being brought once again under proper subjection and obedience to the source of all life. It is God's humility that cures our pride and Christ's obedience that makes up for our disobedience, modeling for us the way of redeeming subjection to God.

Anselm

For Anselm, despite being God's "most precious piece of workmanship," the condition of humanity is, much as for Augustine, a state of indebtedness, captivity, and ruination resulting from sin.[82] To sin, for Anselm, is to refrain from giving God what is due to God, which is to take away God's honor—to dishonor God. Those who do not "repay what he has taken away, he remains in a state of guilt."[83] What humans owe to God is the honor we steal from God through our sinfulness: "everyone who sins is under an obligation to repay to God the honor which he has violently taken from him, and this is the satisfaction which every sinner is obliged to give to God."[84] In Anselm's view, one of God's most basic characteristic is that God is just. Justice for Anselm has to do with a balance or proportionality rooted in God's absolute power and supremacy over God's creatures. Creatures must be in their place and God in God's place in order to maintain the just order that God instituted. Conceived in terms of a sovereign whose sovereignty depends upon his being honored, Anselm's God requires the satisfaction of God's justice (and thus the restoration of God's honor) through either punishment or recompense: if one is unable to pay one's debt, punishment can function as an alternate payment that satisfies the demands of justice.[85] Figuring God as a fundamentally just sovereign, Anselm argues that it is not in God's nature to forgive sin without some recompense: forgiveness or mercy that does not exact some payment is simply unjust, and thus not of God.[86]

Sin—dishonoring God—places humanity in a relation of obligation, a state of indebtedness: humans owe God for the dishonor and injustice they have committed against God.

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[82] Anselm of Canterbury, *Why God Became Man* in Anselm of Canterbury, *The Major Works*, ed. Brian Davies and G. R. Evans, Oxford World's Classics (Oxford: Oxford University Press, 2008), 269.
[83] Ibid., 283.
[84] Ibid., 283.
[85] As Anselm writes, "a sinner is bound not to be set free without punishment, except in the event that mercy pardons the sinner and frees him and restores him" Anselm, *Why God Became Man*, 274.
[86] Anselm, *Why God Became Man*, 284.

The conundrum of finite, sinful humanity, however, is that it is fundamentally incapable of

paying the debt to satisfy the divine justice required in the wake of humans' sinfulness, their

dishonoring of God. In order for justice to be satisfied, however, the payment must come from

the humanity that owes it. What are humans to do if they owe a debt they cannot pay? The

answer to this conundrum, and the answer to the title of Anselm's text, *Why God Became Human*

(*Cur Deus Homo*), is the God-Man, Jesus Christ, who, as human, pays the debt that humans owe,

and as God, is in fact capable of satisfying it. That the God-Man pays humans' debt to God is not

just a sign of God's justice, but of God's love for humanity: God, in the form of the God-Man,

paid what God did not owe in order to satisfy God's justice—a justice that is understood as a

sign of God's loving power and sovereignty. Six hundred years before Anselm, Augustine had

written that Jesus, as God, became human "in order that He might pay for us, the debtors, that

which He Himself did not owe."[87] Both conceive of sin in terms of guilt and indebtedness, and

both understand salvation as a kind of payment, a "redemption" paid to satisfy an obligation. The

difference, however, is that for Augustine, the payment of Christ's blood is made to the devil,

who holds humanity captive to sin. For Anselm, it was unthinkable and unbecoming of God to

suggest that God would pay the devil in any way, even if that payment ultimately bound the

devil. Anselm shifts the terms of satisfaction so that it is the God-Man who pays to God—not the

devil—the debt that humans owe. According to Anselm, the righteousness of the God-Man is

seen most of all in the fact that he willingly paid a debt he did not even owe.[88] Because Christ the

God-Man was in need of nothing, the surplus that the Father gave him in return for his

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[87] Augustine, *On the Trinity*, 124.
[88] Anselm, *Why God Became Man*, 349.

righteousness could be transferred to someone else instead, and so he gave it to humankind, securing their release from bondage to debt, to sin.[89]

Importantly for Anselm, Christ's death is not a punishment, but a payment of satisfaction on a debt owed—a debt that is not arbitrary, for Anselm, but is the key to restoring God's honor. If the debt is not paid, then humans sinfully orient themselves as though God is not sovereign. As with Augustine, but more magnified in Anselm, what accompanies justification is a restoration to right relation with God: for Anselm, this means a return to subjection beneath a just and loving sovereign. In other words, since sin cannot actually (ontologically) take anything away from God, restoring God's honor refers to the restoration of right relation between a divine sovereign and "his" finite subjects. The justice inherent in God's salvation, for Anselm, has to do with proportionality rooted in God's absolute power and supremacy over—and love for—God's creatures. Creatures must be in their place (subject to God) and God in God's place (sovereign over humans) in order to maintain the benevolent and life-giving order that God instituted. In this way, Anselm's logic of sin and salvation is ultimately grounded in the essential status of God's sovereignty. As such, sin consists in not subordinating oneself beneath, and thereby dishonoring, God: in Anselm's words, when one sins, one "dishonors God…since he is not willingly subordinating himself to God's governance, and is disturbing, as far as he is able, the order and beauty of the universe."[90] If sin is the refusal to be subject to God that disrupts the order things in the universe, the payment on the debt of dishonor to God that is salvation restores humans to an orientation of proper observance and honor to their just and benevolent superior—God.

Anselm borrows from and elaborates upon already established political and economic conceptions of God and salvation and in so doing contributes to solidifying popular

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[89] Ibid., 352-353.
[90] Ibid., 288.

understandings of God that only make sense by reference to societal structures of hierarchical power operative in the medieval era of Anselm's time, and that continue to some extent today, even if in rather different form. The notion of economic obligation for Anselm is, as for Augustine, intimately tied to a kind of pseudo-legal status of guilt, bondage, and potential punishment. For Anselm, we can and should understand God as a kind of sovereign governor and master, and humans as those who are indebted to such authority and who return to proper relation to it only when justice—through recompense or punishment—is paid. Anselm even understands the obligated condition of humankind—owing God something, and indeed everything—in terms of the obligation of a "bondslave." Commenting on the meaning of human striving to live in accordance with God's order, Anselm writes, "what you are giving is in payment of a debt. You ought likewise to understand that the things you are giving are not your property but the property of him whose bondslave you are, and to whom you are making the gift." God calls humans to treat one another with fairness and love, Anselm argues; to do otherwise is to claim the power of a slavemaster and a judge, which belongs only to God. In situations in which one human wrongs another, Anselm writes, remember: "you are both the bondslaves of one Lord, having been made by him out of nothing and, if you take vengeance on your fellow-bondsman, you are arrogantly presuming to exercise over him the justice which is the prerogative of the Lord and Judge of all."[91]

For Anselm, the human condition of indebtedness is not a mere economic or legal relation of obligation but—as for Augustine—a self-willed ontological state of corruption. In addition to—or, more precisely, in connection with—the notion of economic and legal obligation, Anselm follows Jewish and Christian scripture, Augustine, and others in conceiving

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[91] Ibid., 304.

of the human condition in terms of purity and impurity. Humanity, Anselm writes, is God's "most precious piece of workmanship" that has been "completely ruined" by sin.[92] Expanding this metaphor of ruination, Anselm also likens God to a "rich man" and humans to a pearl: if God drops the perfect pearl in mud, he will not pick it up and put it back in his treasury without first washing it off because leaving it dirty would contaminate the otherwise pure space of God's redeemed order.[93] For Anselm, thinking of God as a wealthy possessor of pearls (humans) is inseparable from his understanding of the God-Man's just payment that satisfies divine justice and enables redemption. Specifically, Anselm operates ono the basis of an implied equivalency between impurity and debt, and thus between "washing" and "recompense." Those pearls "stained with the filth of sin" would contaminate heaven if not first washed through the recompense accomplished through payment that satisfies (and "absolves") humanity's debt of sin.[94] Anselm's use of these metaphors, situated within a "satisfaction" theology of atonement that gains its coherence through a penal and economic soteriological framework, conjoins notions of ontological purification, economic payment, and (the possibility of) penal retribution.

In these ways, Anselm's soteriology marks another important shift of emphasis in Christian soteriological thought: from seeing sin as hurting primarily humans to sin hurting (offending) primarily God, conceptualized in terms of a just sovereign or governor, a judge, a slaveowner, or a man of wealth. Sin, for Anselm, is the refusal to be subject, which is fundamentally an offense against God. Sin is disobedience—a disobedience analogous to the political disobedience of a subject who "violently" refuses to be subordinate to their superior.[95] If it is disobedience that "dirties" and renders humans indebted, it is the God-Man's obedience that

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[92] Ibid., 269.
[93] Ibid., 301-302, 314.
[94] Ibid., 301-303.
[95] Ibid., 283.

restores human life by reestablishing proper proportional and hierarchical order: "just as death entered the human race through a man's disobedience, so life should be restored through a man's obedience."[96] The God-Man paid a debt he did not owe, and so humans are freed from debt bondage, and thereby freed for a return to proper subjection beneath a just and benevolent sovereign God.

Calvin

For Calvin, the root of sin is not so much pride as it is disobedience and infidelity, which lead to pride, which leads to ambition, which leads to rebellion, which Calvin understands as an attempt to destroy the glory of God.[97] Calvin follows Augustine and orthodox Christian thought in arguing that humanity is a "seed-bed of sin" which they inherit from their first progenitors and cannot escape on their own. God gives humans free will, but instead of acting freely, they are bound by compulsion: humans are "voluntary slave[s]" bound by sin.[98] "When the will is enchained as the slave of sin, it cannot make a movement toward goodness, far less steadily pursue it," Calvin writes.[99] The will is utterly incapable of pursuing the good under "bondage," enslaved—corrupted—by sin.[100] For Calvin, it is not that humans have no will under the condition of sin, but that their will is made unsound: under slavery to sin, man is "deprived not of will, but of soundness of will."[101] The whole human race having been "undone" in Adam, it is humans, not God, who are to blame for the ruination and corruption of their created nature, leaving them in a state of "degeneracy." As Calvin writes, "our ruin is attributable to our own

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[96] Ibid., 268.
[97] John Calvin, *Institutes of the Christian Religion* (Peabody, Mass: Hendrickson Publishers, 2008).
[98] Ibid., 162.
[99] Ibid., 180.
[100] Ibid., 181.
[101] Ibid., 181.

depravity."[102] As sinners, humans exist in a state of guilt: our sinful, corrupted or "polluted" state condemns us, and warrants punishment. Through Adam's sin, which places all humanity under a curse, "not only has punishment been derived, but pollution instilled, for which punishment is justly due."[103] Much like Anselm before him, who viewed sin and salvation in terms of a synthesis of ontological purification, economic payment, and penal retribution, Calvin theologizes about sin and salvation on the basis of a fundamental fusion of notions of purity and punishment.

Having been fundamentally corrupted from its original, created state, the human will must be reformed in order to do any good whatsoever.[104] Calvin understands the corrupted human will through the prism of "the antithesis between the rebellious movement of the heart, and the correction by which it is subdued to obedience."[105] In the end, humans are incapable of such obedience on their own. The answer to this hopeless state of corruption and condemnation is, for Calvin, not Christ paying a ransom to the devil as for Augustine, or the God-Man paying humans' debt to God, as for Anselm, but Christ interposing himself as our substitute, taking on the punishment due to us, thereby saving by "justifying" us before God conceived as a just judge. Calvin's penal substitutionary atonement theory, as it is often called, hinges on the idea of God's justice. Calvin, in at least this way, operates on the same basis that Anselm did: the divine and natural order of things dictates that wrongdoing demands punishment. Condemned humanity, in other words, deserves punishment in a cosmic framework in which that "deserving" is simply part of the grain of God's created order and the foundation of God's benevolent character. Calvin's framework, to an even greater degree than Anselm's, depends upon the presupposition

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[102] Ibid., 154.
[103] Ibid., 152.
[104] Ibid., 184.
[105] Ibid., 184.

that punishment is a mechanism that fundamentally and inherently rights wrongs that have been committed, or at least restores a sense of order and justice.

It is divine punishment that grounds Calvin's theory of the reason and purpose behind Christ's death. The work of Christ on the cross, for Calvin, is to transfer the burden of our condemnation and punishment to himself and so to relieve humans of the burden under which we exist.[106] Following both Augustine and Anselm, Calvin argues that since it is human disobedience that warrants our condemnation and punishment, it is Christ's human obedience to the Father's will, even to the point of death, that secures our pardon. As Calvin puts it, as our substitute, Christ's punishment is our acquittal, and his curse (or condemnation) is our life.[107] Through his obedience, Christ abolished sin, reconciled us to God, and "purchased a righteousness" that made us favorable before God, which is the meaning of the term "justification." His servant obedience pays our deliverance—a ransom and propitiation, a sacrifice. Christ's obedience takes the form of being a servant in voluntary subjection to the Father's will.[108] Utilizing the language of "satisfaction" that Anselm used, Calvin holds that the punishment and condemnation due to humans that Christ took on through his voluntary and obedient death is the "price" by which "the justice of God was satisfied."[109] Taking on the role of sinner and criminal on our behalf, though innocent, by being counted among the transgressors on the cross, Christ serves as the substitute to whom our due condemnation and punishment is "transferred."[110] This frees us from fear of God's vengeance, because we stand righteous—justified—before God. Christ's obedience makes human obedience and proper subjection to God

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[106] Ibid., 328.
[107] Ibid., 342.
[108] Ibid., 327.
[109] Ibid., 341.
[110] Ibid., 328.

possible again.[111] For Calvin, this substitutionary transferal of our condemnation and punishment to Christ does not imply a bloodthirsty God because it is not so much *Christ* who is killed as it is our sin that is killed and thereby eliminated. In other words, through his substitutionary death and suffering, Christ breaks the power of death and sin over us, and so cleanses us, making us right—justified—before God, and thus able to approach God without fear of vengeance or punishment.[112] As sinners, humans are condemned, dead, and lost. Through his death, Calvin writes, Christ became "our substitute-ransom and propitiation" such that his blood "acted as a laver [wash basin] to purge our defilements."[113] Christ on the cross took on the form of a "criminal," an offender and evil-doer," "numbered with the transgressors" (Isaiah 53:12; Mark 15:28). In so doing, Christ undertook our "expiation" "in order to remove our condemnation."[114] Christ's punishment—which he took on as our substitute on our behalf—is our acquittal: it justifies us before God, bringing us to "the final goal of safety."[115]

The soteriologies and anthropologies developed by Augustine, Anselm, and Calvin interpret and elaborate upon scripture, using the images and metaphors for the relation between God and humans used in both the Hebrew Bible and New Testament, and the Pauline corpus in particular. These conceptualities depend, in significant part, upon the common presupposition that a kind of sovereign power is a basic good, either as a necessary means of preserving order or as a divinely ordained attribute of creation. From these conceptualities derive political theologies describing the role of earthly power in the divine order of things. For Augustine, civil government exists because sin does: human sinfulness unrestrained inevitably leads to chaos and

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[111] Ibid., 184.
[112] Ibid., 325.
[113] Ibid., 329.
[114] Ibid., 328.
[115] Ibid., 325.

evil. Government exists to restrain and punish sin and evil, and thus to preserve order and a semblance of peace. Building off the groundwork laid by Augustine and others before him, Calvin posits a theocratic conception of government, in which it exists to protect piety and Christian worship, property, and keep the peace against "evil-doers and criminals" of various kinds.[116] The righteousness of government, Calvin argues, is in defending the innocent and oppressed. Governmental magistrates "have a commission from God," are "invested with divine authority," "represent the person of God," and so may be considered a kind of "substitute" for God on earth.[117] As such, Calvin argues, when the "magistrate" inflicts punishment, "he acts not of himself, but executes the very judgments of God."[118] Civil authority is sacred and lawful— indeed, the most sacred and honorable station among mortals, a "sacred office" whose heads are "ambassadors of God." Whatever the form of government, God intended it and authorizes it, and so it is our duty to "obey and submit."[119] Disobedience is only warranted when government clearly and fundamentally ceases to perform the role God set out for it. From the presumed good of sovereign power comes the subsequent good of obedience to sovereign power corresponding to it: obedience is a good because obedience is obedience to a power that is utterly benevolent in the case of God, and divinely ordained in the case of political sovereignty. Thus, sovereignty and subjection are understood to be basic features of God's will for the world, if not at creation then at least after the Fall. For all three theologians, created, uncorrupted human nature consists in subjection to a sovereign God, while corrupted nature lies in the rejection of that sacred subjection: for Augustine, pride, for Anselm, dishonor, and for Calvin, disobedience and rebellion are the crux of sin. Making sense of sin in terms of the refusal to be subject to a God

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[116] Ibid., 975.
[117] Ibid., 971.
[118] Ibid., 976.
[119] Ibid., 974.

conceptualized in terms of a benevolent sovereign, these theologians thereby understand salvation or uncorrupted existence in terms of a return to subjection to a benevolent and sovereign God.

As we have already seen, modern criminal law in the west, and in England and the United States in particular, take form in and through religious and theological rationales. The theologies of Augustine, Anselm, and Calvin—the images and metaphors they use and the internal logic of the refusal to be subject and a return to proper subjection inherent in them—inform how much popular Christian theology up to the present understand who God is and what God does in "saving" or "redeeming" humanity. Wittingly or unwittingly, these theologians sacralize subjection to sovereign authority on the basis that the sovereign authority that is God is fundamentally good and benevolent, as opposed to arbitrarily oppressive and malevolent, and in the case of political sovereignty, that all its forms derive from God. As I explore in the next section, the primary difference between the sacralization of subjection to God and the sacralization of subjection to authority that manages the social order via carceral means is that the former has humans' life and flourishing in mind, while the latter scarcely does, despite its insistence to the contrary. In any case, as I will explore in the final chapter, a framework built around notions of subjection seem especially vulnerable to distorted, death-dealing application, as can be discerned in the carceral mechanisms that mimic such dynamics and proliferate today. In any case, a soteriological framework based in subjection, both in itself (as explored above), and in its distorted, death-dealing materialization in modern carceral formations (as I explore below), demands interrogation for the kinds of political arrangements upon which they are based and which they help envision and justify.

Theological Anthropologies of Whiteness, Property, and Patriarchy Revisited

As explored in chapter three, the concept of "criminal" functions as one of the foremost

designations that constructs and conveys the threat that those rendered inferior and "other" by

whiteness, private property, and patriarchy pose, whether through their mere existence or their

active resistance to the systems that treat them as less than human. If "whiteness comes into

being as a form of landscape,"[120] a kind of property or mode of possession,[121] and if the greatest

offense against property is to have none,[122] then to be non-white and/or non-propertied in a world

made for white propertied men (and women) is to trespass, to be fundamentally "out of place,"[123]

to live under the realization that one does not belong,[124] and to seek survival within geographies

and materialities that make that non-belonging concrete. It is in this sense that criminalization

constitutes not the objective pursuit of people who break the law but a tool for maintaining the

supremacy and security of some subjects by managing, confining, or disappearing their others.

The criminalization of black, other nonwhite, and non-propertied peoples carried out by modern

policing is a means of protecting whiteness and absolutely exclusive private property regimes,

and the patriarchy with which they are intertwined, from those who register, from the perspective

of whiteness, private property, and patriarchy, as threat or trespass against them. Criminalization,

then, is more than just arbitrary repression *against* non-white, non-propertied, and other

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[120] Willie James Jennings, *Christian Imagination: Theology and the Origins of Race* (New Haven: Yale University Press, 2011), 59.

[121] Cheryl I. Harris, "Whiteness as Property," *Harvard Law Review* 106, no. 8 (June 1993): 1707–91.

[122] E. P. Thompson, *The Making of the English Working Class* (New York: Vintage Books, 1966), 61.

[123] Patrick Wolfe, *Traces of History: Elementary Structures of Race*, First published (London New York: Verso, 2016), 17.

[124] W. E. B. Du Bois, *The Souls of Black Folk*, Dover Thrift Editions (New York: Dover, 1994); James Baldwin, *Notes of a Native Son*, ed. Edward P. Jones, Revised ed (Boston: Beacon Press, 2012); George Jackson, *Soledad Brother: The Prison Letters of George Jackson* (Chicago, IL: Lawrence Hill Books, 1994).

allegedly "abnormal" people; criminalization is always criminalization *for* the preservation and power of whiteness and private property and patriarchy.[125]

In addition to the religiosity of its historical origins, in what senses, specifically, does criminalization constitute a theological or theological-political reality? What exactly is theological about the needs of whiteness, private property, and patriarchy to protect themselves against those they perceive and construct as threats against them?

In order to adequately grasp how criminalization is a theological-political phenomenon, I first return briefly to the theological anthropologies of whiteness, property, and patriarchy. As outlined in chapter two, the conglomerate power of whiteness and private property to make and remake subjects is a power built not on purely political but theological-political thought and practice. From their origins, whiteness and private property possession—together with patriarchal power—articulate themselves as apexes of moral and anthropological superiority that express God's intentions for the world, and that are therefore understood to channel a kind of divine presence, power, and authority to do God's work of managing life on earth.[126] Whiteness and private property, in other words, situate themselves as the organizing centers of a theological-political vision of what humans are and should be in relation to others, to the world itself, and to God. Because whiteness and private property define themselves—and the world around them—in such terms, they may be interpreted as expressions of a kind of theological anthropology, a doctrinal category of Christian systematic theology concerned with the origins,

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[125] Foucault, *Society Must Be Defended* makes a similar argument regarding "racism against" and "racism for" the preservation of the species whose apex is whiteness. Michel Foucault, *Society Must Be Defended: Lectures at the Collège de France, 1975-76*, trans. David Macey (New York: Picador, 2003). See also: Ladelle McWhorter, *Racism and Sexual Oppression in Anglo-America: A Genealogy* (Bloomington: Indiana University Press, 2009); Ellen T. Armour, *Signs & Wonders: Theology after Modernity*, Gender, Theory, and Religion (New York: Columbia University Press, 2016).

[126] Jennings, *Christian Imagination*; J. Kameron Carter, *Race: A Theological Account* (Oxford: Oxford University Press, 2008).

nature, and ends of human existence before God.[127] Whiteness and private property are matters of theological anthropology in two senses: (1) they are theologically and politically conceived subject *positions* that (2) aspire to and to some degree obtain the pseudo-godlike *power* to "make up people"[128] according to a moral hierarchy of value in which they embody superiority and their others inferiority. The racial, propertied power to make people up ultimately crystalizes as the godlike power to possess the world itself—what W. E. B. Du Bois calls "ownership of the earth forever and ever, Amen!"[129] The godlike power of whiteness and private property (and patriarchy) is the dual power of subject-making and world-arranging: by defining people differentially, whiteness and property also distribute power and thereby arranges social orders according to those absolute anthropological differentiations.

Understanding whiteness, private property possession, and patriarchy as finite subject positions that seek to become transcendent subject-making and world-ordering powers enables us to discern that these phenomena actually embody and express not the godlike power to which they aspire but the sinfulness that they believe describes primarily those "others" upon whose exploitation and dehumanization their own power depends. Traditional Christian theological anthropology in its predominant conception understands all humans as both, and equally, created in the image of God (*imago dei*) and inheritors of an inherent sinfulness that separates humans from God, and from one another. Claiming godlikeness to the near exclusion of inherent sinfulness, which they displace—via projections of inherent immorality, savagery, monstrosity, criminality, and so on—onto those they render "other," whiteness, absolutely exclusive private

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[127] J. Patout Burns, *Theological Anthropology*, Sources of Early Christian Thought (Philadelphia: Fortress Press, 1981).
[128] Michael Omi and Howard Winant, *Racial Formation in the United States*, Third edition (New York: Routledge/Taylor & Francis Group, 2015), 105-112.
[129] Du Bois, *Darkwater*, 18.

property, and patriarchy are manifestations not of divinity but of sin that proliferates evil and death. In place of the *imago dei* of traditional Christian anthropologies, whiteness and private property (along with patriarchy) are means by which their possessors and inhabitors strive to approximate simply *deus*, closing the distance between the human self and God, and indeed displacing by seeming to become God altogether. The histories of whiteness, private property, and patriarchy show that they become *deus* precisely through the dehumanization and exploitation of others, escaping the vulnerabilities of finitude by climbing on the bent backs of nonwhite and non-propertied peoples. Whiteness is powerful by systematically disempowering those defined as nonwhite; absolutely exclusive and unlimited private property is a mode of possession that requires *dis*possessing and excluding others from access to resources necessary for life; and patriarchy functions by perpetuating sexisms that render non-masculine and gender-non-conforming peoples inferior to and less powerful than the men (and women) who (think they) run the world.

Seeking self-satisfaction and aggrandizement no matter the cost, especially at the expense of others, whiteness, private property, and patriarchy are forms of self-absolutizing pride—becoming rather than reflecting God. Sin in the form of pride, predominant Christian anthropologies argue, is a means by which humans seek to outrun their finitude, to transcend the inherent vulnerability of being human.[130] Faced with the anxiety produced by the limitations that characterize finite existence, humans pursue godlike power, not only over themselves but over others and the world more broadly.[131] Thus does sin in the form of prideful self-aggrandizement

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[130] See: Edward Farley, *Good and Evil: Interpreting a Human Condition* (Minneapolis: Fortress Press, 1990); Catherine Keller, *From a Broken Web: Separation, Sexism, and Self* (Boston, MA: Beacon Press, 1988).
[131] See chapter two for more on sin as pride. Reinhold Niebuhr, *The Nature and Destiny of Man: A Christian Interpretation*, *Volume 1: Human Nature*, 2 (Louisville, KY: Westminster John Knox Press, 1996); Daniel L. Migliore, *Faith Seeking Understanding: An Introduction to Christian Theology*, 2nd ed (Grand Rapids, Mich: W.B. Eerdmans, 2004), 139-162.

injure not just the individuals who pursue it, but the world more broadly.[132] As manifestations of

the sinful, idolatrous desire to "play God in the realm of human affairs" at the expense of

everyone and everything else, whiteness, private property, and patriarchy constitute not simply

"sin," but what the New Testament calls principalities and powers: instantiations of separation

from God that, by "insinuating [themselves] in the place of God," wreak havoc on earth through

exploitation, violence, and death.[133] Deifying themselves at the expense of others, whiteness,

private property, and patriarchy reshape society and the world itself, determining who gets to

transcend the vulnerabilities of finitude and who will be made vulnerable to "premature

death."[134]

Criminalization as Carceral Soteriology

Understanding whiteness and private property (and patriarchy) as theological-political

aspirations to godlike power—and thus as conditions of sin—enables us to understand

criminalization as a distorted, death-dealing, and thus evil mechanism for defending and securing

these pseudo-sacred powers. In a world made by and for whiteness, property, and patriarchy,

nonwhite and non-propertied (and non-masculine and gender-non-conforming) peoples are far

more likely to be perceived and treated as criminal threats to the sanctity of social order. The

possessors and beneficiaries of whiteness, property, and patriarchy are those who wield and

shape the power not only of social, political, and economic order, but also legal order.[135] As

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[132] Augustine, *Enchiridion*, 672.

[133] William Stringfellow, *An Ethic for Christians & Other Aliens in a Strange Land* (Eugene, OR: Wipf and Stock, 1973), 81.

[134] Gilmore, *Golden Gulag*, 28.

[135] I use the language of "possessors" *and* "beneficiaries" because while white propertied men are the primary possessors of whiteness, property, and patriarchy, white women and white propertied women also benefit from whiteness and property, and can even be honorary possessors and purveyors of patriarchal power, as well. Likewise, the powers of a kind of honorary whiteness are occasionally accessible and have at times been granted to nonwhite

such, criminalization is a tool that weaponizes the law for maintaining the supremacy and security of some subjects by managing or disappearing their others. We more thoroughly understand criminalization, then, when we understand the subject-making and world-ordering of which it is a function, which is why the first two chapters of this project on criminalization begin with the formation and function of whiteness, private property, and patriarchy. If whiteness, property, and patriarchy are means by which some become like gods, then criminalization is a pseudo-salvific means of condemning and so disappearing or managing their black, nonwhite, and economically dispossessed others.

As concrete manifestations of the "right to exclude,"[136] whiteness and private property—together with patriarchal power—already contain within them the seeds of criminalization. Whiteness and private property are fundamentally exclusive phenomena that survive only by dispossessing and then drawing strong boundaries that delineate, insulate, and protect themselves against those who exist outside them: whiteness *is* only by defining and defending itself against what it is not, just as private property can be said to exist only by making an absolute, exclusive claim of possession over against the claims of others, complete with boundaries and the fences, gates, and walls that enforce them. Likewise do possessors of patriarchal power maintain that power by exploiting and subjecting women to violence, and by keeping women (and sometimes other men) from being full sharers in the resources and powers that men enjoy. As such, whiteness and private property and patriarchy are, by definition, fundamentally fragile, threatened phenomena: by defining their existence exclusively or defensively over against what they are not, their possessors necessarily construct what they are not in terms of either

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peoples—primarily Asian and Latinx peoples, and on rare occasions, peoples of African descent—who forego other racial allegiances.
[136] Cheryl I. Harris, "Whiteness as Property."

exploitable resources or criminal hindrance to their supremacy and survival. Whiteness and private property—fused with patriarchal power—require keeping out those whose presence constitutes a hindrance or threat to the social, political, economic, and legal order upon which whiteness and private property (and patriarchy) depend. Criminalization is a means of defense against such threats.

More than a simply secular political phenomenon, criminalization is in fact a theological-political phenomenon. It is a theological-political phenomenon in the sense that it emerges from the intertwined theological-political phenomena of whiteness, private property, and patriarchy. As such, more specifically, if whiteness, property, and patriarchy constitute theological-political anthropologies, then the criminalization that emerges from them constitutes a pseudo-soteriology, a distorted system of a kind of salvation that is in fact distinct from "salvation" as understood by the Christian tradition, but which implicitly and explicitly deploys and mimics important dynamics of predominant understandings of Christian salvation. So, in what senses, specifically, does the criminalization of black, other nonwhite, and economically dispossessed peoples constitute a system of pseudo-salvation?

As outlined above, the condition of sin, for predominant Christian soteriology, is a condition marked most fundamentally by the corruption of the will, which manifests in the form of the refusal to be properly subject to a just, beneficent, and sovereign God. The sinful refusal to be subject creates a relation of obligation to and condemnation before God, which requires "satisfaction"—of the demands of God's justice—in order for order to be restored and the law to be properly respected and obeyed. The satisfaction of this relation of obligation and condemnation comes in the form of either recompense or punishment, either of which are understood to restore order, which is to say the proper, hierarchically arranged divine and human

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order of things. For predominant Christian soteriology, the satisfaction of humans' debt and/or the punishment deserved in light of humans' condemnation comes through God in Christ's liberating ransom payment to the Devil, who theretofore held humanity captive (Augustine), through the God-Man's payment of his life that satisfies the debt that humans owe after having dishonored God by sin (Anselm), or through Christ's obedient substitution, submitting on humans' behalf to the divine punishment and death that humans deserve in light of their sinful rebellion against God. Salvation is secured when order—proper hierarchical divine-human relation—is restored, when humanity's debt and condemnation is satisfied one way or another, enabling humans to return to proper life-giving submission to God. To put it concisely, humanity's sin of the refusal to be subject creates disorder in the divine-human relation, and thus a kind of indebtedness to—which is also a kind of condemnation before—God.

A version of the same set of dynamics plays out in and through the criminalization of black, other nonwhite, and economically dispossessed peoples that emerges from the heart of godlike-power-aspiring whiteness, absolutely exclusive private property, and patriarchy. Like sin, criminality—or what Foucault calls "delinquency"—as defined in a white supremacist capitalist patriarchal social order is more than just transgressing this or that law; it is a state of moral or ontological corruption that predisposes certain people to transgress the law[137]—a (civil or criminal) law that is always understood to be morally grounded, if not specifically derived from God's will. Ontological corruption in such a social order has long been conceived in thoroughly raced, classed, and gendered ways: to be black, nonwhite, or economically dispossessed or unpropertied is a signifier of one's corrupted moral state, a corruption coded as a proclivity to disobedience, among other things. As such, the relational or social form of this

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[137] Foucault, *Discipline and Punish*, 100.

corruption is, much as for Christian soteriologies of subjection, the refusal to be properly subject to—or in one's proper place in relation to—the divine-power-approximating managers and beneficiaries of the white supremacist capitalist patriarchal order. Indeed, as we will see further in what follows, to be black, nonwhite, or economically dispossessed *freely*, which is to say outside any relation of subjection, is to have not merely a proclivity to disobedience but to be, already, an actual danger, and likely a criminal.[138] The problem with the alleged refusal to be subject is not that it breaks an arbitrary law but that it disrupts the hierarchical and deliberately inequitable order of things, which is a problem because it threatens the godlike scope of the power of whiteness, property, and patriarchy. For the pseudo-soteriology of criminalization, much as for Christian soteriologies of subjection, the problem—as constructed by those with godlike power—is not so much isolated transgressions as an inherently corrupted moral state of being, which is why the pseudo-salvific system of criminalization is a criminalization not simply of actions in isolation from ontology—as it purports to concern itself with—but of the very essence of blackness, other forms of nonwhiteness, and states of economic dispossession themselves. Criminalization might focus on specific alleged transgressions—real or constructed or even completely falsified—but it ultimately does so as a means of capturing black, nonwhite, and economically dispossessed life, thereby neutralizing the threat they seem to pose to the social order made by and for their superiors.

Whiteness, private property, and patriarchy are pursuits of exclusive self-deification— deification at the expense of others. In order for the possessors (and beneficiaries) of whiteness, private property, and patriarchy to be and become "god," their others must be made subject. As conceived by predominant Christian theologies, the power to hold others in subjection is a

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[138] Kelly Brown Douglas, *Stand Your Ground: Black Bodies and the Justice of God* (Maryknoll, NY: Orbis Books, 2015), 68-86.

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central trait of divine (and political) power, as explored above. Just as "salvation" in the trajectory explored above entails the restoration of a proper hierarchical power relation between God and humans, so the salvation secured by criminalization restores whiteness, property, and patriarchy to godlike power and restores their "others" to their proper subjected place in the pseudo-divine and social order of things. Criminalization thus effects a pseudo-salvation in two senses. First, criminalization effects a pseudo-salvation because it "saves"—in the sense of returning to their proper subjected place in accordance with their allegedly inferior nature, morality, and capacity—those defined and captured as criminals. In so doing, secondly, criminalization "saves" a social order made by and for the possessors and beneficiaries of pseudo-godlike whiteness, private property, patriarchy from the threat of black, other nonwhite, and dispossessed peoples. The salvation of the white supremacist capitalist patriarchal social order is salvation in the sense of deification—specifically, the exclusive self-deification of some at the expense of others. The first is a salvation by what amounts to damnation for those who, it is proposed, are only well when they return to their subjected "place" in the pseudo-divine and social order of things, while the second is a salvation by exclusive self-deification and the criminalizing defense that emerges from it. Just as the pseudo-salvation promised by the penitentiary entailed a near-death-dealing mortification, so the pseudo-salvation of criminalizing, prosecuting, and caging dispossessed peoples is perversely understood as a subjection befitting their natural and moral state, and their inferior place in the order of things. Indeed, just as slavery was understood as the proper state for and even a means of salvation for the enslaved, so criminalization is understood as a means of a kind of salvation—restoration to proper inferior place—for those made subject by it.

This double-valence of salvation—the salvation of "criminals" through a subjection understood to benefit even as it in fact incapacitates them, and the salvation of a social order from those who register as threat to it—helps capture the range of soteriological distortion at work in criminalization. American carcerality and the criminalization central to it is a system in which it is purported that everyone gets saved when in reality very few survive. Even those who seem to benefit from the safety and security that criminalization makes possible for the few are not as secured as they think they are, because the pseudo-salvation (for the social order) that they pursue is an illusion that deals death not only for its others but for those allegedly made safe by it. Moreover, caging does nothing to help transform people who have in fact committed substantive harm.[139] Criminalization manifests a distorted soteriology or pseudo-soteriology, then, in the sense that it inverts the salvation it purports to facilitate in both directions: instead of facilitating redemption by sacrificing for those held captive, it condemns and damns them in order to save the social order made for those constructed as approximating godlikeness; likewise, instead of saving by protecting the managers of the white supremacist capitalist patriarchal social order, it insulates them in an illusory safety that in fact consists of disconnection to the point of spiritual death. The life that criminalization claims to bring is in fact a form of death for the criminalized but also for those who hold the keys.

The name I give to the logic and practice that sacralizes criminalization and carceral containment is the "theo-carceral." I use the term theo-carceral to describe carceral practices that mimic the divine-human power dynamics, subjections, and captivities entailed in predominant Christian theological understandings of sin and salvation, and thereby help frame criminalization

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[139] For a compelling account of how incarceration utterly fails to keep people safe or transform those accused of committing harm, see: Danielle Sered, *Until We Reckon: Violence, Mass Incarceration, and a Road to Repair* (New York: The New Press, 2019).

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in popular social imaginaries as a practice that allegedly expresses God's intentions for societies in a fallen world. The specific elements that comprise the theo-carceral, which I unpack in greater detail below, combine ideas about sin and salvation and deploy them in service of the criminalization of black, nonwhite, and economically dispossessed peoples for the protection—the pseudo-salvation—of whiteness, private property, and patriarchy. In regards to sin, the theo-carceral combines the idea that criminality, like sin, is a refusal to be properly subject or in one's place, and that criminality is a matter not just of isolated unlawfulness but an ontological corruption—what Foucault calls "delinquency"—that produces unlawfulness.[140] Moreover, just as for predominant Christian soteriology the refusal to be subject to God establishes a relation of indebtedness to and guilt before God, so the refusal to be properly subject to pseudo-godlike whiteness, property, and patriarchy establishes a relation of indebtedness and guilt before them. In regards to pseudo-salvation, the theo-carceral combines the idea that the carceral punishment that criminals undergo is a punishment of their own making that "satisfies" a debt that consists of a trespass against pseudo-godlike whiteness, property, and patriarchy, and which is derived not simply from isolated criminal actions, but from a criminal or delinquent ontology,[141] a debt owed not to "God" abstractly but to the godlike power of a social order made by and for whiteness, property, and patriarchy. These features comprise a "theo-carceral" anthropology and soteriology because they are built upon—and in turn contribute to—a presumption of the sacred function of carceral subjection and captivity in the scheme of God's salvific work in the world. Thus, as I argue, elements of the ransom, satisfaction, and substitution theories of atonement as developed by Augustine, Anselm, and Calvin, respectively, synthesize and help shape the undergirding

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[140] Foucault, *Discipline and Punish*, 100, 251.
[141] Ibid.

logic of criminalization and carceral captivity as carried out from the early modern period up to the present moment.

In what follows I explore in greater detail how evolved and distorted deployments of these notions—of the refusal to be subject and corrupted ontology, on the one hand, and the satisfaction of debts and restoration of order, on the other—play out in the criminalization of black, other nonwhite, and economically dispossessed peoples that emerges from the heart of godlike-power-aspiring whiteness, private property, and patriarchy.

The Refusal to be Subject and Corrupted Ontology

From the perspective of the predominant Christian soteriology explored through Augustine, Anselm, and Calvin above, the human condition, the condition of sin, is already one of subjection, of captivity, of enslavement to sin. Indeed, for these thinkers, captivity is at once the condition of sinfulness and the consequence of sinfulness. For Augustine, the condition of enslavement (to sin) is itself a kind of penalty for sin, which resonates with the biblical notion that the condition of sin is its own punishment.[142] In his *Confessions*, Augustine reflects on life before his conversion: submerged "in a whirlpool of vice," he writes, God's "wrath was heavy upon me and I was unaware of it. I had become deafened by the clanking chain of my mortal condition, the penalty of my pride."[143] Enslavement to sin is a self-willed penalty. Elsewhere, Augustine interprets Genesis to suggest that the condition and consequence of sin is not merely enslavement but biological death itself: death is fallen humanity's just punishment for its sinfulness.[144] A kind of death penalty, we might say, is a fundamental feature of God's law: God

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[142] For example: Psalm 7.14-16; Psalm 9.15-16.
[143] Augustine, *Confessions*, 24. Augustine's reference to the clanking chain is a reference to Virgil's *Aneid* 6. 558.
[144] Augustine, "Enchiridion," 672.

commands "obedience under pain of death," under "penalty of death."[145] Up until actual

biological death, Augustine suggests, the condition of sin apart from God's grace is a condition

of exile, of distance, of separation from God, the source of life.[146] For predominant Christian

soteriology, to be human is to be sinful, and to be sinful is to be subject to and even held captive

by the power of evil. But the problem of sin is not subjection or captivity itself, for indeed,

subjection (and even captivity) of a different kind features as a component of the soteriological

remedy to the problem of enslavement to sin. Subjection itself is not a problem; the problem, for

predominant Christian soteriology, is the form of subjection—subjection *to what* or *to whom*?

Much like predominant Christian theological conceptions of sin and salvation, social and

political constructions of criminality in modernity hinge upon the idea that the criminal is one

who refuses to be subject to the good—even sacredly derived—laws that order society and

preserve peace. As seen above, modern legal traditions in the west are built upon the idea that the

law is an inherently moral mechanism that corresponds to and helps materialize God's intentions

for the world, even if only approximately. Those who refuse to submit to it are defined as moral

and material threats to the wellbeing of the rest of us, and to the social order that provides

infrastructure for our wellbeing. In a social and legal order forged and managed by the

possessors of godlike-power-aspiring whiteness, property, and patriarchal power, the law

represents not a neutral tool for objective arbitration between parties but, more often, a tool for

managing the "others" of whiteness, property, and patriarchy whose existence and resistance

register as threat. Criminal law under racial capitalism has been a tool for bringing socially

inferior populations under subjection from its beginnings. After two men were hanged in

England in May 1831 for minor acts of theft, a periodical articulated the intertwining of criminal

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[145] Ibid., 673.
[146] Ibid., 673.

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law and ruling class power: "In England 'law grinds the poor'—and why? The remainder of the line supplies the ready answer—'rich men make the law!' … 'Whoso stealeth a sheep, let him die the death' says the statute: could so monstrous a law have been enacted had our legislators been chosen by the people of England? But our lawmakers hitherto have been our landlords."[147] The law "grinds" those dispossessed of access to land and resources because it is the possessors of property who make it. Likewise, the expansion of chattel slavery at the heart of English colonialism and racial capitalism in the Americas was only possible because it was legal, and legal because it was defended as a morally upstanding—even resolutely Christian—enterprise. After the formal end of chattel slavery, the law—first in the form of the loophole built into the thirteenth amendment and then in an abundance of criminal codes and policies written in its wake—made it possible for the law to continue to be deployed as a tool for race-, gender-, and class-based subordination. As Du Bois writes, black Americans post-Emancipation "came to look upon courts as instruments of injustice and oppression, and upon those convicted in them as martyrs and victims."[148] The law tends to operate in the service of whiteness, property, and patriarchy, which leaves those rendered "other" by whiteness, property, and patriarchy always already vulnerable to being marked as likely or potential outlaws.

We often associate the deliberately unjust deployment of the law with arbitrarily repressive and unlimited power of sovereign kings whose authority was understood to be grounded in divine right. But the modern liberal political framework itself, too, is based in power that has historically been deployed in deliberately inequitable and violent ways. Jean-Jacques Rousseau's doctrine of the social contract deploys notions of obedience and subjection to a benevolent sovereign in ways that have shaped legal conceptions and formations in the modern

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[147] This account taken from and quoted on Timothy Gorringe, *God's Just Vengeance*, 4.
[148] Du Bois, *The Souls of Black Folk*, 107-108.

United States, as well as other western nations. Following thinkers like Augustine, Calvin, Locke, and Hobbes before him, Rousseau helps solidify the idea that civil government and the law it creates help protect against chaos and preserve peace, and that they only work well if all citizen-subjects agree to consent to its authority. For Rousseau, sovereignty is the right over life and death in the sense that a sovereign is one who gives security and liberty—and therefore life itself—to citizens who would otherwise struggle to obtain and maintain it in exchange for obedience to the law and renunciation of limitless freedom.[149] Because the sovereign is the living embodiment of the people's collective will for the good, obedience to the sovereign is obedience to one's own will. As such, one who violates the state's laws literally "ceases to be a member of [his country]; he even makes war upon it," which Rousseau suggests is simply to consent to social—or, when necessary, biological—death.[150] To be a member of society is to consent to the loss of certain freedoms by obeying the law in exchange for protection. Those who disobey the law are therefore understood to antagonize the social order itself, and to consent to a civil or biological death—often in the form of carceral captivity—that, because they already consent to the social contract, they can be said to will for themselves.

The political formations of the ancient world, the medieval world, and the early modern, modern, and present-day worlds are certainly far from uniform. Is it appropriate, then, to suggest that the political-theological reasoning of Augustine and Anselm (and even Calvin) still informs or finds expression in modern and contemporary carcerality in a white supremacist capitalist patriarchal social order? Without claiming that pre-modern thought and practice translate in a

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[149] Jean-Jacques Rousseau, *The Social Contract, and Discourses*, trans. G. D. H Cole (London: Everyman Paperbacks, 1993), 207; Jacques Derrida, *The Death Penalty, Volume 1*, trans. Peggy Kamuf (Chicago: University of Chicago Press, 2014), footnote 20: "In other words, the citizen receives his life from the state, and therefore has no right over his life" (15).
[150] Rousseau, *The Social Contract*, 209.

direct or causal way with modern thought and practice, we can nevertheless discern that the internal dynamics of sovereign power—the power to bring others under subjection, in particular—do not disappear but persist under new forms with the manifold shifts of modernity, making the work of thinking pre-modern political theology alongside the internal dynamics of modern criminalization a reasonable and hopefully fruitful endeavor, so long as we are attuned to how sovereign power complexifies over time. As Foucault argues, sovereignty does not disappear in modernity but is elaborated and repurposed—through what he calls "disciplinary" power and "biopower"—in such a way that subjection remains in play. Sovereignty transfigured in modernity is the power not merely to end life or pardon it but the power to take control of and manage bodies and life in such a way that they can be made useful when needed and slowly eradicated when certain forms of life are deemed either unnecessary or a threat to the maintenance of normative forms of life and the human species as a whole.[151] Subjection in modernity—including and especially carceral subjection—then, is subjection not to a single sovereign, but subjection to the norming and discipling mechanisms of institutions and laws made by and for whiteness, private property, and patriarchy, which, I argue, take shape as self-definitions of exclusive moral superiority, and are embodied in terms of a pseudo-godlike power to transcend, possess, and manage the world.

A predominant purported reason for the law from pre-modern and even to modern eras is that all are fallen and need civil government and the law to preserve peace and prevent the descent into chaos. The reality, however, is that the law has long been applied by godlike-power-aspiring peoples in disproportionate and pseudo-theologically calibrated ways to specific

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[151] Foucault, *Society Must Be Defended*; Michel Foucault, *Abnormal: Lectures at the Collège de France, 1974-1975*, trans. Burchell, Graham (New York, NY: Picador, 2003). See the introduction to this dissertation for more on Foucault's complexification of understandings of power in modernity and its larger influence on my project.

populations—primarily nonwhite and non-propertied—constructed as morally inferior, which is to say that it is *their* fallenness in particular that poses a threat to the social order. Indeed, the criminalization of black, other nonwhite, and non-propertied peoples has long been explicitly and implicitly justified on the basis of the idea that such people are, by nature, more morally corrupted than others, leaving them especially disposed to trespassing against the law that upholds the social and moral order and preserves peace. Criminals, in other words, are those whose criminal ways go as deep as their nature: criminality, like sin, is the result of—or at least an expression of—a corrupted ontology or essence.[152] The "crime" that criminals commit is discerned not as an accidental aberration but as an expression of an ontology disposed to—even held in bondage by—evil.

"Masterless" Men and Women

As we saw in the first three chapters, economically dispossessed peoples have long been constructed as precisely such a moral and criminal threat to the social order. The early modern enclosure movement—which dispossessed people who depended on access to common land for their livelihood—worked by fusing social and economic concerns with theological rationales: wealthy enclosers propagated the idea that privatization corresponded to God's will for the world and the fences and gates that made it material disciplined immoral commoners in the process. Dispossessed of access to land, poor people in modern England between the fifteenth and nineteenth centuries were displaced en masse to urban centers where they were subject to exploitative compulsory labor laws, on the one hand, and brutally punitive vagrancy laws, on the other. Vagrancy laws utilized and further solidified the idea that poverty was a direct result of

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[152] Foucault, *Discipline and Punish*, 100, 251.

poor people's immorality, and thus signaled distance from God.[153] By the end of the seventeenth century, historian Christopher Hill writes, "Labour, the curse of fallen man, had become a religious duty, a means of glorifying God in our calling. Poverty had ceased to be a holy state and had become presumptive evidence of wickedness."[154] In addition to contributing to the idea that poverty is a result of immoral behavior and further encourages it, vagrancy and compulsory labor laws contributed deeply to the longstanding association of poor people with inherent criminality.

Poor people are poor, the theo-carceral narrative goes, because of their immorality, which consists in the refusal to be subject to God's law and the laws of the land that derive from it. And that immorality, that refusal to be properly subject, is precisely what makes them a danger to the social order. The construction of criminality as an expression of the refusal to be subject can be seen in the language that lawmakers and ruling class people used to refer to their inferiors. In early modern England and America, a common term used for underclass and working-class people dispossessed of access to land was "masterless" men and women. Masterless men and women were masterless, first of all, in the sense of existing outside of master-serf or owner-laborer relations. As seen in chapters one and three, the political economy and law of the early modern period, especially in England, required that one either be formally employed or face punishment and/or exile. Masterless men and women were also so defined because they were characterized as inherently disposed to rebellious, disobedient, and even criminal behavior. As

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[153] As Massachusetts minister Charles Chauncey wrote in 1752: "Who are so much noted for the moral Disorder of *Lying* and *Stealing*, as those who have settled into the Habits of Laziness? Their Laziness…reduces them to Straits and Difficulties; and these, as the readiest and easiest Way to supply their wants put them upon…robbing [persons] of their Money, and their Goods." Quoted in Adam Jay Hirsch, *The Rise of the Penitentiary*, 27.

[154] Quoted on Peter Linebaugh, *The London Hanged: Crime and Civil Society in the Eighteenth Century*, 2nd ed (London: Verso, 2006), 14. See also: Christopher Hill, *Puritanism and Revolution: Studies in Interpretation of the English Revolution of the 17th Century* (Harmondsworth: Penguin Books, 1990), 218.

Peter Linebaugh writes, "Idleness meant the refusal of discipline, subordination or obedience."[155] The problem with such immoral and corrupted individuals was, for the elite of society, that their behavior—by refusing individual productivity and seeking alternate, illegal means of survival—threatened the very fabric of the social order itself, and thus the power of white propertied men. The purpose of vagrancy laws—which punished people who failed to obey compulsory labor laws—in the early modern period was twofold: to restore offenders to proper respect for capitalist political economy and private property, and to protect the social order from the threat such surplus populations seem to pose to it, both of which it pursued through concrete mechanisms of subjection—captivity, forced labor, corporal punishment, and even execution.[156] With the advent of captivity as a punishment in its own right, including in the theologically conceived penitentiary, lower class people whose acts of survival were defined in terms of criminality underwent a process intended to save some offenders by putting them back into proper subjection to moral-civil authorities and property owners, whereas for most captured people, the primary purpose of carceral captivity was, as we have seen, incapacitation. In both cases, by restoring criminals to their proper place in the social order, criminalization saved (and saves) the possessors of whiteness and property (and patriarchy) from the threats posed to their pseudo-godlike power. If the sin-as-crime of masterless men and women entails an inherent rebelliousness against the social, legal, and economic order, then restoration or salvation—for both lower-class criminals and those who condemn them as such—entails a return to proper and purportedly benevolent subjection. Criminalization makes that return to subjection possible by means of the quite material subjection of physical capture and carceral confinement.

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[155] Linebaugh, *The London Hanged*, 14.
[156] Ibid.

Slaves of Godlike Whiteness

Poverty or economic dispossession, as we have seen, is not the only category according which people have been defined as inherently disposed to "criminality." Racial capitalism, including the chattel slavery at the center of its centuries-long history, works by exploiting, dispossessing, and criminalizing black and other nonwhite peoples. The originators and managers of both chattel slavery and the mechanisms of racial criminalization that emerged in the wake of slavery's abolition justified the capture of black life through a synthesis of theological and political reasoning. According to many slaveowners, slavery was not just an economic and social good but a moral, divinely sanctioned good. Not only did Jewish and Christian scripture seemingly refrain from ever outright condemning enslavement, slaveowners reasoned, God so ordered the world that different peoples have different natures making them fit for different places and tasks in society.[157] Most approximating divinity, whiteness—and white propertied manhood in particular—was constructed as an eminently moral ontological position characterized by superior capacities for reason, management, and governance. Nonwhiteness, on the other hand, and blackness in particular, were constructed as ontologies at a greater distance from God, and thus always approximating immorality and proximity to evil. Blackness, from such a perspective, means inferior reasoning capacities, animality, sexual insatiability, uncivilized savagery, and a "natural" disposition for manual labor. Indeed, slaveowners went so far as to suggest that because liberal freedom does not suit black nature, it would in fact destroy black people, not to mention the white people that would inevitably live under threat from people living beyond what nature ordains. Simply put, from the perspective of those who forged racial

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[157] Dwight N. Hopkins, *Down, Up, and Over: Slave Religion and Black Theology* (Minneapolis, MN: Fortress Press, 2000); James A. Morone, *Hellfire Nation: The Politics of Sin in American History* (New Haven: Yale University Press, 2003), 169-182.

capitalism and the system of chattel slavery at its heart, whiteness entails freedom, authority, and ownership, while blackness entails—and indeed is made for—subjection.

While many slaveowners held that enslaved Christian salvation was something to which enslaved Africans, as inherently savage and immoral, simply did not have access, others argued that enslaved peoples could indeed be redeemed. This raised the question: if an enslaved person became a Christian, would that dissolve the master-slave relationship? Many colonists held that it was inappropriate for one Christian to enslave another, which helps us understand why some slaveowners argued that enslaved Africans were inherently incapable of conversion, arguably because the conversion of their slaves would mean the end of their profit-yielding plantation enterprise. As historian Katherine Gerbner shows, European missionaries were displeased at the resistance among many slaveowners to allow those they held as slaves to become Christians. In order to bring about more conversion to the faith in the New World, missionaries made the case that not only could enslaved Africans become Christians; their conversion would make them better slaves. Scriptural justification for such a practice was ample, especially in the writings of the Apostle Paul, who elaborated upon neo-Platonic thought to cast the life of the Christian as a kind of "slavery to God."[158] As Chris de Wet shows, the metaphor of slavery to God or Christ was not just a rhetorical flourish but an essential component of Paul's reasoning such that secular subjection and enslavement themselves took on sacred value in the argumentation of subsequent Christian theologians and leaders, as well as subsequent political authorities. To be human is to be subject—the question is, subject to whom? Instead of being slaves to sin, Paul, Augustine,

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[158] Katharine Gerbner, *Christian Slavery: Conversion and Race in the Protestant Atlantic World*, Early American Studies (Philadelphia: University of Pennsylvania Press, 2018).

and many others argue, we should become slaves to Christ. And indeed, many early Christians identified themselves in precisely this way.[159]

The formal end of chattel slavery did not entail the end of the ideologies and theologies that undergirded and helped justify it. Just as the proponents and beneficiaries of chattel slavery in the United States viewed that institution as not only an economic but a moral, divinely sanctioned good that brought African peoples under the subjection for which they were allegedly made, so the same ruling class elites with power after slavery's end synthesized political and theological rationales to legitimize the system of criminalization that emerged out of the formal elimination of chattel slavery. If black people were made for subjection, and if the smooth maintenance of the social order depended upon it, then the abolition of the system of subjection and exploitation called chattel slavery posed a serious threat to the white supremacist capitalist patriarchal social order that needed that subjection in order to operate at all. Racial criminalization helped re-establish the black subjection to white authority that chattel slavery no longer could. Elaborating conceptual and material resources from both chattel slavery and earlier capitalist criminalization in early modern England and colonial America, the managers of racial capitalism in the wake of slavery's abolition deployed multiple means to return black people to states of subjection understood to benefit not only the managers of white supremacist capitalist patriarchy but black people themselves. One of those means was vagrancy laws, which utilized and developed earlier legal codes from England and the American colonies. Implying an equivalency between idleness, propertylessness, unemployment, and immorality, vagrancy laws in the wake of the Civil War provided a means for funneling black people into sharecropping,

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[159] Gerbner, *Christian Slavery*; Chris L. De Wet, *Preaching Bondage: John Chrysostom and the Discourse of Slavery in Early Christianity* (Oakland, CA: University of California Press, 2015), 46-51.

convict leasing, and prison farms en masse.[160] Policing as we know it in the United States

emerged in significant part out of the legal work of capturing and confining black people,

returning them to their "proper" place—exploitable subjection—in the social order, and in so

doing securing and maintaining the power of a whiteness understood to be an approximation or

channel of power of godlike, world-encompassing proportions.

Saving the Social Order

The pseudo-salvation of criminalization "saves" by restoring inferior peoples to their

proper place, and in so doing "saves" the social order purged of the threat they seem to pose. In

the wake of the Civil War and the formal abolition of slavery, "Reconstruction" was a

coordinated effort to re-enfranchise black Americans who had, for generations, been

disenfranchised, exploited, and oppressed under chattel slavery. Striving to forge pathways for

formerly enslaved black Americans to gain economic stability and even political power,

Reconstruction was ultimately short-lived in a nation born out of racial capitalist aspirations. The

former planter class of the southern United States resented and opposed Reconstruction

vehemently. According to twentieth century segregationist southern historian E. Merton Coulter,

giving black people economic and political power was a "diabolical" endeavor.[161] The religious

overtone of such a claim should not surprise given the religious language that permeated chattel

slavery and later the white southern opposition to Reconstruction that laid the groundwork for

the Jim Crow era. Most prominent among the widely recognized religious language deployed in

the late nineteenth and early twentieth centuries by white supremacists clinging to their power

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[160] Alex Vitale, *The End of Policing* (New York, NY: Verso, 2017), 47.
[161] Eric Foner, *Reconstruction: America's Unfinished Revolution, 1863 - 1877*, Updated edition, New American Nation Series (New York, NY: HarperPerennial, 2014), xviii.

was the pursuit of southern "Redemption." For the former managers and beneficiaries of chattel slavery, "redemption" meant the elimination of Reconstruction, the usurpation of political leaders who facilitated it, and returning recently freed black Americans to states of social, economic, political, and cultural subjection to white power. Furthering the long tradition of fusing whiteness and Christian-ness, whiteness and inherently moral superiority, white southern Christian elites in the wake of the Civil War and Reconstruction secured the godlike power of whiteness by quite concretely damning black Americans, including through vagrancy laws that criminalized and captured them for the benefit of the white ruling class. As historian Charles Reagan Wilson puts it, the fact that white southern ministers and white supremacist politicians of the late nineteenth and early twentieth century used the term "redemption" to describe the maintenance of white southern dominance indicates the desire for a kind of "collective salvation for the region's hegemonic group."[162] The redemption of a social order made for white propertied men (and women) required that freed black people return to some form of subjection. White redemption is black damnation. Carceral laws and institutions including vagrancy laws, black codes, convict leasing, the penitentiary, and prison farms—all legitimizing a new kind of enslavement with the help of the thirteenth amendment—helped materialize the black subjection that the racial capitalist order in the wake of slavery's abolition required.

Theo-carceral reasoning, as we have seen, pervaded theological-political justifications of chattel slavery: white people are naturally and morally superior owners and managers who approximate godlikeness in both the scope of their power and their (constructed) ontological purity, while black people are naturally and inherently inferior creatures made for subjection

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[162] Charles Reagan Wilson, "The Morality-Driven South: Populists, Prohibitionists, Religion, and V. O. Key Jr.'s *Southern Politics*," in Angie Maxwell and Todd G. Shields, eds., *Unlocking V.O. Key Jr: Southern Politics for the Twenty-First Century* (Fayetteville, AR: University of Arkansas Press, 2011), 11-12.

that, because it suits their nature, benefits them at the same time that it benefits their possessors. Likewise do criminalization and carceral imprisonment—"afterlives" of chattel slavery—operate on the basis of a version of the same theological-political logic: because criminality is a manifestation of a failure to be subject to the morally grounded law of the land, the remedy is carceral subjection that restores people to their proper place in the order of things, namely, subject to the pseudo-godlike possessors of whiteness, property, and patriarchy. Carceral containment, therefore, is posed as a moral good both for those holding captive and those held captive.

In the end, the primary "good" that criminalization and carceral captivity brings about belongs to the social order purged of those whose existence and presence register as threat or at least potential threat. The language of moral impurity or pollution is a feature of predominant Christian soteriological rhetoric on the nature of sin and what takes place in salvation-by-subjection. As noted above, Anselm describes the ruined state of humanity in terms of a pearl dropped in mud; God, figured as a wealthy man, would not put the pearl back in his purse until it is cleansed of its "filth," the implication being that it would contaminate those clean pearls with which it comes into contact. Similarly, Calvin argues that the condition of humanity is a corrupted or "polluted" state, which subsequently condemns us, and warrants punishment. The logic of purity and pollution finds expression in the long history of anti-black criminalization in the United States. In a world where whiteness—and property and manhood—are understood to be something like divine, blackness, and particularly blackness unrestrained, poses a moral threat. Religious ethicist Rima Vesely-Flad argues that blackness has been constructed in western society as a kind of "social pollution" that has been framed in fundamentally "moral terms" from the start, the result of which is that "Black people are constructed as internal

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enemies that threaten the moral foundations of white, Christian, democratic, capitalist nations."[163] If black people constitute a form of "moral pollution" that threatens the purity of a social order that revolves around whiteness, then carceral institutions that criminalize and confine disproportionately high numbers of black people are best understood as pseudo-salvific mechanisms for protecting that social order.[164] The widespread idea during the nineteenth century that black people were "intellectually and morally degraded" provoked anxiety in white elites in both the north and south concerned about the inevitable threat such people pose when left free and uncontrolled. Carceral institutions including the penitentiary, Vesely-Flad argues, were posed as moral solutions to the threat of moral pollution that free black people posed in a world made for whiteness.[165]

Much like Vesely-Flad, womanist theologian and ethicist Kelly Brown Douglas argues that the myth of Anglo-Saxon exceptionalism and white supremacy at the heart of the American project is an essentially religious phenomenon. As outlined in chapter two, whiteness came into the world and persists as an aspiration to—and claiming of—godlike power. In Douglas's words, American Anglo-Saxons at the birth of the nation "came to believe that they essentially had divinity running through their veins," making whiteness "the key to salvation" and nonwhiteness "an offense against God," and blackness in particular "an expression of sin."[166] A consequence of the theological construction of whiteness and nonwhiteness, Douglas argues, is that black bodies come to be viewed not simply as inferior to white bodies but as threats to them. Constructed and theologically legitimated as chattel, as hypersexual, and eventually as

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[163] Rima Vesely-Flad, *Racial Purity and Dangerous Bodies: Moral Pollution, Black Lives, and the Struggle for Justice* (Minneapolis, MN: Fortress Press, 2017), 3.
[164] Ibid.
[165] Vesely-Flad, *Racial Purity and Dangerous Bodies*, 31-32.
[166] Douglas, *Stand Your Ground*, 42-43.

fundamentally dangerous criminals, the myths of Anglo-Saxon exceptionalism and white

supremacy require that black people be defined by and confined within a state of guilt. Built on a

distorted natural law "theo-ideology" that defines the (white supremacist) world as it is as the

natural order of things corresponding with God's eternal law, the religion of white supremacy

first took hold of black people in the form of chattel slavery, which was widely justified as a

reflection of God's desire for the world: black people's nature determined that they belonged in

subjection, both for their sake and the world's. Likewise, if white people are naturally reasonable

and gifted with capacities for governance and management, then their possession of enslaved

Africans as property is simply a reflection of God's intentions for the world.[167] Under such an

arrangement, Douglas writes, a "free black body [is] a sinful black body."[168] Black existence

both under and after chattel slavery was also shaped by theological constructions of black people

as hypersexual: black men are "predatory bucks," sexually insatiable, and black women are

"Jezebels…sexual temptresses always thirsting for sex." Built on the philosophical and distorted

theological idea that white people "are ruled by their reason" while black people "are ruled by

passion," the construction of black hypersexuality was a cornerstone of the sexual violence of

forced reproduction during slavery and a cornerstone of anti-black lynching and criminalization

after it.[169] If nature holds that black people are inferior in a social order made for white security

and power, Douglas writes, then a free black person is always already a danger—a danger

captured precisely by the term "criminal."[170] In an America ordered by the distorted theological

myth of Anglo-Saxon exceptionalism and white supremacy, the condition of blackness is a

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[167] Ibid., 52-64.
[168] Ibid,, 58.
[169] Stacey M. Floyd-Thomas, "Plato on Reason," in *Beyond the Pale: Reading Ethics from the Margins*, ed. Stacey M. Floyd-Thomas and Miguel A. De La Torre (Louisville, KY: Westminster John Knox Press, 2011).
[170] Douglas, *Stand Your Ground*, 68-86.

condition of presumed and perpetual guilt.[171] If black people are always already guilty, then white people—those with "divinity running through their veins"—and the security of the world they live in requires carceral mechanisms of punishment and containment.

Theo-Carceral Individualization

For theologian T. Richard Snyder, the "punitive ethos" of American society is a manifestation of two theological distortions. The first is the absence of a sense of the grace that pervades God's good creation and a subsequent overemphasis upon "the fall, original sin, and total depravity."[172] The second distortion, related to the first, is that "the process of redemption grace is understood almost exclusively in individualistic internalized, non-historical terms."[173] Combined with a hegemonic culture of white supremacy arranged according to superiorities and inferiorities that pervade every aspect of life in the United States, these theological distortions of sin and salvation usher in a carceral system that punishes and disposes of those defined as hopelessly unredeemed—and perhaps even unredeemable—"wretches."[174] The consequence of transmuting categories of "fallen" and "redeemed" according to racialized ontologies is deadly, as histories of the modern west make clear. As Snyder writes, "The classifications of 'fallen' and 'redeemed'—understood in reference to essential being and not simply in reference to behavior—serve as a way to divide the human race into persons and 'non-persons.'"[175] Because the possessors of whiteness, property, and patriarchal power have long extricated themselves from the sinfulness entailed in traditional accounts of Christian anthropology, constructing

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[171] Ibid., 86-89.
[172] T. Richard Snyder, *The Protestant Ethic and the Spirit of Punishment* (Grand Rapids, Mich: Eerdmans, 2001), 11.
[173] Ibid., 12.
[174] Ibid., 13, 54.
[175] Ibid., 47.

themselves as approximations or manifestations of a *dei* devoid of the sin they believe characterizes their raced, classed, and gendered others absolutely, those others are likely to register as moral and social threat. From early modernity to today, the form of that threat is often posed in terms of the need to be held subject or captive for the sake of both those held captive and the social order they would threat if unrestrained.

The individualization of soteriology in its carceral manifestation arguably began in the early modern period in which the atomization of the human self first took root and gave way to the isolated, possessing and self-possessing individual as the normative conception of personhood. The idea that "criminality" is ultimately a matter of the individual's corrupted ontological status—in isolation from other social realities—before God helped forge carceral punishment in modernity and continues to impact the manner in which it is carried out today. In more recent times, one prominent religious figure who significantly impacted not only religious interventions in the lives of prisoners—"prison ministry," as it is often called—but the logic of present-day carcerality more broadly, is Chuck Colson, who founded Prison Fellowship in 1976 after serving time for his role in former President Nixon's Watergate scandal. For Colson, the problem of crime is the problem of individual immorality and sin, end of story. Rejecting any contextualized consideration of so-called crime, far less any consideration of the idea that the construction of criminality is applied disproportionately to black, other nonwhite, and poor people, Colson believed in a kind of "restorative" justice, by which he meant justice that facilitates individual moral conversion.[176] As Colson writes, "The problem is not education, the problem is not poverty, the problem is not race; the problem is the breakdown of moral values in

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[176] Restorative justice in the sense Colson uses it is quite distinct from other conceptions of restorative or transformative justice, as I explore in the final chapter.

the American life, and the criminal justice system can respond."[177] For Colson and the evangelical prison ministries he helped spawn, "crime" is a manifestation of the individual's corrupted moral state in a culture that has lost respect for the rule of law. For Colson, the rule of law derives from God's natural law and plays a crucial role in protecting and maintaining order against unchecked criminal impulses that are inevitable in a fundamentally sinful world. While Colson believes punishment is an important part of criminal justice, he believes that the real answer to the problem of criminality—which, again, he takes for granted as a coherent and legitimate category—lies in individual moral transformation, a "restoration" of respect for God's law.

While Colson distinguishes his approach from that of conservative tough-on-crime lawmakers and commentators, he nevertheless works from the same individualized anthropological presumptions that they do. Emerging at the same time that Colson was developing new forms of prison ministry, modern neoliberal thought and broken windows policing both operate on the basis of the same individualized conception of "criminality" that rejects the idea that "crime"—real or fabricated—committed by underclass and working-class individuals derives from anything other than those individuals' immoral behavior. As William Bratton, who helped develop and implement broken windows policing across the globe, put it: "The cause of crime is the bad behavior of individuals…not the consequence of social conditions."[178] As Snyder makes clear, individualized conceptions of personhood that emphasize depravity without consideration of social forces or social construction in a culture of hegemony tend to breed carceral systems that incapacitate not "lawbreakers" generally but black, other

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[177] Quoted on Gilliard, *Rethinking Incarceration*, 109.
[178] Quoted on Loïc Wacquant, *Prisons of Poverty*, Expanded ed (Minneapolis: University of Minnesota Press, 2009), 23.

nonwhite, and economically dispossessed "lawbreakers" in particular, whether they have committed real harms or not. And as I have argued, the idea of law-breaking itself cannot be taken for granted but demands critical interrogation because the law itself is not objective or neutral but has for so many centuries been used as a tool for incapacitating and bringing under subjection peoples defined as ontologically inferior threats to "our" collective wellbeing.

Paying Debts, Punishing Insubordination, Restoring Law and Order

The relation between God and humans under the condition of sin is a relation of obligation or indebtedness, on the one hand, and a relation of condemnation or guilt, on the other. Though this human-divine indebtedness and guilt are distinct they are ultimately inseparable. Like the divine-human relation, the relation between godlike whiteness, property, and patriarchy and their fundamentally finite, sinful, and criminal "others" entails both indebtedness and condemnation. Much as for Christian soteriologies of subjection, the black, nonwhite, and economically dispossessed refusal to be subject or in one's proper place—subtly framed as a manifestation of a corrupted ontology—creates a relation of obligation or indebtedness, on the one hand, and a relation of condemnation, on the other. Again, this relation of debt or condemnation is a matter not of isolated actions but ontological essence: the problem is not first what black, nonwhite, and economically dispossessed people do, it is who and what they are—or, more specifically, what they are defined or constructed to be.

It is important not to forget that whiteness, private property, and patriarchy "create"—in the sense of constructing—the enemies by which they perceive themselves to be threatened. Whiteness, private property, and patriarchy are, at their core, exclusive phenomena, and thus fundamentally threatened, as I argue in chapters one and two. Existing as fundamentally

threatened, they orient themselves to the pursuit of safety at any cost—a safety that is illusory because it is safety from a threat that has emerged from their own illusory quests for infinite power over others and the world itself. As such, it is not the actual refusal to be subject but the construction of the idea of that refusal as an essential feature of inferior populations' personhood that creates a relation of obligation or indebtedness. These relations of raced, classed, and gendered indebtedness and condemnation, then, are not a byproduct of black, nonwhite, and dispossessed people refusing to be properly subject; they are a byproduct of whiteness, property, and patriarchy establishing a deliberately inequitable arrangement in which they seek to claim godlike power at the expense of those they render other. Despite the predominance of narratives to the contrary, the relation of obligation between allegedly immoral and fallen black, nonwhite, and economically dispossessed peoples, on the one hand, and the godlike possessors and beneficiaries of whiteness, property, and patriarchy, on the other, is an arrangement forged by the latter, not the former.

And yet, despite the fact that whiteness, property, and patriarchy themselves establish the relation of debt and condemnation, they nevertheless require satisfaction in the form of either recompense or punishment, which, when accomplished through mechanisms of carceral captivity and incapacitation, restore "order" insofar as "order" refers to situations in which white, propertied men (and women) maintain their power and "safety" while black, other nonwhite, and non-propertied people are returned to "their" place at the bottom of the social ladder, and indeed kept at bay by way of cages altogether. Criminalized peoples always already exist in a relation of debt and condemnation before white propertied men and women, not simply through alleged lawbreaking, but by being at all in a world made for whiteness, property, and patriarchy. Criminality in such a world consists in stepping out of one's place. To exist outside of one's

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subjected place in that order is to trespass not just against the law but against the strictly

hierarchical relation that manifests in part through the law. In Anselm's language, the crux of sin

consists in "dishonoring" God. Likewise, the crux of criminality in a white supremacist capitalist

patriarchal social order is to dishonor the godlike-power-aspiring possessors and beneficiaries of

whiteness, property, and patriarchy by breaking or resisting their laws, or simply by existing as

free, self-determining selves at all.

Much like for Christian soteriology, salvation achieved by carceral means is about

restoring the proper hierarchal order of things characterized by deliberately disparate allocations

of power. Restoring this order generates—because it requires—carceral captivity. Just as salvific

order is restored in Christian soteriological thought through a satisfaction of debt or punishment

for condemnation, so carceral captivity has long been posed as a means by which people who

have trespassed against the law "pay their debt to society" through punishment and/or some form

of recompense. The premise of this widely used metaphor is that criminality entails trespass

against not only the law itself but the social order that those laws preserve: the idea is paying

one's debt not just to the law, but to society itself. The notion of paying one's debts to society

helps clarify that criminality—just as sin for predominant Christian soteriology—is a state not

only of condemnation but a relation of obligation: just as to trespass against God is to place

oneself in a relation of obligation to God, so trespassing against the social order is to enter a

relation of obligation to the social order and the law that upholds it. The corruption of the will,

which produces sinful and criminal acts, both establishes debt and condemns, both of which

entail captivity. Historically speaking, the notion of debt always entails some notion of bondage:

the obligation entailed in being indebted to someone is a kind of relational bondage, and in many

cases throughout history, physical captivity has been used as a temporary remedy and/or

punishment for one's inability to pay what one owes to another. To be indebted, to be condemned—to be either is to be made subject for the sake of a version of "justice," and often to be held captive in quite concrete ways.

Theologian Timothy Gorringe explores the theological concepts of satisfaction, debt, and punishment in relation to criminal justice practices from ancient to medieval to modern eras. To begin with, Gorringe points out, in Jewish and Christian scripture, the notions of propitiation and expiation for sin share a common etymological and conceptual ancestry with the idea of "satisfaction," which is itself associated with notions of cleansing.[179] Likewise, in Jewish religion and culture, the concept of atonement—"at-one-ment"—is understood to be a means of restoring order in the wake of the moral pollution of sin.[180] One place we see this overlapping of concepts at work in scripture is in the two predominant translations of the Lord's Prayer from Luke 11.2-4. Some versions translate what humans ask God to forgive—and which humans forgive of one another—as "trespasses" while other versions use the word "debts." "Trespasses" seems to imply a more juridical and perhaps geographical frame of reference while "debts" seems to gain its coherency by reference to an economic rationale. And yet, the distinction may not be as thoroughgoing as the terms seem to indicate upon our hearing in English today: historically speaking, beginning in the ancient world and continuing into modernity, trespass and debt express two aspects of the same reality because moral or legal trespass, by definition, entails a relation of obligation—owing something to the one against whom one has offended through one's actions.[181] Moral trespass establishes an obligation that is like the obligation called "debt,"

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[179] Gorringe writes: "The Hebrew word group translated by 'propitiate,' 'expiate,' or even occasionally 'atone' is grouped around the noun *kopher* – what would later be called satisfaction, or *wergild* – and the verb *kipper*. The verb is, Driver notes, a denominative meaning 'to perform an expiatory ceremony,' and is closely associated with 'to be clean' or 'to cleanse' (*taher*)." Gorringe, *God's Just Vengeance*, 37.
[180] Gorringe, *God's Just Vengeance*, 36-37.
[181] I explore this further in chapter five.

and indeed moral trespass, properly speaking, often includes or even simply *is* a state of actual economic indebtedness. While "trespasses" and "debts" seem significantly different, their difference is only in where they place emphasis, as opposed to a radical difference: trespass—against God, against the law, against sacred property—places one in a relation of indebtedness to God, authorities, and property holders that entails captivity, a captivity that might end only when the debt is paid, whether through economic payment, service, or carceral punishment, each of which facilitate the criminal's return to their proper subjected and inferior "place" in the moral and social order of things.

As we have seen, the intertwining of notions of propitiation, expiation, satisfaction, and cleansing continue beyond scripture and into the theological thought of Augustine, Anselm, Calvin, and others. For Augustine, sin is disobedient pride, a self-satisfying orientation that entails the refusal to be properly subject to a just, beneficent, and sovereign God. Because sin is that which takes "hold against what is lawful,"[182] the entirety of humanity lives under a state of condemnation. This refusal to be subject to God results in subjection to the sin and evil—which is to say the Devil—that are the opposite of God. Being subject to sin, for Augustine, means being held captive in the same sense as one held captive by or for a debt one owes: indebtedness and condemnation are two ways of talking about the same thing. In Augustine's soteriology, Christ "saves" humans by making a valuable propitiatory or atoning payment in the form of his blood, which is of so great a price that the Devil has no choice but to set humans free. This is precisely the meaning of redemption: buying back debtors from those to whom they are held captive.

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[182] Augustine, *On the Trinity. Books 8-15*, 124.

Following Augustine, for Anselm, sin is the failure to be subject to and give God the honor that God, as divine sovereign, is due. Because it entails failure to give honor and be subject, sinfulness is a condition—a relation—of indebtedness: humans owe God for the dishonor and injustice they have committed against God through their sin.[183] If humanity's debt is not paid, then humans go on orienting themselves as though God is not sovereign, which is to sin. This sin condemns humans, who, in the absence of just recompense to the God we dishonor with sin, are deserving of punishment: "either the honor which has been taken away should be repaid, or punishment should follow."[184] Anselm's entire soteriology operates, much as Augustine's before him, on this basis of the presumption that "[i]t is necessary that either satisfaction or punishment must follow all sin,"[185] which, according to Gorringe, was a basic presumption of the predominant eleventh-century Roman-influenced legal logic with which Anselm was well affiliated.[186] This presumption is the presumption that retribution—a dimension of a predominant conception of justice—is a basic and necessary feature of the divine and human order of things. As Gorringe points out, retribution for Anselm is not about abiding rigidly to the letter of the law, but about preserving order: "When honour is breached in the social order, satisfaction is demanded, not so much to fulfil the demands of some abstract 'law' as to restore that breach, make things whole again."[187]

While order-preserving recompense—payment for a debt—does not by necessity require penal retribution, it is related to it insofar as Anselm sees it as one of two options that re-establishes order in the wake of the rupturing of proper hierarchical relation: "either punishment

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[183] Anselm, *Why God Became Man*, 383.
[184] Anselm, *Why God Became Man*, 287.
[185] Anselm, quoted on Gorringe, *God's Just Vengeance*, 94.
[186] Gorringe, *God's Just Vengeance*, 95.
[187] Ibid., 94.

or satisfaction."[188] Why must this be the case? In Gorringe's words, "God cannot simply will to treat evil as good, because this would deny the righteousness which is his essential nature."[189] Importantly, while Anselm's treatment of the question of satisfaction borrows from political and economic frames of reference, the scope of his interest is of course more cosmic in nature. In Gorringe's words, Anselm's question is about "how satisfaction can be made, and integrity be restored, when the offence is against an infinite being," the problem being that humans, being human, are incapable of paying God what we owe, which is "everything."[190] Much like the debt that humans owe God, black and dispossessed peoples are constructed in a white supremacist capitalist patriarchal social order as always already guilty and obligated to godlike whiteness, private property, and patriarchy, especially when they commit "crime." Much as for predominant Christian soteriology, for carceral soteriology, the ontological and agential offenses of blackness, nonwhiteness, and economic dispossession are offenses against pseudo-infinite principalities and powers. Just as dishonoring God through sin requires "either punishment or satisfaction," so dishonoring godlike whiteness, property, and patriarchy through ontological and agential "criminality" requires the same. Criminalization and carceral captivity are means by which the possessors of whiteness, property, and patriarchy re-establish the order they create and from which they benefit.

Anselm's soteriology marries the juridical and the economic—condemnation and indebtedness—in that it hinges on a sense of justice as proper payment for a debt, or reparation. Salvation in Anselm's theology entails the God-Man Jesus paying humans' debt on humanity's behalf, thereby satisfying God's justice. As with all forms of debt, the debt of sinfulness holds

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[188] Anselm, quoted on Gorringe, *God's Just Vengeance*, 95.
[189] Gorringe, *God's Just Vengeance*, 93-94.
[190] Ibid., 95.

humans captive. Jesus's satisfaction of God's justice releases humans from their debt, setting

them free from their state of captivity, thereby freeing them *for* proper subjection to God.

The equivalency between indebtedness, guilt, and the need for satisfaction of both

persisted well beyond Anselm's time. Indeed, while many read the more thoroughly penal

framework of Calvin to be a distinct break from the thought of Anselm and others before him,

there are arguably more continuities than are often recognized. According to Gorringe, what

Anselm "bequeathed to posterity was the insight that atonement and a retributivist view of

punishment belonged together." Helping to spawn a vision of Christ's crucifixion based in

retributive satisfaction, Anselm's influence shaped "the 'structures of affect' of Europe for five

hundred years, and in so doing…pumped retributivism into the legal bloodstream."[191] Far from a

purely theological debate, Gorringe argues, "satisfaction theory played an important ideological

role. It represented a construal of the crucifixion, by no means inevitable, which reinforced

retributive thinking, according to which sin or crime have to be punished, and cannot properly be

dealt with in any other way."[192] As such, the retributive soteriology that is often associated more

with Calvin is arguably not a break from but an elaboration and continuation of Anselm's

thought. While Anselm's soteriology was framed by "the restoration of order" achieved by

"compensation" in the wake of "personal injury," Gorringe writes, Calvin's soteriology

expresses a fundamental concern with "the vindication of the law," achieved through

punishment.[193] While Anselm's soteriology does not entail a God-Man who must be punished, it

does build off the presumption that punishment is a legitimate and even sacred possibility as a

remedy for restoring some sense of order in the wake of dishonor, debt, or condemnation. The

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[191] Ibid., 224.
[192] Ibid., 7.
[193] Ibid., 139-141.

same goes for Calvin, who does not so much depart from Anselm and other predecessors as shift their emphasis to the penal. Following and elaborating upon both Augustine's and Anselm's work, for Calvin, the hereditary corruption of human nature started in Adam places humans under condemnation. God "wills not to destroy in us that which is his own," but as sinners "we cannot be completely received" by God, and so some atonement or expiation is necessary. This atonement comes through Christ interposing himself as substitute, "undertaking our expiation" by taking our punishment upon himself, and so with his blood expiating our sins and making us righteous and clean before God.[194] Christ's servant obedience to God—which takes the form of being a servant in voluntary *subjection* to the Father's will[195]—satisfies God's justice and thereby pays humans' deliverance, making Christ's death a propitiation, a sacrifice. In Calvin's words, Christ "substituted himself in order to pay the price of our redemption"—"he by his death purchased life for us."[196] Christ's blood is a propitiation that cleanses and purges our "defilements." Christ became a curse and took our condemnation. His condemnation becomes our acquittal, and his curse our blessing. Christ's self-sacrifice expiates, appeases, and satisfies the retributive justice that is central to God's nature and the world God has created.[197]

If a retributive theo-logic is nourished in Anselm, it comes to fuller fruition in Calvin. Solidifying the presumption that wrongdoing—or, more precisely, corrupted ontological wrong-being—demands some form of retribution that satisfies the relation of obligation and/or condemnation that has been established by it, Calvin's theology of atonement, taken up, elaborated, and deployed by the architects of criminal justice in the modern west, has contributed to a social imaginary in which crime and criminality necessitate punishment. As the theologian

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[194] Calvin, *Institutes of Christian Religion*, 325.
[195] Ibid., 327.
[196] Ibid., 329.
[197] Ibid., 341.

William Paley, who lived roughly two hundred years after Calvin, put it, "By the satisfaction of justice, I mean the retribution of so much pain for so much guilt; which is the dispensation we expect at the hand of God, and which we are accustomed to consider as the order of things that perfect justice dictates and requires."[198] Understandings of divine retribution and penal retribution may be distinct, but they are ultimately mutually informative, and in quite concrete ways. As Gilliard puts it, "The ethos of penal substitution has been inscribed within the United States criminal justice system." Since all crime is sin, and an "affront to God," "all crime must be both punished and atoned for."[199] Informed by aspects of ancient, medieval, and early modern political rationales that, when incorporated as cornerstones of theological reasoning, in turn sacralize and legitimize social and political and carceral arrangements, penal substitution theories of atonement—and arguably the satisfaction theories that inform them—"[substantiate] the notion that justice is served when someone suffers and pays the penalty for a relational violation."[200] As such, punishment takes on the status not only of necessity but virtue.[201] Gilliard argues that contemporary evangelical Christianity takes for granted and thereby helps proliferate not just a theology but an approach to carceral ideology and practice based in retribution: "crime is sin," the narrative goes, "and sin fosters unrighteousness and separation from God, provoking God's wrath. God's wrath then necessitates punishment, and punishment leads to accountability, transformation, and ultimately reconciliation." In addition to the harm it helps produce, Gilliard

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[198] Quoted on Gorringe, *God's Just Vengeance*, 1.
[199] Gilliard, *Rethinking Incarceration*, 156.
[200] Ibid., 156. Gilliard makes more of a distinction between Anselmian satisfaction and Calvinist penal substitution than I think necessary, given the intertwined logics of satisfaction and punishment that Gorringe makes clear. Indeed, penal substitution itself can be said to "satisfy" God's inherent righteousness, which shows that "satisfaction" and "punishment" are not as logically (and theologically) distinct as Gilliard at times presumes.
[201] Ibid., 156.

argues, the problem with penal substitutionary atonement like Calvin's is that it reduces and

"forsakes the embodied life, ministry, and relationships of Jesus…to punitive surrogacy."[202]

It is certainly possible to read Calvin (and for that matter Anselm and Augustine and others) as suggesting that since vengeance belongs to a just God, it does not belong to humans to carry out the work of exacting violent satisfaction for wrongdoing and wrong-being. And yet, the history of carcerality in the modern west is indeed one in which some humans aspire to pseudo-godlike power at the expense of others defined as inherently distant from God, an aspiration that almost inevitably entails violence. The vengeance that allegedly belongs only to God has, throughout history, very much belonged to humans exercising forms of power that approximates or mimics divine power. Thus, despite whatever promise satisfaction or substitutionary theologies of atonement might have if they are understood to describe dynamics that only take place in and through God, the reality is that they both derive from and in turn help shape earthly relations that have brought about death and suffering on an immense scale. In order to show the precise way soteriological thinking lends itself to historical formations, Gorringe reads and expands upon Rene Girard's reading of the scapegoat mechanism. Girard's argument is that while Christ died to expose the scapegoat mechanism, his death instead became a legitimation of it, and was subsequently weaponized against Jewish people. Gorringe extends Girard's argument by arguing that the figure of the scapegoat in early modernity expanded to include economically dispossessed peoples, those defined as inherently idle, vagabond, and criminal:

> For eighteenth- and nineteenth-century Christian society the prisoner was the scapegoat. To pay for their sins prisoners needed to be expelled, transported, locked out of sight behind walls, prevented from human contact, hanged. That the answer to violence in the community is the violence of sacrificial death is taught Christian society by its faith. *Criminals die to make satisfaction for their sins as Christ died for the sins of all.*[203]

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[202] Ibid., 159.

[203] Gorringe, *God's Just Vengeance*, 27. Emphasis mine.

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As we saw in chapter three, early agrarian and later industrial "accumulation by dispossession" and the criminalization it catalyzed eventually came to North America by way of theologically legitimized colonialist expansion. My argument is that criminalization is not simply a means of punishing people who commit crimes but of defining some people as inherently criminal in order to justify incapacitating them and in so doing defending and securing the possessors and managers of godlike-power-pursuing whiteness, property, and patriarchy from those who register as threats to them. As Gorringe, engaging Durkheim, argues, criminal punishment is a mechanism of societal defense that is most concerned not simply with vengeance but expiation.

> Behind the notion of expiation is the idea of a satisfaction rendered to some power, real or ideal, which is superior to ourselves. 'When we demand the repression of crime it is not because we are seeking a personal vengeance, but rather vengeance for something sacred which we vaguely feel is more or less outside and above us.' Penal law always has a stamp of religiosity because the collective sentiments represent not us but society. It is society and not ourselves we are avenging.[204]

As such, Gorringe argues, punishment cannot be understood by reference to rehabilitation or deterrence alone, but by a retribution that is not arbitrary or meaningless but societally satisfactory in the sense of exacting pain—even the pain of permanent incapacitation—for a guilt that, unpunished or unsatisfied, threatens the very order of things.[205]

This being the case, the language of "paying one's debt to society" is not just a rhetorical flourish but a precise way of describing the *why* of criminalization and carceral captivity, insofar as we understand "society" to refer to white supremacist capitalist patriarchy. As such, the payment that criminalized peoples pay when they "pay their debts" through carceral captivity is payment to the white supremacist capitalist patriarchal social order itself. For predominant

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[204] Ibid., 54-55.
[205] Ibid.

Christian soteriology, subjection satisfies justice and restores order. The same goes for the pseudo-soteriology of criminalization. The difference is that paying one's debt through incapacitating, death-dealing carceral captivity satisfies not "justice" in an objective or neutral sense but "justice" defined as an order in which whiteness, property, and patriarchy are superior to and in possession of godlike power over those they render other, which is achieved in significant part through mechanisms of subjection. Criminalization and carceral captivity satisfy this need in the sense that whiteness, property, and patriarchy are inherently exclusive powers, meaning they are powerful only when those they construct as their inferior others are disempowered and made exploitable. The notion of the satisfaction of debt in Christian soteriology is rooted in God's justice and benevolence toward humanity: the satisfaction of debt restores humanity to life-giving subjection and in so doing justifies humanity before God, in the sense of restoration to right relation—reconciliation. The pseudo-soteriology of criminalization is likewise rooted in a purported sense of justice, but one that is in fact a distortion of justice: the "payment" of debt for carceral soteriology "satisfies" not in the sense of freeing and reconciling but in the sense of restoring inequitable power relations in perpetuity. What whiteness, property, and patriarchy desire is not restored relation between themselves and those they construct as their inferiors, but the maintenance of a deliberately inequitable, exploitative, and violent relation. This helps explain why people who have "paid their debt to society" by completing their sentence in prison are not freed from a relation of obligation and condemnation, but continue it in through ongoing disenfranchisement and dispossession through housing, employment, and other forms of discrimination post-release.

Criminalized peoples pay their debt to society in perpetuity. Indeed, in a twisted way, their debt is "satisfied" only when it remains, only when it is paid over and over and over again,

up until and including through death. Just as whiteness needs nonwhiteness as its inferior

counterweight in order to be at all, so white supremacist capitalist patriarchy needs "criminals"

in order to articulate itself and extend its power into the world. As Baldwin writes "the State

creates the Criminal, of every conceivable type and stripe, because the State cannot operate

without the Criminal."[206] So-called criminals may be constructed as threats to the social order,

but the reality is that the social order needs a constructed threat in order to exercise inequitable

power in the way it does. This is why, Baldwin writes, the incarceration of so many "dark faces"

and poor people tells us more about "those who hold the keys" than those held captive by

them.[207] Criminalization and carceral captivity satisfy the demands of whiteness, property, and

patriarchy to incapacitate those whose trespasses consist not simply in lawbreaking but in a

corrupted ontology that offends the social order just by being at all. This offended-ness of

whiteness, property, and patriarchy expresses the necessarily exclusive logic at its heart: they do

not simply desire but require an inferior "other" in order to be able to exert their own supremacy

in the first place. Criminalization helps maintain these disparate dispersals of power.

For predominant Christian soteriology, sinners are those who refuse to be subject to a

benevolent God, a refusal borne of a corruption of essence or moral capacity. This corruption

and refusal to be subject creates a relation of obligation and a state of guilt. The problem of the

indebtedness and condemnation that results from sin finds its remedy for such theologies in some

form of satisfaction or punishment that satisfies the wrongdoing by re-establishing right obedient

relation to a God conceived as ultimate possessor of political or economic power. Built on the

presumption that wrongdoing cannot be accounted for apart from some form of recompense or

punishment, these theologies also contribute to the idea that people who find themselves

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[206] James Baldwin, "This Far and No Further," in Baldwin, *The Cross of Redemption*, 162.
[207] Ibid., 164.

punished or held in captivity as a means of satisfying their debt are in a situation they willed for themselves. The captivity in which sinners—and, by extension, criminals—exist is a captivity of their own making. If obedient subjection to a sovereign authority is what is proper to (most) human personhood, then those who refuse it can be said to opt for the subjection and captivity that must, by nature and necessity, follow such disobedience.

As explored above, for Augustine, to sin is to inflict the pain of punishment upon oneself. The chains under which humans groan, Augustine writes, are chains humans make for themselves. Utilizing metaphors of prisoners who go unpunished and slaves who escape their slavery, Augustine mourns humans' willful refusal to be in proper subjection to a sovereign God, placing themselves instead in captivity to their own sin, which is to say to the Devil. For Augustine, God's justice means that our sinful state determines that we be turned over to power of the devil. It is not divine vengeance but our own stubborn and rebellious will before a just God that warrants punishment, which is why captivity to sin is captivity that humans choose for themselves, and under which they groan. The idea that punishment, by nature and necessity, follows wrongdoing—or even wrong-being—makes it possible to presume without question, as many do today, that anyone who wears the label of criminal or who lives in captivity is there because justice demands it. Crime does not just require punishment; crime causes punishment. Holding people understood to be criminals in carceral captivity is a coherent action because captivity is understood to be a natural consequence—indeed, a willed, self-captivity—that results from behavior that breaks the law. It is not authorities who incarcerate, then, but criminals who incarcerate themselves.

Developing and proliferating the idea that carceral captivity is a fully self-willed phenomenon, and that "crime" is a matter of individual behavior and not social conditions, lets

the managers of white supremacist capitalist patriarchy and the carceral institutions with which it is intertwined off the hook from having to account for the systems that criminalize and hold captive millions of people today.[208] The idea that "social conditions don't create criminals; bad behavior does" provides a basis for captivity to be a coherent response to "crime" as a cover for the fact that social conditions do in fact contribute to creating "crime" and help construct criminality, which enables the deliberately selective confinement of peoples according to the raced, classed, and gendered dimensions of their personhood, as opposed to confinement being simply an objective response to unlawful actions considered in isolation from one's particular personhood. Captivity, the story goes, is a natural consequence of criminality. Because everyone acknowledges this fact, it can be said that criminals choose their captivity as a natural consequence of their actions. Indeed, because criminalization implicitly uses racially and economically defined actions as a basis for definitions of criminality, captivity comes to be viewed as a natural consequence of particular raced, classed, and gendered forms of life. If criminals will their own captivity, then those who hold the keys are simply doing their job, performing a task in the natural order of things, an order in which whatever we define as offense requires captivity in order for proper order and power to be re-established. If there happen to be more black and poor people in carceral captivity, this line of reasoning concludes, then it must be because they are more inherently criminal than the rest of us. As it happens, it is precisely this logic that creates the radically disproportionate criminalization and imprisonment of poor people and people of color that characterizes our world not just today, but since the dawn of modern racialized capitalist accumulation by dispossession.

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[208] As T. Richard Snyder writes, "To think of redemption—and therefore sin—in individualized terms allows us to deny our complicity in the matter" of racialized and class-based punishment. Snyder, *The Protestant Ethic and the Spirit of Punishment*, 66.

Salvation by Damnation

Predominant Christian soteriology, exemplified in the work of Augustine, Anselm, and Calvin, makes sense of sin as a refusal to be subject to a benevolent master or sovereign: sinners are those who, like runaway slaves and unpunished prisoners, seek wayward freedom from proper subjection to a benevolent God and in so doing find themselves captive to their own corrupted will—and thus to sin—instead. The criminalization that emerges from white supremacist capitalist patriarchy enacts these same soteriological dynamics in distorted and death-dealing ways. To possess, inhabit, or enjoy access to whiteness, private property, and patriarchy is to approximate godlikeness, whereas to be black, nonwhite, non-propertied, and even gender non-conforming is to exist in a state of guilt, always already a potential criminal, and therefore one who approximates not divinity but the demonic. Making sense of sin as a refusal to be subject, predominant Christian soteriology conveys salvation as a return to proper subjection to a benevolent authority—"proper" because ontologically inferior and therefore dependent upon their superior for life and resources. In the distorted carceral soteriology of the criminalization that issues forth from whiteness, property, and patriarchy, salvation means, at once, the restoration of black, other non-white, and dispossessed peoples to their proper inferior place in the social hierarchy, on the one hand, and the collective salvation—the exclusive self-deification—of the possessors and beneficiaries of godlike whiteness, property, and patriarchy, on the other. In the end, the seeming salvation—by restoration to proper inferior place—of nonwhite and non-propertied peoples is in actuality a form of damnation because it is a subjection to an authority that subjects not for the sake of benevolent provision but for exploitation and control. For whiteness, property, and patriarchy to be deified—and for the social order that benefits them to thrive—black, other non-white, and dispossessed peoples must be

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kept in or returned to their proper inferior place in the social order, which is to say incapacitated, managed, condemned and damned by through carceral captivity. The salvation-by-self-deification of whiteness, property, and patriarchy requires that black, other nonwhite, and dispossessed peoples be damned to hell.

In addition to the dispossessions explored in chapters one and two, criminalization—deploying the law to construct peoples as inherently criminal threats, and thereby to capture and hold captive—is a key means by which whiteness, property, and patriarchy secure their power to be pseudo-godlike managers and possessors of the earth and the ordering of its peoples. Black people and other non-white people, as well as people who possess no property, have, for centuries, been viewed as inherently—by nature, even—disposed to criminality, which is to say, disposed to disobedient rebellion against the moral and social order, which is to say, inherently corrupted by sin to a greater degree than others. To be a criminal is to act from an essential—ontological—defect, or, to use Michel Foucault's terminology, abnormality.[209] The figure of the black, nonwhite, or non-propertied criminal has traditionally been constructed as one whose criminal ways go as deep as their nature: criminality, like sin, is the result of—indeed, an expression of—a corrupted essence. The designation of criminality is about more than isolated actions but the corrupted state of being that allegedly makes such actions possible.[210] Historically, to be anything other than a white propertied man (or woman) is to embody a distorted version of the figure of the sinner that predominant Christian soteriology imagines: one who, like a runaway slave or unpunished prisoner, refuses the subjection for which they are made. Criminalization, under such a view, is not a neutral means of holding lawbreakers accountable but a tool for rearranging the world according to a distorted—resolutely raced,

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[209] Foucault, *Abnormal*.
[210] Foucault, *Discipline and Punish*, 100, 251.

classed, gendered—conception of God's intentions for it. By restoring inferior peoples to their proper subjected place in the order of things, criminalization brings an illusionary safety—a false salvation—for those purged of seeming threats to pseudo-godlike whiteness, property, and patriarchy. A social order made by and for whiteness, property, and patriarchy, as James Baldwin suggests, measure its safety—its salvation from threat—in chains and the corpses it makes of those held captive by them. In pursuit of a false salvation, whiteness, property, and patriarchy deploy a demonically false salvation for those it criminalizes, a salvation that is in fact a form of damnation.

Why, Baldwin wondered, do chains still fall on black flesh, on any flesh at all? The answer, in part, is that godlike-power-pursuing carceral systems perceive and treat the people they criminalize as fundamentally debased and corrupted, the mortal and immoral humans vis-à-vis the immortal gods of whiteness, property, and patriarchy. In Augustine's description, prisoners escaping chains pursue an "omnipotence" beyond their nature.[211] For the carceral soteriology of criminalization, the whiteness and property that create chains are indeed forms of human pseudo-omnipotence that render their captives inherently destined for captivity. The living or civil death of a life in chains is a natural condition for such people, on the one hand, because that is simply what their inherently sinful mortal condition entails: chains on black flesh (and other dispossessed flesh) are not an anomaly but a manifestation of the order of things as they always have been and always should be. Chains are a natural condition for such people, on the other hand, because justice demands chains on those—black, other nonwhite, and economically dispossessed peoples—who trespass against and thereby threaten the natural and moral order of things according to which the rest of "us" obtain safety.

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[211] Augustine, *Confessions*, 32.

Criminalization "saves." In what sense? It saves the captured by protecting them from themselves, so to speak, from their own corrupted morality. The reality, however, is that the capture and captivity that is purported to be rehabilitative or restorative for those captured is in fact simply a rehabilitation or restoration to a more thoroughgoing and permanent subjection in a white supremacist capitalist patriarchal social order—a restoration to proper place in a deliberately inequitable order. The seeming salvation of the captive, then, is in fact their damnation. By saving—damning—those constructed as threats to society, criminalization saves the white supremacist capitalist patriarchal social order itself. As a defense against a fictionalized threat it constructs in pursuit of its own idolatrous supremacy, the pseudo-soteriology of white supremacist capitalist patriarchal criminalization is a pursuit of safety that cannot but forge chains and produce corpses.

That carceral captivity is a form of damnation is evident in the language used by both those who hold the keys and those held by them. As outlined above, those held captive in penitentiaries in their earliest years were widely described as people "buried alive" in a condition of "living death." To enter the penitentiary was—and is—to be "literally buried from the world," as a New York warden put it in 1826.[212] Criminalization then and now targets people understood to already live in captivity to a deeply entrenched sinfulness and criminality, which makes physical captivity not a departure but a materialized means of continuity with one's internal, ontological state. Living death describes not just the mortifying penitentiary of old but the carceral captivity of more recent times, up to the present day. "Capture is the closest thing to being dead that one is likely to experience in this life," as George Jackson put it.[213] This chapter began with James Baldwin suggesting that the ongoing reality of "chains on black flesh" can

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[212] Quoted on Smith, *The Prison and the American Imagination*, 39.
[213] Quoted on ibid., 27.

only be understood if we understand that America measures its safety in "chains and corpses,"

which implies that black and other forms of inferior flesh is a kind of internal enemy that must be

literally mortified—made into a corpse—or chained if the rest of us have are to have any hope of

a safety that is in fact a kind of pseudo-salvation. In pursuit of that safety, black people and other

dispossessed peoples, Baldwin writes, have been brutalized to the point that "both soul and body

have been bound in hell." The pursuit of a kind of heavenly safety can only create hell for those

seen as an impediment to it. A "furnace of affliction," a space of living death, carceral captivity

is hell on earth.[214]

In Baldwin's words, white people—and we might add white propertied men (and

women) in particular—have historically believed that "hell is a place for others." Indeed, hell on

earth doesn't just happen to be a place for others; it was made that way. My argument is that

those who create living hell for others start by pursuing or claiming exclusive godlike power,

transcendence, and invulnerability for themselves. William Blake, who has been imprisoned in

solitary confinement in New York state for approximately thirty consecutive years, describes the

moment of his conviction and condemnation. "'You deserve an eternity in hell,' Onondaga

County Supreme Court judge Kevin Mulroy told me from his bench as I stood before him for

sentencing on July 10, 1987. Apparently he had the idea that God was not the only one qualified

to make such judgment calls."[215] Voices from among the approximately 80,000 people[216] who

spend an average of twenty-three hours a day in a small solitary cell can help us discern that the

language of "living death" in "hell" is no exaggeration at all. Deriving, as we have seen, from a

combination of religious and secular rationales, solitary confinement is among the most visceral

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[214] Graber, *The Furnace of Affliction*.

[215] William Blake, "A Sentence Worse Than Death" in Jean Casella, James Ridgeway, and Sarah Shourd, eds., *Hell Is a Very Small Place: Voices from Solitary Confinement* (New York: The New Press, 2016), 26.

[216] Solitary Watch, "Frequently Asked Questions." https://solitarywatch.org/facts/faq/. Accessed March 11, 2019.

manifestations of the hellish landscape of American carcerality. Judith Vasquez was incarcerated

for three full years in solitary confinement in a New Jersey prison. Describing the profound

devolutions of body, psyche, and spirit that she experienced during her time in solitary, she

writes:

> One day I felt I could not take it much longer. I felt the world closing in on me
> and without any control or knowing this was going to happen, I just busted out
> screaming, uncontrollably. I screamed without being able to stop. As I looked
> down at the floor, it seemed as though I was standing right at the edge of a cliff.
> The floor had somehow cracked open and for a moment or so I was not in jail or
> in the cell. I was on top of the edge of some ledge where when I looked down I
> saw an endless pit of fire and darkness. I saw people screaming, crying, and
> burning. In my eyes and my thoughts I was looking at hell.[217]

Born through a fusion of Christian theological reasoning, capitalism, white supremacy, and

patriarchy, solitary confinement extracts persons from the kinds of spatiality and relationality

that human personhood requires for flourishing. As philosopher Lisa Guenther writes of solitary

confinement and its effects on those held within it,

> solitary confinement works by turning prisoners' constitutive relationality against
> themselves, turning their own capacities to feel, perceive, and relate to others in a
> meaningful world into instruments of their own undoing. This self-betrayal is only
> possible for beings who are complicated, whose subjectivity is not merely a point
> but a hinge, a self-relation that cannot be sustained in absolute solitude, but only in
> relation to others.[218]

Despite allegedly being a tool for facilitating a kind of spiritual-secular salvation, a penitent

pathway to moral, obedient citizenship, solitary confinement—and carceral captivity more

generally—is instead a tool that damns people to living death. "In my eyes and my thoughts I

was looking at hell" is not a rhetorical flourish; even if it is a description of an illusory moment

of mental breakdown, the fact that Vasquez experienced it so concretely indicates how real

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[217] Judith Vasquez, "On the Verge of Hell" in *Hell is a Very Small Place*, 58.
[218] Lisa Guenther, *Solitary Confinement: Social Death and Its Afterlives* (Minneapolis: University Of Minnesota Press, 2013), xiii.

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carceral hell is for those made captive by it. In pursuit of an illusory heaven for some, many must be damned to hell.

We should listen to and believe those who describe carceral captivity as a kind of hell. We should also believe people like police officer Darren Wilson when they describe young black men with the words "it looks like a demon." When I say we should believe such testimonies, I mean his implicit description of blackness and criminality tells us a great deal about the *why* of criminalization, policing, and mass incarceration more broadly. Though he likely didn't intend it, Wilson's testimony tells the same truth that Baldwin did: in order for some to be "safe," to possess the wealth and power they claim as their birthright, others must be placed into chains or made into corpses.

Criminalization as Evil: Conclusion

As pursuits of godlike power over the earth and those who inhabit it, whiteness, absolutely exclusive private property, and patriarchy are manifestations of the sin of pride, of absolutizing the self at the expense of others. As such, they should be understood as what the New Testament calls "principalities and powers": instantiations of separation from God that, by "insinuating [themselves] in the place of God," wreak havoc on earth through exploitation, violence, and death.[219] As we have seen in this and the previous chapter, the deification of whiteness, property, and patriarchy and the condemnation of their others as inherently and fundamentally sinful—or, more precisely, criminal—are not two separate realities, but two aspects of the same reality.[220] The deification of whiteness entails—and indeed requires—the damnation of blackness and all other forms of nonwhiteness to hell. If whiteness and private property possession—and

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[219] Stringfellow, *An Ethic for Christians & Other Aliens in a Strange Land*, 81.
[220] M. Shawn Copeland, *Enfleshing Freedom: Body, Race, and Being* (Minneapolis, Minn: Fortress Press, 2010).

patriarchal power—are sacred, then nonwhiteness and propertylessness inevitably constitute states of moral trespass, and thus warrant damnation, which is to say, a return to their proper place in the allegedly natural, fundamentally inequitable order of things. Whiteness, private property, and patriarchy are concretions of the sinful, self-absolutizing desire to establish heaven for a few and hell for many. As James Cone puts it, the sinful, self-obsessed, self-promoting desire to "play God" that is whiteness—and we might add absolutely exclusive private property and patriarchy—is "the source of human misery in the world."[221] In addition to various forms of social, political, and economic dispossession, one of the primary evils that the death-dealing power of whiteness, property, and patriarchy generates is criminalization. Criminalization, I have argued, is what happens when whiteness, private property, and patriarchy seek to protect their pseudo-godlike power, which is to say, when they seek to transcend finitude and obtain invulnerability by incapacitating their others, binding them in chains, or even transforming them into corpses, all in pursuit of an illusory and idolatrous "safety."

Sin is sin not just because it is an affront to God, but because it by definition proliferates further sin, evil, and death in the world. Whiteness, absolutely exclusive private property, and patriarchy, together, are manifestations or conditions of sin—and thus demonic principalities— for the reason that they require the death-dealing criminalization of black, other nonwhite, and economically dispossessed peoples as part of their functioning. For whiteness, property, and patriarchy to be godlike, the others against whom they define themselves as superior must be rendered inherently criminal threats that must be contained in order for the social order to survive. "The principality, insinuating itself in the place of God," Stringfellow writes, "deceives humans into thinking and acting as if the moral worth or justification of human beings is defined

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[221] James H. Cone, *A Black Theology of Liberation*, 40th anniversary ed (Maryknoll, N.Y: Orbis Books, 2010), 114-115.

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and determined by commitment or surrender—literally, sacrifice—of human life to the survival interest, grandeur, and vanity of the principality."[222] Criminalization is a process by which people who register as threats to the safety and survival of the principalities of whiteness, private property, and patriarchy are returned to proper subjection. As explored above, that theological-political return to subjection "satisfies" the white supremacist capitalist patriarchal social order because such a social order is possible at all only if many are made subject by it. In soteriologies of subjection, God's justice is satisfied by either recompense or punishment, and sometimes by a synthesis of both, including in the form of "sacrifice." For such atonement theologies, the death of Jesus—conceived as a kind of sacrifice—satisfies the injustice created by human sin and restores humans to proper relation to God. In a similar way, the confinement and death— "literally, sacrifice"—of criminals satisfies the "survival interest, grandeur, and vanity of the principalit[ies]"[223] of the whiteness, private property, and patriarchy from which criminalization emerges.

Sacrificing humans for the survival of the principalities and powers from which it emerges, criminalization is, theologically speaking, "evil." Criminalization is evil because it reduces human beings—some of whom have committed some minor or major harm, some of whom have committed no harm whatsoever—to immoral outlaws who have refused proper subjection (to the law and the godlike raced, classed, and gendered powers that manage it) and so must return to it by "paying their debt to society" through penal captivity and incapacitation. Blackness, other forms of nonwhiteness, and states of economic dispossession are states of "trespass" in the multivalent sense that has been developing over the course of this project: both moral trespass and trespass in a world claimed by whiteness as a possession and extension of

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[222] Stringfellow, *An Ethic for Christians & Other Aliens in a Strange Land*, 81, 67-114.
[223] Ibid., 81.

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itself. If whiteness is godlike property, then blackness is demonic trespass. If possession of private property is a moral status and pseudo-godlike power, then to be without property is to be ever vulnerable to the moral failure and legal prohibition of trespassing upon the properties from which one is always already excluded. The right to exclusion at the heart of whiteness and/as property, and the patriarchy with which they are intertwined, is a pseudo-divine right that inevitably renders everyone outside its boundary markers a potential threat likely to be characterized in subtly if not explicitly moral or pseudo-religious terms.

"The only way I can describe it, it looks like a demon." Michael Brown appeared to Darren Wilson as a reflection not of God but the Devil, which is to say a threat to the safety of self-deifying, pseudo-godlike whiteness, property, and patriarchy. As such, he had to be "incapacitated," to use the terminology of both contemporary policing and anti-carceral abolitionist theory. Indeed, because it first emerged and persists as a byproduct of exclusive self-deification at the expense of others, the patriarchal, whiteness- and property-protecting policing that Darren Wilson embodied can only discern Michael Brown as demonic, which is to say from hell, where, from such a perspective, he ultimately belongs. Why do we still see "chains on black flesh?" Why did the police murder and then leave Michael Brown's corpse face down in the street for four and a half hours? Because the possessors and managers of godlike-power-pursuing whiteness, private property, and patriarchy "measure their safety"—their pseudo-salvation—"in chains and corpses."[224]

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[224] Baldwin, "An Open Letter to My Sister Angela Y. Davis," 255.

CHAPTER 5

"Release to the Captives":
Participatory Theological Anthropology, Decarceral Soteriology

The overarching argument made in chapters 1-4 is that theological-political anthropologies based in exclusive self-deification inevitably lead to—and even require—the damnation of those excluded as inferior, morally corrupted and criminal threats to the social order. For whiteness, private property, and patriarchy to approximate divinity, black, other nonwhite, and economically dispossessed peoples must be damned to hell. The criminalization of black and economically dispossessed peoples in the United States is a manifestation of just such a theological-political dynamic: if whiteness is sacred property, then blackness and propertylessness constitute modes of trespass that require carceral intervention to re-establish safety—even if only an illusory safety—for those threatened by them. Criminalization is a pseudo-salvific mechanism in the sense that it restores peoples constructed as inherently inferior criminal threats to their proper subjected place in a social order made for the pseudo-godlike possessors and managers of whiteness, property, and patriarchy. The "saving" that carceral institutions claim to facilitate for those they capture is in fact a form of damnation that satisfies the obligations of indebtedness forged by whiteness, property, and patriarchy by incapacitating those rendered "other" by them in perpetuity. Indeed, by damning people constructed as inherently criminal threats to carceral hell on earth, it is the white supremacist capitalist patriarchal social order itself that is saved and deified—becoming godlike—at the expense of others.

The first four chapters of this project, together, constitute a critical account of the ways theological thought and practice fuse with political thought and practice to sacralize

criminalization and carceral captivity as (distorted) expressions of God's work in the world. This fifth and final chapter distills from theological and political resources to begin gesturing toward and sketching, in piecemeal and preliminary terms, an alternate trajectory of theological anthropology and soteriology in service of the abolition of—in the sense of both dismantling and replacing—whiteness, private property, patriarchy, and the criminalization that emerges from them. If whiteness, private property, patriarchy, and the criminalization that emerges from them rest on political theologies, then so must their abolition and replacement.[1] The work of abolition is the work of dismantling, tearing down. But it is also the work of imagining and building something new in the shell of the old.[2] As such, imagining a world where white supremacist capitalist patriarchy and the criminalization it catalyzes no longer define people's individual and collective realities so fundamentally entails coming to understand not just the political theologies that undergird these death-dealing forces but the political theologies that might play a role in delivering us from them. This chapter is a provisional, exploratory, not yet fully developed sketch of what might be entailed in such a political theology.

If the theological anthropology of whiteness, private property, and patriarchy rests on exclusive and unlimited possession—"ownership of the earth forever and ever, Amen!"[3]—and if the carceral soteriology of criminalization that emerges from them sacralizes subjection as a means of restoring and preserving inequitable distributions of power, then what are the features of anthropologies and soteriologies that might serve their dismantling and replacement? In

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[1] Vincent Lloyd and Joshua Dubler argue that if mass incarceration is religious then so is its abolition. Vincent Lloyd and Joshua Dubler, "Mass Incarceration is Religious (And So is Abolition): A Provocation" in Abolition Collective, *Abolishing Carceral Society: Abolition: A Journal of Insurgent Politics*, Abolition: A Journal of Insurgent Politics (Brooklyn, NY: Common Notions, 2018), 116-122.

[2] Peter Maurin of the Catholic Worker movement was fond of describing the holy work of social justice in terms of building a new society in the shell of the old. Dorothy Day and Francis J. Sicius, *Peter Maurin: Apostle to the World* (Maryknoll, N.Y: Orbis Books, 2004), 50.

[3] W. E. B. Du Bois, *Darkwater: Voices from within the Veil* (New York, NY: Verso, 2016), 18.

contrast to the individual, exclusive, and unlimited "possession" that constitutes the normative (white, propertied, male) modern person and "his" godlike power over creation, I sketch in this chapter toward a conceptualization of personhood based in theological-political "participation" in the life of God, others, and the world itself that conceives of and arranges the relationship between God, person, and world according to a non-possessive sociality in which both individual and collective modes of being exist in dialectical relation. Likewise, in contrast to a carceral soteriology that sacralizes subjection and permanent relations of obligation, I outline a decarceral soteriology based, on the one hand, in release from forced captivity and, on the other, the healing of infirmity. In a purely political sense, racial capitalist "accumulation by dispossession"[4] and carceral mechanisms of criminalization are two aspects of a single way of ordering society. Indeed, the interrelation of these phenomena is theological, as well, as I argued in the foregoing chapters. Just as Christian theology thinks theological anthropology and soteriology together as two interrelated aspects of the same set of questions about humanity's origins and ends before God, so the distorted anthropologies of whiteness, private property, and patriarchy give way to the distorted soteriology of criminalization. Likewise, just as these distorted anthropologies give way to theo-carceral criminalization, so a theological anthropology of participation and a soteriology of release and healing are two dimensions of a single trajectory toward a world freed from white supremacist capitalist patriarchy and the criminalization that emerges from it.

In what follows, I outline—in provisional, exploratory terms—aspects of a participatory theological anthropology and decarceral soteriology that, together, might hold promise for nourishing a theological imaginary capable of envisioning a world without dispossession and criminalization, and perhaps for cultivating collective practices in pursuit of that world.

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[4] David Harvey, *The New Imperialism* (Oxford: Oxford University Press, 2005).

A Theological-Political Anthropology of Participation

As outlined in chapter two, definitions of normative personhood in modernity locate possession as a central component of what makes a (normative) person a person. A person in the fullest sense is one who owns, and who owns without limitation. The "possessive individual," as C. B. Macpherson calls it, is built in part on the theological-political reasoning of figures including John Locke, who believed that private property is not simply a regrettable but necessary mechanism for preserving against disorder, as many before him argued, but an original and enduring feature of the world as God always intended it. Indeed, with Locke, the right to private property transforms from a mere natural *right* to a natural, God-ordained *mandate*. Locke's theory of property is in fact a theology of creation that understands humans to be not merely invited but *required* to use their labor to "subdue," make industrious use of, and privately enclose parts of the Earth. As such, the private, exclusive possession of property becomes a matter of "obedience" to God, and thus in accordance with the natural and divinely ordained order of things.[5] Locke's implicit theological-political anthropology synthesizes "identity" and "appropriation" in such a way that "*having*" and "*being*" constitute not two fundamentally distinct phenomena but two ways of talking about the same thing: to be a (normative) person is to possess oneself, and to use one's labor (or the labor of others under one's control) to possess the world.[6] The anthropology of the possessive individual that derives from this political theology of the relation between God, persons, and things defines personhood in terms of a kind of freedom: freedom *from* dependence upon others, on the one hand, and freedom *for* self-

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[5] John Locke, *Two Treatises of Government*, ed. Peter Laslett (Cambridge, UK: Cambridge University Press, 1988), 290-291.

[6] Étienne Balibar, *Identity and Difference: John Locke and the Invention of Consciousness* (Brooklyn, NY: Verso Books, 2013), 97-99.

interested disposal of one's capacities and possessions, on the other, owing nothing to anyone or to society as a whole.[7] For people understood to be less than normative, possession is either out of reach—a position or capacity to which one might aspire—or, by nature, altogether unattainable.

It is this conception of personhood that serves as the foundation upon which whiteness and absolutely exclusive private property—together with patriarchy—are built in the modern era. As I argued in chapter two, theologically speaking, this anthropology of possession also entails a distortion of the traditional theological-anthropological dyad—that humans are *both* created *imago dei* (in God's image) and are fundamentally sinful—by dropping the *imago* from *imago dei*, thereby becoming (by replacing) *deus*, on the one hand, and transferring inherent sinfulness onto those others against whom they posit their own godlike superiority, on the other. As such, whiteness, private property, and patriarchy are both "positions" and "powers" of theological anthropology: they are subject positions that seek to disavow and transcend finite positionality altogether by claiming and deploying the godlike power to violently trap their others in finitude and construct them as *more* inherently sinful—and, by extension, criminal.

The theological-political anthropology of whiteness, private property, and patriarchy is an anthropology that claims the godlike power to transcend and possess the world absolutely. A theological-political anthropology of participation that combines theological and political notions

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[7] C.B. Macpherson, *The Political Theory of Possessive Individualism: Hobbes to Locke* (Oxford: Oxford University Press, 1962), 263-264. A number of commentators have challenged Macpherson's interpretation of Locke as an unabashed purveyor of capitalist political economy and private property, including James Tulley. Without ascribing to Locke total responsibility for establishing and absolutizing private property relations in the west, it is nevertheless apparent that the overwhelming thrust of Locke's argument, not to mention the legacy of political thought on property that his work subsequently puts into motion, favors private property as the best form of human interaction with the material world. See: Christopher Pierson, *Just Property: A History in the Latin West, Volume 1: Wealth, Virtue, and the Law* (Oxford, United Kingdom: Oxford University Press, 2013) and Allan Greer, "Commons and Enclosure in the Colonization of North America," *The American Historical Review* 117, no. 2 (April 1, 2012): 365–86.

of non-possessive modes of relation, on the other hand, provides resources for a world beyond the deliberately inequitable one—heaven for some, hell for others—that whiteness, property, and patriarchy have ordered. What are the features of such a "theological-political" anthropology? I begin by exploring theological notions of participation before exploring political and economic notions of participation, and conclude this subsection by sketching a synthesis of the two.

Theological "Participation"

Christian theological discourse over the course of nearly two millennia has deployed the idea of "participation" to a variety of ends. Imported and elaborated first from Platonic and Neoplatonic thought, participation is an idea that helps explain primarily how humans share in God's life and nature (as well as how God shares in human life), as well as how human persons share in the lives of other human persons and creation itself. On the first point, participation has to do with the relation between divine essence and human essence and nature. For Plato, the particular properties that compose human and material forms partially share or participate in the higher ideal, universal forms of which they are a finite reflection.[8] Elaborating upon participation in its philosophical sense, theologies of participation hold that human nature already shares in God's nature by virtue of being created *imago dei,* that humans can further "participate" in the divine life through prayer and in the lives of other humans through acts of charity and liberation for and with other humans,[9] and that human essence will, at the end of all things, reach its

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[8] Frederick Copleston, *A History of Philosophy. Vol. 1: Greece and Rome: [From the Pre-Socratics to Plotinus]*, 13. Dr. (New York: Image Books, Doubleday, 1993), 163-206.

[9] Rowan Williams, "The Deflections of Desire: Negative Theology in Trinitarian Disclosure," in *Silence and the Word: Negative Theology and Incarnation*, ed. Oliver Davies and Turner, Denys (Cambridge: Cambridge University Press, 2002); Thomas Aquinas, *Summa Theologica*, Complete English ed (Westminster, Md: Christian Classics, 1981), IIaIIae, Q23; Gustavo Gutiérrez, *A Theology of Liberation: History, Politics, and Salvation*, 15th Anniversary Edition (Maryknoll, N.Y: Orbis Books, 1988); James H. Cone, *God of the Oppressed*, Rev. ed (Maryknoll, N.Y: Orbis Books, 1997).

fulfillment by participating fully in God's being.[10] Participation, in these senses, is a way of describing a kind of communion between distinct beings or properties, a communion characterized neither by full identification with nor radical isolation from the other. Instead, participation in its theological sense conveys a mode of relation that incorporates a sharing in which each distinct entity remains distinct while at the same time in communion. The "sharing" of theological participation has to do primarily with shared properties, elements of essence, but it also has to do with a dynamic sharing, an ongoing interrelation—shared life.

Participation as a multidimensional theological principle appears in the work of multiple theologians throughout the tradition, beginning at least with the third century theologian Origen and fourth century Cappadocian theologian Gregory of Nyssa. For Gregory, David Balás argues, participation entails both "vertical" and "horizontal" dimensions.[11] Vertically, participation refers to the communion of created with uncreated, of creatures with the God who is "perfection" in every sense. Creatures, who are fundamentally not God, come to share in God's perfections by "participating" in them through the gifts of redemption and the sanctification of the spiritual life.[12] Thus, Balás argues, participation refers to that which humans "have not by nature but as received from above."[13] The participation by which humans receive from God a share in the divine perfections for which humans are made is, for Gregory, not a static and finished exchange but an ongoing, dynamic process.[14] Horizontal participation, in Gregory's work, refers to the sharing of natures within a species, namely humans. This horizontal communion serves as an analogy by which Gregory explains the "unity and equality" of the Trinitarian God's divine

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[10] Karl Barth, *Church Dogmatics, Volume IV.1: The Doctrine of Reconciliation*, trans. Geoffrey William Bromiley, Study ed., [new study ed.] (London: T & T Clark, 2010), Chapter XIII, § 57.

[11] David L. Balás, "Participation" in Lucas F. Mateo Seco and Giulio Maspero, eds., *The Brill Dictionary of Gregory of Nyssa*, Supplements to Vigiliae Christianae, v. 99 (Leiden ; Boston: Brill, 2010), 581-587.

[12] Balás, "Participation," 585.

[13] Ibid., 582-583.

[14] Ibid., 583-584.

nature, on the one hand, and the solidarity of all humanity with Christ's humanity in the economy of salvation, on the other.[15]

Many theologians after Origen and Nyssa, including Augustine, utilize a theology of participation, especially to explain the nature of the relation between the essences of human creatures and God,[16] but also to explain how a kind of horizontal participation—in the sense of both the solidarity of shared nature and the agential solidarity of mutuality, charity, and justice—serves as a means of vertical communion with God. While the majority of theological thinking on participation has to do with ontology, participation as something that happens between humans and, by extension, between humans and God, is an equally important dimension of Christian theologies of participation across the millennia. Christian scripture itself provides a basis for such thinking. As just one example, the Apostle Paul writes in his letter to the Romans: "so we, who are many, are one body in Christ, and individually we are members one of another" (Romans 12.5), which signifies an ecclesial unity in multiplicity, and a communality that comes into being through the grace of God. Both Augustine and Thomas Aquinas, following Christian scripture, argue that we love God in significant part by loving other human beings. God is perfect "charity"; any act of charity in which humans engage finds its source in God's perfect charity. As Thomas writes, "the charity whereby formally we love our neighbor is a participation of Divine charity."[17] Even the Christian practice of prayer, which might seem to be a distinctly "vertical" matter between human or humans and God, theologian Rowan Williams argues, are also, at the end of the day, inseparable from matters of the horizontality of human community. For Williams, Christian prayer in its contemplative, theologically apophatic register—and indeed

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[15] Ibid., 586.

[16] On "participation" in Augustine's theology, see: James F Anderson, *St. Augustine and Being: A Metaphysical Essay* (Dordrecht: Springer Netherlands, 1965), chapter 7.

[17] Aquinas, *Summa Theologica*, IIaIIae, Q23.

"Christian identity" more broadly—is a fundamentally non-possessive, always unfinished process of being drawn into the dynamic, "reciprocal relations" of the three persons of God. The life and prayer of Christian faith is an "incorporation" or "transcription" into—a participation in—the non-possessive and reciprocal relationality that God *is*.[18]

But prayerful participation in the dynamic life of God, Williams suggests, also entails acts of freedom-making and solidarity in the world. Just as God in God's creative freedom liberates humans from sin and evil, so the human community called the "church"—a community gathered by the invitation to participate in God's life—participates in God's life precisely by bringing about liberation in the world: "our participation in God's liberty is necessarily a participation in the act of *making* free. And as God is present in the basic event of our liberation in Jesus, so he is present in the Church as it struggles to make men and women free and to understand more deeply the shape and the nature of the liberty it is there to generate."[19] "Participating" in a free and freeing God means participation in a sociality that creates the freedom that God is and dwells within and creates for God's creatures. Much like Williams, theologian Kathryn Tanner argues that, by participating in—receiving incorporation into—God's life, humans learn to live non-possessive modes of relation to and communion with the triune God, other humans, and the world itself. Communion between humans, for Tanner, is not so much a replication of the communion that God is in God's self—because humans, as finite, cannot replicate the co-inherence of an infinite God—but a kind of elaboration upon or extension of the communion that God is and into which God invites humans as participants.[20]

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[18] Williams, "Deflections of Desire."
[19] Rowans Williams, "Trinity and Revelation," in Rowan Williams, *On Christian Theology*, Challenges in Contemporary Theology (Oxford, UK and Malden, Mass: Blackwell Publishers, 2000), 208.
[20] Kathryn Tanner, *Jesus, Humanity and the Trinity: A Brief Systematic Theology* (Minneapolis, MN: Fortress Press, 2001).

Liberation theologians elaborate the integration of vertical and horizontal participation in important ways, as well. For both James Cone and Gustavo Gutierrez, the "fathers" of black and Latin American liberation theologies, respectively, to speak of salvation is to speak of liberation not just from sin abstractly speaking, but from the concrete social, political, and economic manifestations of sin and evil in human history. Salvation, both suggest, comes from God and begins in human history, even if it ultimately exceeds it. As Gutierrez argues, while salvation cannot be reduced to political liberation, there is also no salvation apart from concrete liberation from oppression.[21] From such a perspective on the relation between salvation and liberation, both figures pose participation in struggles for liberation as a way of participating in the life and liberating work of God. As Cone argues, God is the primary agent of liberation, but human struggles for liberation are themselves part of God's liberation and/as salvation: "To resist evil is to participate in God's redemption of the world."[22] Humans participate in the life and salvation of God by participating in struggles for the social, political, and economic liberation that God desires and makes possible—in part through collective human agency—on earth as it is in heaven.

Political and Economic "Participation"

Emancipatory political traditions and social movements of the last two centuries—some of which are led by people of faith and some of which are not—lift up "participation" as both a dimension of the world for which they fight and a central means by which they intend to arrive at such a world. When such traditions and movements deploy terms like "participatory" to describe the shape of their social, political, and economic strategies and practices, they are, somewhat like

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[21] Gutiérrez, *A Theology of Liberation*, 104.
[22] James Cone, *God of the Oppressed*, xviii.

the significations entailed in theological participation, speaking about a mode of relation between human persons, as well as between persons and things—land, resources, and so on—characterized by collectivity, cooperation, and sharing. Whereas, in its earliest usage, theological participation has to do first of all with shared ontological essence or nature between beings, political or economic participation in its late modern and present-day usage is more a matter of shared material resources and power, as well as the shared freedom and self-determining power to be able to access and enjoy those resources and that power.

Well before the modern era, the concept of "democracy" as developed by Greek thought and practice is based on the idea of "rule" by the "people," and thus inherently entails some degree of individual and/or collective participation in shaping distributions of political power. Traditions of "participatory democracy" emphasize the direct and active—as opposed to merely "representative"—involvement of all people in a given jurisdiction (city, state, country, and so on) in shaping the political order that impacts their daily lives. Among the many organizations and political formations guiding social movements fighting for and enacting participatory democracy in the last two centuries was the Student Nonviolent Coordinating Committee (SNCC), which was formed out of the student and sit-in movement of the early 1960s, itself part of the long black freedom movement of more than a century. Shaped by the direct influence and leadership of Ella Baker, an already seasoned leftist organizer at the time of SNCC's founding in 1960, the organization worked to build political power among disenfranchised black people in the deep south and governed its own organizational life by collective decision-making processes. Shunning top-down political formations, SNCC and Baker organized on the basis of the idea that peoples dispossessed by raced, classed, and gendered oppressions have the insights, capacities, and imagination to obtain their own freedom together, which means the role of the organizer is to

clarify and help awaken such processes of collective self-determination, as opposed to orchestrating it themselves.[23] In addition to SNCC, other organizations including the Highlander Research & Education Center have carved out space to nourish the collective self-determination of people directly affected by various oppressions working to forge a way to freedom, for societies (and economies) arranged in ways that benefit all as opposed to only a few.[24]

Participation is a principle of political organization, but it also describes the underlying basis of economic arrangements that order things in alternative ways to the political economy of capitalism and the absolutely exclusive private possession—of property, of the "means of production"—upon which it is based. Such economies take a wide variety of forms, and include, among others, social democracy, socialism, communism, economic democracy, and participatory economics, each of which entail various possible forms of public, collective, cooperative, or even limited private ownership of property and means of production, or a mix of such forms of ownership. Socialist traditions, which operate according to the mantra "from each according to [their] ability to each according to [their] need," gained prominence in the eighteenth and nineteenth centuries in Europe, but arguably have predecessors dating back far earlier. Ancient predecessors of socialist thought and practice arguably include the early Christian community described in the book of Acts, in which "no one claimed private ownership of any possessions, but everything they owned was held in common" (Acts 4.32), as well as the monastic tradition formed by Benedict of Nursia in the middle of the sixth century, which identified "private ownership" as an "evil" that "must be uprooted and removed from the monastery."[25] According

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[23] For more on Baker and SNCC, see: Barbara Ransby, *Ella Baker and the Black Freedom Movement: A Radical Democratic Vision* (Chapel Hill, NC: Univ. of North Carolina Press, 2007). I have also written about the collective and participatory nature of such social movements: Andrew Krinks, "Ella, Peggy, Myles, and Jesus: Facilitating Transformation. https://dailytheology.org/2017/05/05/ella-peggy-myles-and-jesus-facilitating-transformation/.
[24] See: www.highlandercenter.org.
[25] Joan Chittister, *The Rule of Benedict: A Spirituality for the 21st Century* (New York: Crossroad, 2010), 165.

to nineteenth century British Christian socialist William Morris and others, the English Peasants'
Revolt of the fourteenth century, led by Wat Tyler and carried out under the moral guidance of
the Lollard priest John Ball, exemplified proto-socialist theological and political sentiments.[26]
Early modern figures and groups, including Gerrard Winstanley and the Diggers of the mid-
seventeenth century, which I explored in the second chapter and explore further below, also
exemplify aspects of proto Christian socialist thought and practice based in theological
arguments against private ownership and for common ownership of land. By the eighteenth,
nineteenth, and early twentieth centuries, socialist political and economic arrangements emerged
and proliferated across the globe, including in the United States, as legitimate ways of ordering
society.

In the modern era, economic arrangements that order themselves according to principles
of collective ownership and participation do so in part as an antidote or alternative to capitalist
arrangements because capitalist economies are, by definition, built on the principles of the
private accumulation and ownership of those goods and means of production that impact the
lives of more than just those who own them. As I have argued throughout this project,
particularly in chapters one and two, such arrangements, while they may promote economic
productivity that can yield net positive outcomes for more than just each individual owner,
ultimately require inequities in wealth that have proven deadly throughout history.

Economies built on the principle that shared access to resources should take precedence
over limitless private accumulations of resources and wealth can and do take the form of large-
scale economic and political systems that encompass entire cities, states, or nations. Just as if not

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[26] William Morris, *A Dream of John Ball* in William Morris, *The Collected Works of William Morris, Vol. 16,*
(Austin, TX: Elibron Classics, 2005). See also: Gary Dorrien, *Social Democracy in the Making: Political and
Religious Roots of European Socialism*, 1st edition (New Haven, CT: Yale University Press, 2019), 74.

more often, however, such economic arrangements tend to be smaller in scale. While not always carried out as explicitly "socialist" practices, formations including worker cooperatives, worker self-directed enterprises, and community land trusts share with socialist practice the commitment to forms of ownership and distribution that prioritize the common good over limitless private freedom and wealth that inevitably sacrifices the common good. Unlike traditional businesses in a capitalist system that are owned by a single owner or a few owners who exercise authority over managers and employees, worker cooperatives are businesses owned and directed by its workers. While cooperative businesses work within a capitalist system, they also hold promise for shifting economies on a broader scale. Worker owned cooperatives have a long history that continues up to the present.[27]

Cooperatives have been especially important for black communities in the United States that have had no choice but to struggle to survive and thrive in an economy characterized by the generational inheritance of white wealth accumulated by way of the centuries-long racialized exploitation, and by stagnant wages that fail to meet rising costs of living. As a prolific scholar not just of the "color-line" but the exploitative political economy with which it was fused, W. E. B. Du Bois was a critic of capitalism as early as the first decade of the twentieth century. In 1907, he wrote on "The Negro and Socialism," and by 1911, Du Bois was himself a member of the Socialist Party of the United States.[28] Throughout the first three decades of the twentieth century, Du Bois wrote essays, periodicals, and longer manuscripts on principles of economic democracy and black cooperative economic practices.[29] As a historian, Du Bois discerned the

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[27] For more on the cooperative tradition, see: Nathan Schneider, *Everything for Everyone: The Radical Tradition That Is Shaping the next Economy*, First Edition (New York: Nation Books, 2018).

[28] Bill V. Mullen, *W. E. B. Du Bois: Revolutionary Across the Color Line* (London: Pluto Press, 2016), 44.

[29] Jessica Gordon Nembhard, *Collective Courage: A History of African American Cooperative Economic Thought and Practice* (University Park, PA: Pennsylvania State University Press, 2014), 107.

continuity between the strategic cooperation required for "the spirit of revolt" that fueled

insurrection among enslaved Africans and the "various co-operative efforts toward economic

emancipation and land buying" that followed liberation from slavery.[30] Du Bois also participated

in the actual founding and maintenance of cooperative enterprises throughout the course of his

life.[31] If, as Du Bois tells us, whiteness is a manifestation of exclusive possession—"ownership

of the earth forever and ever, Amen!"—then racial justice must entail collectivizing ownership in

race-conscious ways as a means of reparation and redistribution of the resources needed for life.

As Du Bois and others before, with, and after him intuited, economic democracy or socialist

practice in the form of cooperative ownership and business is a way to shift the balance of

resources and power toward greater self-determination for people of color in a nation that does

not distribute wealth with any kind of racial equity.[32] In the face of an economy based on

exclusive possession in which a few gain wealth by way of the exploitation and dispossession of

many, a participatory economy ordered according to common and equitable access to resources

bears promise as one political and economic pathway to greater equity, shared power, and

freedom.[33]

A Theological-Political Anthropology of Participation

Theological "participation" signifies a mode of relation that entails a sharing, a

communion—between humans and God, and humans and humans—in which each remains

distinct and yet interrelated. The "sharing" of theological participation has to do primarily, in its

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[30] Quoted on Nembhard, *Collective Courage*, 29.
[31] Nembhard, *Collective Courage*.
[32] Ibid., 15.
[33] For more on "participatory economics," see: C.J. Polychroniou, "What is Participatory Economics? An Interview with Michael Albert," *Truthout*. December 22, 2016. https://truthout.org/articles/what-is-participatory-economics-an-interview-with-michael-albert/.

earliest usage, with shared properties, elements of essence, but it also has to do with a dynamic sharing, an ongoing interrelation—shared life—in both "vertical" and "horizontal" senses. As theologians across the Christian tradition suggest, participation in the life of God entails freedom-making relations of solidarity with others created *imago dei*. Participation in its political and economic valence also signifies a mode of relation: between persons and persons, between individuals and collectives, and between individual persons, collectives, and things. Rather than shared ontological essence—apart from perhaps a general sense of solidarity based in shared humanity—political and economic participation are matters of shared power and resources, the means of life and self-determining freedom. Apart from a mode of relation based on "sharing" in a general sense, what do theological and political (and economic) participation hold in common? And what is gained by thinking them together, or perhaps seeking a synthesis of them?

Theological participation, by itself, provides an important frame for understanding the relation of communion between God and humans, and in turn between humans and other humans: humans meet God "vertically" through prayer and worship, but also "horizontally" through freedom-making acts of solidarity. Synthesizing political (and economic) participation with theological participation deepens and widens what exactly is entailed in "participation" across its multiple significations. Theological participation is a matter of sharing in the life of God. Political and economic participation are matters of sharing in the lives of others. Participation in its conglomerate theological-political valence, then, might signify a mode of relation between humans and humans, and between humans and the world, marked by freedom-making solidarity understood as concrete means of participating in the life of God. Put simply, collectively sharing resources and power in ways that promote an emancipatory common good is a way of sharing in God's own life. As Dorothy Day of the Catholic Worker movement, citing

the medieval mystic St. Gertrude, often said, "the more common property becomes, the more holy it becomes."[34] We participate in God's life by mutual human participation and by participating in—rather than exclusively possessing—the world itself.

Thought together, what political and economic participation bring to the concept of theological participation is a more robust sense of the concreteness and specificity of participatory modes of relation and sociality. What theological participation brings to political and economic participation is a deeper sense of the divine dimensions of acts of non-possessive, dynamic, and communal modes of relation. By the phrase "divine dimensions" I refer not so much to a shared resemblance between the relationality of the triune God and human relationality (as in social trinitarianism), as to the notion that human acts of solidarity and freedom-making are themselves concrete means of "participating in" the life of the triune God, as so many theologians suggest. The concept of theological-political participation as I am here proposing it, in sum, signifies a mode of non-possessive participatory relationality with others and the world that is at the same time a means of relation with the God who *is* a participatory mode of relation in God's self and who desires and makes possible participatory relations between humans and humans, and between humans and the world.

A theological-political anthropology of participation is like a traditional Christian anthropology in many respects. Human beings are both created *imago dei* and corrupted by sin. The shape of sin depends in part on one's particular position in the world. Self-absolutizing, self-deifying pride is an orientation antagonistic to participatory modes of relation. And yet, for those

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[34] One of the places Day references this quote is in a February 1971 editorial in *The Catholic Worker* newspaper in defense of Angela Davis and communism. Dorothy Day, "On Pilgrimage," *The Catholic Worker*, Feb 1971, pp. 2, 6, 8. Day renders the quote in its alternate form: "property, the more common it becomes, the more holy it becomes." See also: Mark Zwick and Louise Zwick, *The Catholic Worker Movement: Intellectual and Spiritual Origins* (New York: Paulist Press, 2005), 160-161.

oppressed by the evil deriving from the sins of whiteness, private property, and patriarchy (among other sins and evils), sin might be understood beyond the concept of pride alone.[35] Contrary to the theological anthropologies of whiteness, private property, and patriarchy, a theological anthropology of participation discerns human finitude and the vulnerability fundamental to it not as dangers to be escaped—transcended—at the expense of others, but as basic features of life, and even goods that serve as means of invitation to trust in the provision of God-in-others through a spirituality and sociality of mutual aid and common good.

This project identifies private, exclusive accumulation in the form of absolutely exclusive private property, which emerges from and expresses an individualized, atomistic theological anthropology, as a manifestation of sin that proliferates evil. Based on this argument, it might be presumed that human collectivity, as an antidote to self-centered individualism, can only possibly be good, or even sacred. The truth, however, as history makes clear, is that it is all too possible for human collectivities to embody sin and evil in terrifying and death-dealing ways. Indeed, whiteness, private property, and patriarchy, in their fusion, have long taken the form of collectivities of shared identity and interest that create immense harm for those excluded from them. Reinhold Niebuhr and liberation theologians alike are attentive to the fact that sin very

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[35] As I explore in chapter two, white feminist theologian Valerie Saiving—and later, Judith Plaskow—helped develop this concept by illuminating the patriarchal underpinnings of predominant Christian theological conceptions of sin and arguing that the difference between men's and women's experience means concepts like sin must be developed to account for women's experience. Valerie Saiving Goldstein, "The Human Situation: A Feminine Viewpoint," *Pastoral Psychology* 17, no. 3 (April 1, 1966): 29-42; Judith Plaskow, *Sex, Sin, and Grace: Women's Experience and the Theologies of Reinhold Niebuhr and Paul Tillich* (Washington: University Press of America, 1980). Because "women's experience" as articulated by early white feminist theologians tended to mean *white* women's experience, womanist—and later mujerista—theologians developed theologies that accounted for the multiple oppressions of black and latinx women's experiences, thereby expanding upon white feminist theologies, on the one hand, and male-dominated black and Latin American liberation theologies, on the other. See: Jacquelyn Grant, "The Sin of Servanthood and the Deliverance of Discipleship," in *A Troubling in My Soul*; Delores S. Williams, *Sisters in the Wilderness: The Challenge of Womanist God-Talk* (Maryknoll, N.Y: Orbis Books, 1993).; Ada María Isasi-Díaz, *Mujerista Theology: A Theology for the Twenty-First Century* (Maryknoll, N.Y: Orbis Books, 1996); Ada María Isasi-Díaz, *En La Lucha / In the Struggle: Elaborating a Mujerista Theology*, 10th anniversary ed (Minneapolis: Fortress Press, 2004); Ada María Isasi-Díaz, *La Lucha Continues: Mujerista Theology* (Maryknoll, N.Y: Orbis Books, 2004).

much manifests not just in isolated individuals but through collectives, institutions, and other social and political formations.[36] The issue, then, is not individualist anthropologies themselves, but individualist anthropologies that generate modes of relation to others, to the world itself, and to God characterized by exclusive possession, which is to say possession at the expense of others. Such anthropologies tend to emphasize the atomized individual, and yet they also often manifest in collective formations. I pose a "participatory" theological anthropology—as opposed to a purely "collective" anthropology—as an antidote to exclusive possessive anthropologies in order to be precise about the dialectic nature of human personhood between individual and collective modes of being and relating: "participatory," as I use the term, implies a degree of agency that can entail both individuality and communion. The important thing is that individuality and communion be understood not simply as two separate options, but two moments in a single dialectic or spectrum upon which humans move, back and forth.[37]

Whiteness, private property, and patriarchy tend toward exclusive, limitless, possessive individualism at the expense of other people, hurting others, and at the expense of other modes of being and relating, hurting themselves, as Baldwin intuits. It is little surprise, then, that those rendered inferior and suspect by whiteness, property, and patriarchy have been those who have most predominantly embodied and clarified alternate ways of being and relating. While some often think of collective ownership as a feature of authoritarian or fascist societies, which has certainly been true in some cases, the reality is that forms of common ownership, and economic and participatory democracy have traditionally been carried out by people dispossessed by the

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[36] Reinhold Niebuhr, *Moral Man and Immoral Society: A Study in Ethics and Politics*, Second edition, Library of Theological Ethics (Louisville, KY: Westminster John Knox Press, 2013); Cone, *God of the Oppressed*; Gutiérrez, *A Theology of Liberation*; Emilie Maureen Townes, *Womanist Ethics and the Cultural Production of Evil*, Black Religion, Womanist Thought, Social Justice (New York: Palgrave Macmillan, 2006).

[37] Theologian Ed Farley develops a three-dimensional theological anthropology that understands humans as existing within individual, interhuman, and social realms. Edward Farley, *Good and Evil: Interpreting a Human Condition* (Minneapolis: Fortress Press, 1990).

authoritarian power and economic exploitation of whiteness, property, and patriarchy, including

especially women. As I showed at length in chapters one and two, while the inherent

exploitations upon which capitalism stands have been fundamentally racial from the start,[38]

capitalism also depends just as fundamentally upon the unique "degradation" and "subjugation"

of women as reproducers of the labor force upon which the accumulation of capital depends.[39]

According to Silvia Federici, the privatization and dispossession of early modern capitalism had

particularly negative effects upon women, whose "labor" was increasingly confined to domestic

and reproductive spheres where it was monetarily undervalued, thereby forcing women into "a

condition of chronic poverty, economic dependence, and invisibility as workers."[40] The

patriarchal structure of capitalism from its earliest stages meant that women were essential for

capital accumulation but remained unrecognized and inadequately remunerated for their

contributions to it, leaving them not only dependent upon men and employers, but themselves

fundamentally transformed into an exploitable resource.[41] Because the privatization of common

lands impacted women in especially negative ways, women dispossessed of their access to the

commons were regular participants and leaders in acts of resistance against the hedges, fences,

and gates of enclosure in early modern Europe.[42]

As Federici notes, what was true of women in the earliest stages of capitalist

dispossession—that they were both most severely impacted by it and led resistance and building

alternative arrangements to it—has remained true throughout modernity, including up to the

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[38] *Robin D. G. Kelley – What is Racial Capitalism and Why Does it Matter?* YouTube video, 1:26:46, from a lecture recorded at the University of Washington, Seattle, Washington on November 7, 2017, posted by KODX Seattle, November 18, 2017, https://www.youtube.com/watch?v=--gim7W_jQQ.
[39] Federici, *Caliban and the Witch*, 13, 75.
[40] Ibid., 74-75; 92-96.
[41] Ibid., 97.
[42] Ibid., 73-74.

present moment.[43] Examples of women leading resistance and creative alternatives to capitalist privatization and dispossession are many. Just a few include: women dispossessed by enclosure in sixteenth and seventeenth century England tore down the fences of enclosure and forged underground networks of reproductive healthcare and other collective techniques for surviving the patriarchal dispossessions of privatization;[44] the women of sixteenth century Peru survived Spanish Conquistador colonization by escaping to the mountains where they forged a new commons with practices that persist today;[45] black women in America like Harriet Tubman, and later Ella Baker, Fannie Lou Hamer, and others, organized and led movements seeking to survive enslavement and oppression; women in Africa and elsewhere today are carrying on a long tradition of stubbornly resisting the "commercialization of nature" by practicing "noncapitalist use of land" and subsistence farming;[46] women in India, the Philippines, and Latin America in recent decades have "replanted trees in degraded forests, joined hands to chase away loggers, made blockades against mining operations and the construction of dams, and led the revolt against the privatization of water;"[47] women in Cambodia and Senegal have created "autonomous, self-managed" banking systems that function as alternatives to exploitative and shame-inducing micro-financing systems;[48] the Zapatista women of Mexico helped lead the revolutionary reclamation and transformation of communities facing capitalist privatization and forged a depatriarchalized community ethos in the process;[49] women of the Landless People's Movement of Brazil built structures of mutual support and collective self-determination in the

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[43] Silvia Federici, *Re-Enchanting the World: Feminism and the Politics of the Commons* (Oakland, CA: PM Press, 2019).

[44] Silvia Federici, *Caliban and the Witch*, 2., rev. ed (New York, NY: Autonomedia, 2014).

[45] Federici, *Re-Enchanting the World*, 107.

[46] Ibid.

[47] Ibid., 108.

[48] Ibid.

[49] Ibid. 137-140.

wake of mass displacement;[50] women living in central Appalachia have put their bodies on the

line to resist the mountaintop removal that threatened to destroy their communities;[51] and black

women are leading today's decarceral movements,[52] the Movement for Black Lives,[53] and other

radical movements for social change. What such feminist, anti-capitalist, and people-of-color-led

movements help us envision, Federici argues, is the possibility of discerning and becoming not

merely liberated individual subjects, but "a common subject." By "common subject," Federici

means not a "gated reality, a grouping of people joined by exclusive interests separating them

from others," but "a quality of relations, a principle of cooperation, and of responsibility to each

other and to the earth, the forests, the seas, the animals."[54] Participatory practice in pursuit of a

participatory society is not an otherworldly fantasy, but an already existing reality—one often led

by women, especially poor women and women of color.

While some streams within the larger struggle for a world beyond individualized,

exclusive possession have operated from no explicit religious conviction at all, their modeling of

participatory means in pursuit of participatory ends nevertheless provide rich resources for

imagining what a theological-political anthropology of participation might entail. Other streams

within such movements, on the other hand, have been carried out as an explicit expression of

Christian faith in continuity with Christian tradition. From the first Christian communities (Acts

4:32-35) to the fourth century church fathers who preached the common-ness of God's

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[50] Ibid., 112-113.

[51] Ibid., 105. See also: Joyce M. Barry, *Standing Our Ground: Women, Environmental Justice, and the Fight to End Mountaintop Removal*, Ohio University Press Series in Race, Ethnicity, and Gender in Appalachia (Athens, Ohio: Ohio University Press, 2012).

[52] For example: Assata Shakur, Angela Davis, Ruth Wilson Gilmore, Joy James, Mariame Kaba, and many others.

[53] Alicia Garza, "A Herstory of the #BlackLivesMatter Movement," *The Feminist Wire* (blog), October 7, 2014, https://thefeministwire.com/2014/10/blacklivesmatter-2/. Alicia Garza, Patrisse Cullors, and Opal Tometi formed the #blacklivesmatter hashtag in 2014 that helped solidify, consolidate, and spur a new movement for racial justice. See also: Charlene A. Carruthers, *Unapologetic: A Black, Queer, and Feminist Mandate for Our Movement* (Boston, MA: Beacon Press, 2018).

[54] Federici, *Re-Enchanting the World*, 110.

creation,[55] from ancient[56] and medieval monasticism[57] to the early modern Diggers who enacted

communal possession of God's "common treasury,"[58] and from the Catholic Worker movement

to black religious and mutual aid communities of the nineteenth and twentieth centuries that

forged cooperative economies as a way to survive white supremacy,[59] there is a long and steady

radical Christian tradition of theologizing and practicing collective possession of—which is to

say communal participation in—the created order.

Liberation theologies, and the social movements of which they have been a part, are

especially important expressions that inform a theological-political anthropology of participation.

Within liberation theologies, the womanist theological and ethical tradition is an especially

important resource that challenges the rigorously individualist, exclusive, possessive

anthropologies of whiteness, absolutely exclusive property, and patriarchy. As such, womanist

scholarship helps us envision in more specific terms what a theological-political anthropology of

participation in a white supremacist capitalist patriarchal and carceral social order might entail.

Emerging out of black women's strategies of survival under interlocking oppressions, womanist

thought articulates an especially deft and multidimensional expression of what it can mean to be

human in a world bent on one's elimination. At their core, womanist theological and ethical

traditions embody ways of both being and knowing that attend to the full complexity of human

life—especially life lived under multidimensional oppressions of race, class, and gender—by

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[55] Christopher Pierson, *Just Property: A History in the Latin West. Volume 1: Wealth, Virtue, and the Law* (Oxford: Oxford University Press, 2013), 59-76; Charles Avila, *Ownership: Early Christian Teaching* (Eugene, OR: Wipf & Stock), 2004.

[56] Chittister, *The Rule of Benedict*, 165.

[57] Nathan Schneider, "Can Monasteries Be a Model for Reclaiming Tech Culture for Good?" *The Nation*, August 2014; "Commies for Christ," *The New Inquiry*, December 2013.

[58] Gerrard Winstanley, *A Common Treasury*, ed. Andrew Hopton (New York: Verso Books, 2011).

[59] Nembhard, *Collective Courage*, 27-47.

discerning both assertive self-determining agency and communality as central components of

what it means to be human in a world that does not recognize one's full humanity.[60]

For womanist theologian Shawn Copeland, for example, to be "a human person" is to be

a creature made in God's image; a "person-in-community;" "an incarnate spirit" characterized by

particularities of race, gender, sexuality, and culture; created with a capacity to exercise agency,

freedom, and responsibility; "a social being" that relates through both difference and

interdependence; and a being willing to struggle against forces hostile to creation and the

survival of God's creatures. To be human, in other words, is to be both self-determining and a

self-in-relation. Because Jesus—the human incarnation of God—embodies solidarity with

suffering peoples, Copeland argues, "a new anthropological subject of Christian theological

reflection" should ground itself today in the experiences of "exploited, despised, poor women of

color."[61] If humans are made in God's image, and God incarnate is characterized by solidarity

with the despised, then to be human is to live in solidarity with the despised, especially "poor

women of color," the despised of the despised. "Only in and through solidarity with them, the

very least of this world," Copeland writes, "shall humanity come to fruition."[62] Such an

anthropology informs an anthropology of participation in the sense that it locates the crux of

human personhood in a synthesis of self-determining agency and communality. Forged as a

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[60] According to womanist ethicist Stacey Floyd-Thomas, womanism rests on (1) the assertive and self-determining capacities of black women, (2) the commitment to the familial, relational, and collective bonds of solidarity that brought one into being, (3) the need to love oneself deeply in one's particularity in a world that will not do it for you, and (4) the importance of taking stock of the "interlocking systems of oppression" within which black women exist and the "strategic options" at hand for subverting them—all together—as the multi-dimensional foundation upon which black women have always survived and will continue to survive into the future. Stacey M. Floyd-Thomas, *Mining the Motherlode: Methods in Womanist Ethics* (Cleveland, Ohio: Pilgrim Press, 2006), 8-11; Stacey Floyd-Thomas, "Womanism as a Resource for CRT and Social Ethics" (class handout), "Critical Race Theory and Social Ethics," Vanderbilt University, Spring 2015. As Stephanie Mitchem writes, womanist theology prioritizes collaboration over competition.
[61] Copeland, *Enfleshing Freedom*, 87, 90.
[62] Ibid., 92.

discourse and practice of survival in a white supremacist capitalist patriarchal social order, womanist theology and ethics are necessary resources for any proposal for an anthropology that counters the hyper-individualist, exclusively possessive anthropologies of whiteness, property, and patriarchy. Womanist scholarship provides critical resources for understanding the oppressions wrought by the white supremacist capitalist patriarchal and carceral society in which we live today—one in which women, and poor women of color in particular, are among the fastest growing populations of criminalized and incarcerated people.[63] Additionally, and just as importantly, womanist scholarship has the capacity to inform participatory practice in pursuit of a world freed from the grip of the principalities of whiteness, property, and patriarchy, and the criminalization of black, other nonwhite, and economically dispossessed women and men (and gender-non-conforming people) that emerges from them.

If the theological anthropologies of whiteness, private property, and patriarchy sacralize exclusive, limitless, possessive individualism at the expense of all others and creation itself, then a theological-political anthropology informed by liberationist, womanist, black radical, socialist, and feminist politics discerns participatory modes of being—incorporating both individual and collective existence—as means of participation in the life and liberating work of God. Indeed, in the end, the promise of a theological-political anthropology of participation is that it grounds us in the realization that the idolatrous, self-deifying powers of whiteness, private property, and patriarchy—and the evil of criminalization that they engender—may not be as infinite and invulnerable as they seem. Indeed, experiments in race- and gender-conscious economic democracy and abolition are being carried out today in the United States and across the globe, and they continue to provide a crucial means of weakening that demonic power that consists in

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[63] Prison Policy Initiative, "Women's Mass Incarceration: The Whole Pie 2018,"
https://www.prisonpolicy.org/reports/pie2018women.html.

exclusive "ownership of the earth forever and ever, Amen!" and replacing it with more collectively beneficial and emancipatory modes of relating to one another and to the world in which we live.[64]

Decarceral Soteriology

As I illustrated in chapter four, the aspiration to godlike power obtained at the expense of others that brings whiteness, private property, and patriarchy into being inevitably entails the creation of "chains and corpses." It is for precisely this reason that whiteness, property, and patriarchy constitute what the New Testament calls "principalities and powers." The death-dealing chains by which the principalities of whiteness, property, and patriarchy pursue their "safety" include the chains of criminalization and carceral confinement. As I have argued, the theological anthropologies of whiteness, property, and patriarchy give way to the pseudo-soteriology of criminalization. Likewise, theological antidotes to these phenomena entail both anthropological and soteriological dimensions. I have sketched toward a theological anthropology of participation, and continue now by sketching toward a soteriology of decarceration. If theological anthropologies of whiteness, property, and patriarchy entail a soteriology of subjection and captivity, then a theological anthropology of participation must entail a soteriology of release from captivity. If, as a long Christian tradition argues, God is a God who liberates those who experience oppression, then in a criminalizing social order, the work of God

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[64] Recent and current examples of such forms of race- and gender-conscious economic democracy include the work of Ed Whitfield and the Southern Reparations Loan Fund (https://southernreparations.org/), the New Economy Coalition (https://neweconomy.net/), and Cooperation Jackson in Jackson, Mississippi (https://cooperationjackson.org/), among many others. For more on the story of Cooperation Jackson, see: Kali Akuno and Ajamu Nangwaya, eds., *Jackson Rising: The Struggle for Economic Democracy and Black Self-Determination in Jackson, Mississippi* (Daraja Press, 2017). For more on black economic democracy and cooperative movement traditions, see: Jessica Gordon Nembhard, *Collective Courage: A History of African American Cooperative Economic Thought and Practice* (University Park, Pa: Pennsylvania State Univ. Press, 2014).

is the work of *de*carceration, emptying carceral cages of those dehumanized and made subject by them. More specifically, participating in God's life and work in a carceral society means participating in the task realized and catalyzed in Jesus of Nazareth: bringing "release to the captives."

Release from Captivity

Eager to cast Jesus in the tradition of the Hebrew prophets, the Gospel of Luke figures the inauguration of Jesus's ministry through a ritual reading of scripture in the synagogue in Jesus's hometown of Nazareth. Combining sections from Isaiah 61:1-2 and 58:6, Luke's Jesus frames the trajectory of his ministry as a prophet-messiah by speaking publicly the words of the prophet before him: "The Spirit of the Lord is upon me, because he has anointed me to bring good news to the poor. He has sent me to proclaim release to the captives and recovery of sight to the blind, to let the oppressed go free, to proclaim the year of the Lord's favor" (Lk 4.18-19). Upon concluding the reading, Jesus tells those gathered that the words of the prophet have been fulfilled in their hearing—a claim bold not just in its messianic implications, but in its sociopolitical and economic implications as well. Who are the "captives," why are they held captive, and what does their captivity, and Jesus's proclamation about release from captivity, tell us about the tradition that emerged out of such a proclamation?

As we have already seen (in chapter four), a spiritualized conception of release from captivity has long been the predominant interpretation of the release of which Luke's Jesus speaks: captivity is the state that results from sinfulness, and release—by paying a ransom to the devil (Augustine, Gregory of Nyssa), by paying humanity's debt to God (Anselm), by substitutionary punishment that satisfies justice (Calvin)—is a release from the power of sin to

which corrupted humanity is subject. Many contemporary biblical scholars read Jesus's

inaugural sermon in much the same way. For Stanley Porter and Darrell Bock, Jesus's

proclamation is an eminently spiritual one, as opposed to a material or literal one. A more precise

translation, Porter argues, would have Jesus proclaiming "he has sent me to proclaim forgiveness

to the captives…."[65] Likewise, for Bock, Jesus's "starting point" is the "individual" and the

"spiritual,"[66] which makes unnecessary too much attention to questions of the materiality or

sociopolitical and economic factors of the context in which Jesus lived and ministered. As Bock

summarizes, "The image [in Luke 4] is of release from captivity; but in Luke, the picture

includes release from sin and spiritual captivity…. Of course, since the judgment of captivity is

tied to sin, such an association is natural. Jesus's call is to come to God on his terms and accept

his forgiveness as provided in Jesus, who sets free the oppressed."[67]

While a spiritual sense of release from captivity might be entailed in Luke's account of

Jesus, attending to the sociopolitical and economic conditions of the ancient society in which

Jesus made his proclamation broadens the scope of what, exactly, "release to the captives" might

entail. Who were the "captives" of Jesus's time? In an ancient world characterized by severe

disparities in land and wealth, debt was a prominent mechanism by which elites managed those

too poor to subsistent independently. One of the consequences of ongoing indebtedness during

Jesus's time was temporary physical captivity, which at times resembled or even constituted a

kind of enslavement.[68] As one historian notes, in the first century, Roman elites in the first

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[65] Stanley E. Porter, "The Messiah in Luke and Acts: Forgiveness for the Captives," in Stanley E. Porter, ed., *The Messiah in the Old and New Testaments*, McMaster New Testament Studies (Grand Rapids, MI: William B. Eerdmans, 2007), 151.

[66] Darrell L. Bock, *Luke, Volume I: 1:1-9:50*, Baker Exegetical Commentary on the New Testament 3 (Grand Rapids, Mich: Baker Books, 1994), 401.

[67] Ibid., 409.

[68] For more on the ancient economy of debt and the captivity and compulsory that often resulted for defaulting debtors, see: M. I. Finley, *The Ancient Economy* (London: Chatto & Windus, 1973); M. I. Finley, *Politics in the Ancient World*, The Wiles Lectures 1980 (Cambridge [Cambridgeshire]: Cambridge University Press, 1983); G. E.

century widely perceived the defaulting debtor forced to borrow money out of "dire need" as "a kind of criminal."[69] Luke's Jesus reads from the prophet Isaiah, whose proclamations about release can be read in connection with the debt-cancelling, slave-remitting Jubilee imperative of early Israel.[70] By proclaiming "the year of the Lord's favor" in Luke 4:19 (echoing Isaiah 61:2) and by speaking of "the poor," "the captives," and "the oppressed" (citing Isaiah 61:1 and 58:6)—all in the same passage—Jesus likely calls to mind for his listeners realities that, for Israel, and thus, at least in in part for the Jewish Jesus, are unintelligible apart from a consideration of the material and economic realities that characterized life for the majority of people during that time. Indeed, in Jesus's context, debt was more than a perennial metaphor for wrongdoing or sin; it was a material and economic predicament that put people into physical captivity and occasionally even resulted in death.

Reading the "release" of Jesus's proclamation as a purely spiritual signification ignores the fact of the intertwining of the social, political, and economic with the religious both in the ancient world of Isaiah and later of Jesus, and thus, subsequently, of the world of Augustine, Anselm, Calvin, and beyond. As used by both Isaiah and Luke's Jesus, "release"—*aphesis*—signifies multivalently both release from concrete relations of subjugation resulting from indebtedness, on the one hand, and "forgiveness" of sins, on the other. Indeed, this multivalence

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M. De Ste. Croix, *The Class Struggle in the Ancient Greek World: From the Archaic Age to the Arab Conquests* (Ithaca, N.Y: Cornell University Press, 1989); Joseph A. Fitzmyer, ed., *The Gospel According to Luke: Introduction, Translation, and Notes*, 1st ed, The Anchor Bible, v. 28-28A (Garden City, N.Y: Doubleday, 1981); Douglas E. Oakman, "Jesus and Agrarian Palestine: The Factor of Debt," in Jerome H. Neyrey and Eric C. Stewart, eds., *The Social World of the New Testament: Insights and Models* (Peabody, MA: Hendrickson Publishers, 2008).

[69] G.E.M. de Ste. Croix, *The Class Struggle in the Ancient Greek World*, 165.

[70] As Joseph Blenkinsopp writes, "That debt or poverty was the primary if not necessarily exclusive reason for captivity and prison can be deduced from the language. The expression *liqrō' děrôr* ('proclaim freedom') is a technical term for the solemn proclamation of the *šĕmittâ* (Jer 34:17), the seventh year 'release,' when fellow-Israelites who had been sold into Indentured service were to be set free and their outstanding debts forgiven (Exod 21:2; Deut 15:1-11; Jer 34:8-22)." Joseph Blenkinsopp, ed., *Isaiah 56-66: A New Translation with Introduction and Commentary*, 1st ed, The Anchor Bible, vol. 19B (New York: Doubleday, 2003), 224-225.

should not be surprising given the fused religious and political-economic rationales undergirding the very conceptualities of debt and sin throughout the historical trajectory traced in chapter four. Given the multiplicity of significations contained in the term in its many usages, biblical scholar John Carroll writes that in Luke's narrative, "the realities of sin (requiring 'release' in the sense of gracious forgiveness), indebtedness (requiring 'release' in the sense of debt relief), and oppression by demonic powers (requiring 'release' in the sense of liberation) overlap."[71] If we read the proclamation made by Luke's Jesus, that he was inaugurating "release to the captives," with attention to the material subjugation of people living in poverty in Jesus's time—a subjugation born of the indebtedness that proliferated in that society—we can discern that the release that Jesus brings in what the tradition calls "salvation" entails more than an abstract release from an ethereal power of sin, but release from the concrete carceral—captivating—evils that sin generates in the world.

Soteriologies of subjection, as I explored in the fourth chapter, also entail a version of the concept of release from captivity. For Augustine and Anselm in particular, and Calvin to some degree as well, the condition of sin—a corruption of humans' created nature that separates humans from God—condemns humans and establishes a relation of obligation, each of which entail captivity. For Augustine, "captivity" means captivity to the devil, whereas for Anselm (and for Calvin), "captivity" is captivity in the sense of indebtedness—and to God instead of to the devil. For Augustine, God releases humans from captivity to the devil—to sin—by paying the devil (via Christ's blood) a ransom to literally buy humans back or redeem them from their condition of enslavement. For Anselm, God, through the satisfactory death of the God-Man, releases humans from the captivity of indebtedness to the God they dishonor—in the sense of

[71] John T. Carroll, *Luke: A Commentary*, First edition, The New Testament Library (Louisville, Kentucky: Westminster John Knox Press, 2012), 111.

refusing proper subjection—through sin, thereby restoring the hierarchical relations inherent in divine and human order. For Calvin, the substitutionary punishment and death of Jesus satisfies God's justice in the wake of human rebellion, thereby justifying humans—in the sense of restoring to right subjected relation—before the throne of God. All three thinkers also understand impurity or uncleanliness as a dimension of the condition of the captivity that results from the condition of sin. Salvation—a return to proper, life-giving subjection to God—thus combines metaphors of release and juridical justification with metaphors of purification and restoration.[72]

By articulating release from captivity as a descriptor of God's salvific work, elements of these soteriologies hold some promise for speaking to the crises of material captivity today. Indeed, precisely because the theological anthropologies of whiteness, property, and patriarchy and the carceral pseudo-soteriology that emerges from them are distortions of orthodox Christian theologies wherein God alone is judge or lord, such Christian soteriologies of subjection might be used as a resource to critique distorted and death-dealing carceral soteriologies: whiteness, property, and patriarchy are sinful because they idolatrously and disobediently replace divine power with human power. And yet, despite culminating in release from captivity, two primary problems remain with soteriologies of subjection that make them especially vulnerable to distorted deployments and thus less likely to be fruitful resources for dismantling the carceral imaginaries and materialities that they help legitimate. First, the "release" at work in such soteriologies is release for another subjection. Even if that subjection is subjection to an infinitely beneficent and life-giving God, the fact that subjection itself is so sacralized makes it vulnerable to historical imitations by godlike-authority-assuming governments that also sacralize subjection. Secondly, the release that such soteriologies envision is based on the presumption

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[72] See chapter four for further exploration of the synthesis of metaphors of juridical justification and purification.

that wrongdoing or wrong-being necessitates satisfaction in a way that at least potentially includes some harm: release is only possible if someone "pays" their debt. While recompense or reparation may be a component of authentic and restorative justice, political deployments of such notions of debt-paying satisfaction throughout history have tended not to promote release from captivity.

Catholic ethicist Kathryn Getek Soltis argues that Anselmian satisfaction—which, she observes, does not itself legitimate punishment—is a "restorative" frame for justice for the reason that it facilitates "compensation." For Soltis, Anselmian satisfaction, together with *lex talionis* forms of punishment—punishments based on the "law of retaliation"—when "directed toward the retrieval of relationships and the realization of original purposes," are valuable elements of meaningful justice.[73] Payment or recompense of some kind in exchange for wrongdoing is not, in itself, an inherent injustice; indeed, accountability often demands recompense that recreates some semblance of equity in the wake of its disruption. And yet, while it is true that Anselm's theory of atonement does not technically incorporate punishment-for-its-own-sake as part of what God does in salvation, his theory does emerge from a broader framework that holds that "either punishment or satisfaction" in the sense of recompense must take place for there to be justice, which suggests that both perform a similar function deriving from the same retributive rationale.[74] The restoration that salvation effects in Anselm's theory is restoration to right—subjected—relation to a God figured as a life-giving sovereign authority. While recompense of some kind, especially recompense "directed toward the retrieval of

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[73] Kathryn Getek Soltis, "Mass Incarceration and Theological Images of Justice," *Journal of the Society of Christian Ethics* 31:2 (2011), 119. Soltis argues that there is a kind of productive tension between *lex talionis* (eye for an eye) and Anselmian satisfaction theories of justice: both reject the notion of punishment for its own sake and instead mediate between retributive and restorative justice.

[74] Timothy Gorringe, *God's Just Vengeance: Crime, Violence, and the Rhetoric of Salvation* (Cambridge, UK: Cambridge University Press, 1996), 95.

relationships," is indeed a component of more lifegiving (and even biblical)[75] forms of justice

and accountability, as Soltis argues, recompense in the form of returning to a state of temporary

or permanent subjection under a pseudo-sacred law and order—which, I argue, is how

Anselmian satisfaction tends to play out in legal justice systems—is not truly "restorative" for

anyone.[76] In the end, if recompense could just as easily be replaced with punishment without

fundamentally changing the quality of the "satisfaction" taking place, as in the rationale

undergirding Anselm's soteriology, then that recompense is fundamentally distinct from forms of

accountability that restore relationships or re-establish equity or peace in the wake of harm.

Accountability and punishment are not interchangeable. Harm requires accountability, but

"punishment" can only be retributive, expressing a logic that pursues balance and order by

means of violence that is not in fact necessary for—and indeed is arguably at odds with—the

work of thoroughgoing accountability, recompense, reparation, and/or the restoration of right

relations.[77]

Liberation from Captivity

Liberation theologies, which first emerged in an explicit way in the late 1960s in North

America and Latin America, borrow aspects of the notion of release from captivity found in

soteriologies of subjection, but deploy them in directions less vulnerable to the sacralization of

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[75] Christopher D. Marshall, *Beyond Retribution: A New Testament Vision for Justice, Crime, and Punishment* (Grand Rapids, MI: Eerdmans, 2001).

[76] It might indeed be possible to use aspects of Anselmian satisfaction to argue for just and life-giving recompense, but only so long as we are clear about the problematic nature of the "either punishment or satisfaction" premise upon which the idea of Anselmian recompense is built.

[77] For more on restorative and transformative justice in the context of mass incarceration and criminalization, see: Mariame Kaba, "Circles of Grief, Circles of Healing" in Alice Kim et al., eds., *The Long Term: Resisting Life Sentences, Working toward Freedom*, 2018, 184-191; Danielle Sered, *Until We Reckon: Violence, Mass Incarceration, and a Road to Repair* (New York: The New Press, 2019); TransformHarm.org, https://transformharm.org/.

subjection. Rather than liberation from sin in an abstract or purely spiritual sense alone, liberation theologies are especially attentive to the multivalence of sin and the evil it produces such that liberation is understood in terms not simply of liberation from the individual's condition of sin but liberation from the social and material realities that sin produces in the world.

James Cone and Gustavo Gutíerrez articulate similar three-dimensional views of salvation and liberation. For both theologians, it is impossible to speak of salvation without also speaking of liberation. The God of Jewish and Christian scripture, Cone argues, is "the God whose salvation is liberation."[78] More specifically still, the work of Christ is the work of liberation: "Christ's salvation is liberation."[79] The salvation that entails liberation, then, is not a fruit of human effort but divine agency in which humans act as "participants." The freedom of liberation, Cone writes, is "a freedom not made with human hands."[80] The liberation that God in Christ brings "is not a human possession but a divine gift of freedom to those who struggle in faith against violence and oppression."[81] God saves and liberates and humans participate in that divine work in history. The three dimensions of salvific liberation, for Cone, are "relation to God" (vertical), "relation to self and community" (horizontal), and "the practice of freedom in history and hope" (historical).[82] Relation to God, Cone writes, is a matter of being made in God's image, the significance of which extends beyond the individual's relationship with God: "The image of God is not merely a personal relationship with God, but is also that constituent of humanity which makes all people struggle against captivity. It is the ground of rebellion and

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[78] Cone, *God of the Oppressed*, 128.
[79] Ibid., 130.
[80] Ibid., 129.
[81] Ibid., 127.
[82] Ibid., 130.

revolution among slaves."[83] To be made in the image of God, and to know it, is to pursue the earthly freedom that being created *imago dei* entails. God's salvation is not simply otherworldly, but historical: "History is the immanent character of liberation; it is the project of freedom. The immanence of liberation is 'visible whenever the emancipation of [people] from the chains of slavery takes place in history.' There is no liberation without transformation, that is, without the struggle for freedom in this world."[84]

Liberation theologies at their best are not simply means of sacralizing particular human interests, arbitrarily rendering them expressions of God's will, but are, rather, ways of understanding God that make it possible to understand human struggles for freedom as an expression of God's own being and desire. Much as for Cone, for Gustavo Gutierrez, salvation is not reducible to historical liberation, but salvation is also not salvation without it. To begin with, Gutiérrez argues that "sin—the breach of friendship with God and others—is a human, social, and historical reality…."[85] Sin is not just private, but historical and social and political, and is characterized by the absence of just relations with others and God. Sin, as social and personal, requires liberation, which implies both a personal and political liberation. This liberation is a gift from God, and humans can respond to and participate in it. Much as for Cone, for Gutiérrez, there are three dimensions of liberation: political, social, economic liberation from structures of oppression; historical liberation, which refers to the historical, collective self-determination of all people leading to a new humankind; and liberation from sin, through Christ the liberator.[86] Gutierrez argues that liberation does not encapsulate the full scope of Christian salvation, but it is

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[83] Ibid., 134.
[84] Ibid., 139.
[85] Gutíerrez, *A Theology of Liberation*, 100-101.
[86] Ibid., 24-25.

a necessary part of it, without which it is not salvation.[87] As such, human efforts alone do not bring about either salvation or liberation, but their efforts are integrated into it. Salvation, Gutiérrez writes, is "the communion of human beings with God and among themselves." Thus, salvation is essentially relational—vertically and horizontally, *both*, not one without the other.

Salvation, for both Gutierrez and Cone, is liberation from the powers of sin—sin in its individual, social, political, economic, historical, and inter-relational manifestations. Liberation, for Cone in particular, is liberation from the principality of whiteness. Because whiteness is a manifestation of sin and evil, liberation from whiteness is, properly speaking, liberation from sin. As I explored in chapter two, if one is to ask what, in human and historical terms, black liberation is liberation *from*, the answer, for Cone, is liberation from the "satanic" power of whiteness. Whiteness is satanic because it is a self-absolutizing, self-deifying and thus sinful aspiration "to play God in the realm of human affairs."[88] This sinful, self-obsessed, self-promoting desire to "play God," Cone argues, is "the source of human misery in the world."[89] In light of these realities, God's future consists of black liberation from the threat of the black annihilation that whiteness pursues and puts into motion. In pursuit of its godlike power, whiteness binds, holds captive, those defined as inherently immoral threats. In such a world, Cone suggests, the human struggle for black liberation is a participation in the divine work of liberation from the historical manifestation of sin that is the death-dealing principality of whiteness.[90] To extend Cone's argument, as I will further in this chapter's conclusion, we might argue that if salvific liberation is liberation from whiteness, then it is also liberation from the

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[87] Ibid., 104.
[88] James H. Cone, *A Black Theology of Liberation*, 40th anniversary ed (Maryknoll, N.Y: Orbis Books, 2010), 115.
[89] Ibid., 114.
[90] Ibid., 114-115.

criminalization and carceral captivity that whiteness, together with regimes of private property and patriarchy, make inevitable.

Chapters 1-4 explore the inherent relations between whiteness, private property, patriarchy, on the one hand, and criminalization, on the other. The seventeenth century English theologian and freedom fighter Gerrard Winstanley, who is arguably an early forerunner of twentieth century liberation theology and whose work I explored briefly in chapter two, also discerned the inherent connection between private property and early forms of criminalization and carceral containment. As outlined in the first chapter, the predominant view on property in the Christian tradition holds that the sinfulness that proliferated after the fall makes commonly tenured property untenable, thereby necessitating property that is privately owned as a means of guarding against the chaos that would otherwise ensue. For Winstanley, however, private, exclusive possession of the earth is not a consequence but the very origin and sign of the sinfulness introduced by humanity's fall. As he wrote in 1649, "so long as we, or any other, doth own the Earth to be the peculiar Interest of Lords and Landlords, and not common to others as well as them, we own the Curse, and hold the Creation under bondage."[91] To privatize the earth is to hold the earth "under bondage." As we have seen, by Winstanley's time, bondage was already a predominant way of understanding the condition of sin, but whereas many other theologians before and after him limit the concept of bondage to its ontological signification, Winstanley discerns bondage as a condition of the material world pervaded by sin and evil. Implicitly tracing the inherent connection between private and carceral enclosure, Winstanley argues that privatizing property in the form of land "breeds discontent, and divides the creation,

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[91] Gerrard Winstanley, "The True Levellers Standard Advanced" in Gerrard Winstanley, *The Works of Gerrard Winstanley*, ed. George H. Sabine (Ithaca, NY: Cornell University Press, 1941), 257-258..

and makes mankind to imprison, enslave, and destroy one another."[92] Just as the earth itself is held captive by the sinful bondage of the privatization of the commons, so such privatization brings about and even necessitates the captivity of humans displaced from them: private landowners and those who protect them with the law, Winstanley argues, wrongfully claim the power to "rule over the labours and persons of your fellow-creatures, who are flesh of your flesh, and bone of your bone…[doing] the very same things…for which you hang other men for, punishing others for such actions as you call sinne, and yet you live in the daily action your selves; taking the Earth from the weaker brother, and so killing by poverty or prison all day long."[93] As we have seen, those dispossessed by private enclosure regularly found themselves on the other side of a law made by and for the possessors of private property. Winstanley's argument is that such actions are sin because they hold humans and the earth itself in bondage, not just in a metaphorical but quite literal sense: those dispossessed by others' sinful pursuit of wealth and power die by poverty or die by prison—"chains and corpses," as Baldwin puts it.[94] Salvation, Winstanley will argue—analogously to the way Cone theologizes black liberation— entails the liberation of the earth from privatization and the liberation of those made subject by the forces of private accumulation.[95] While "whiteness" was not yet during Winstanley's life a coherent category as we understand it today, given the interrelation of private property and whiteness that emerged soon thereafter, explored in the first two chapters, Winstanley's thought gives us resources for discerning the connections between whiteness, property, and carcerality as a theological reality, as opposed to a simply secular or purely political one.

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[92] Quoted on Andrew McRae, *God Speed the Plough: The Representation of Agrarian England, 1500-1660*, Past and Present Publications (Cambridge, UK: Cambridge University Press, 1996), 127.

[93] Gerrard Winstanley, "Fire in the Bush" in *The Works of Gerrard Winstanley*, 492-493.

[94] James Baldwin, "An Open Letter to My Sister Angela Y. Davis" in James Baldwin, *The Cross of Redemption: Uncollected Writings*, ed. Randall Kenan (New York, NY: Vintage Internat., 2011), 255.

[95] Gerrard Winstanley, "A New-Yeers Gift for the Parliament and Armie" in *The Works of Gerrard Winstanley*, 351-396.

Healing Infirmities

I argued in chapter four that one of the foremost "trajectories" of Christian soteriological thought makes sense of human-divine relations and the work that God (in Christ) does in salvation through metaphors of sovereignty and subjection, along with the juridical and economic conceptualities of condemnation and debt with which they are connected. In addition to the juridical and economic conceptions of salvation, another prominent trajectory of ancient, medieval, and modern theology—including even that of Augustine, and perhaps Anselm and Calvin to a lesser extent—understands salvation by way of concepts and metaphors of the healing of ailments or infirmities. Gregory of Nyssa, who proffers a version of a ransom theory of atonement similar to the one Augustine would develop soon thereafter, also understands the work of salvation in terms of healing, which he argues takes place in the re-union of the body and the soul, which reaches its fulfillment in Christ's resurrection.[96] For Gregory, the reason that Christ joined himself to human nature was to heal human nature, which had been corrupted—made ill—by the introduction of sin. Salvific restoration in Gregory's thought is certainly a restoration to right relationship with a sovereign God, but that relational restoration also entails the restoration—in the sense of making-healthy—of human nature itself. Augustine, who, as we have seen, proposes a soteriology that sacralizes subjection, also follows a similar line of thought as Gregory when he argues that the human condition of sin is a state of "infirmity" that can only be "healed" by grace.[97] Seven centuries later, Thomas Aquinas would also pick up and elaborate upon Gregory, Augustine, and others by arguing that grace heals corrupted human nature, which,

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[96] Gregory of Nyssa, "An Address on Religious Instruction," in *Christology of the Later Fathers*, ed. Edward Rochie Hardy, vol. 3, The Library of Christian Classics (Philadelphia, PA: Westminster, 1954), 292-294.

[97] Augustine, "On the Spirit and the Letter," in *Basic Writings of Saint Augustine, Volume*, ed. Whitney J. Oates, vol. 1 (New York, NY: Random House, 1948), 472.

he argues—as Augustine also did—moves and enables us to act for the good.[98] Also like Augustine, Aquinas fuses the juridical framework of justification and the medicinal based framework of the healing of humanity's condition of ailment.[99] More recently, Paul Tillich also deploys the metaphor of healing to make sense of salvation. As he points out, the etymological root of the word salvation—*salvus*—indicates being "healed." Much like Gregory, Tillich frames the healing of salvation as a matter of "reuniting that which is estranged, giving a center to that which is split, overcoming the split between God and man [*sic*], man and his world, man and himself."[100]

The trajectory or dimension of soteriological thought that frames salvation's effect on humans in terms of healing is a useful resource for soteriologies of decarceration because healing—individual and social—is what carceral institutions purport but utterly fail to carry out. Whiteness, absolutely exclusive private property possession, and patriarchy are manifestations of sin in the sense that they proliferate death and evil both for those rendered inferior and criminal by them, and those who understand their godlike power to come through such identity inhabitations. As such, they constitute principalities: instantiations of separation from God that, by "insinuating [themselves] in the place of God," wreak havoc on earth through exploitation, violence, and death.[101] As Stringfellow argues, while they emerge from human sin, they ultimately have the capacity to exceed human agency such that, rather than humans exercising dominion over creation, the principalities exercise dominion over humans and all of creation.[102] As such, even those who exercise power by way of principalities like whiteness, private

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[98] Aquinas, *Summa Theologica*, IaIIae, Question 109.
[99] Ibbid., IaIIae, Question 111.
[100] Paul Tillich, *Systematic Theology, Volume I: Reason and Revelation, Being and God* (Chicago, IL: Chicago University Press, 1973), 166.
[101] William Stringfellow, *An Ethic for Christians & Other Aliens in a Strange Land* (Eugene, OR: Wipf and Stock, 1973), 81.
[102] Ibid., 82-83.

property, and patriarchy, are ultimately capable of being made victim by them as well—a victimization that may not compare to the victimization these principalities produce for others, but victimization all the same. As such, while it is the willful decision to put oneself in God's place that produces whiteness, absolutely exclusive private property, and patriarchy to begin with, those aspirations to godlikeness ultimately lead to spiritual death, which is to say a condition of infirmity. In the end, salvation in the context of a world made by and for whiteness, property, and patriarchy, and the criminalization that emerges from it is twofold, entailing both liberation from the forces of criminalization and carceral containment and the healing that carceral captivity—a death-dealing, not life-giving reality—fails to carry out.

Decarceration, Participation, and Salvation

Who are the "captives" today? In the early 1970s, the United States incarcerated approximately 200,000 people. Today, there are approximately 2.3 million people held captive in prisons and jails in the United States. The United States has 5 percent of the world's population, but 25 percent of the world's prisoners. Beyond the 2.3 million people in prisons and jails, an estimated 8 million (or one in twenty-three adults) in the United States live under some form of state captivity or control, which includes persons in jail and prison, as well as people on probation and parole, tracked by electronic monitoring, undergoing community sanctions, passing through drug courts, and caged in immigrant detention centers. As a result of these numbers, approximately one in four adults in the U.S. has a criminal record, which is a form of

punishment and civil death that lasts a lifetime in a society that bars people with criminal records from access to some of the most basic resources necessary for survival.[103]

As scholars including Michelle Alexander, Bryan Stevenson, and Angela Davis have made abundantly clear, mass incarceration—and, as I have specified, mass criminalization, a key catalyst of mass incarceration—is a thoroughly racialized reality. Though black people make up only 13 percent of the U.S. population today, they make up 40 percent of those incarcerated in the U.S., which is to say they are massively overrepresented among those held in carceral captivity. White people, on the other hand comprise 64 percent of the total U.S. population and only 39 percent of those incarcerated, making them significantly underrepresented inside carceral institutions.[104] In addition to race, carceral containment continues to be a reality that overwhelmingly ensnares economically dispossessed peoples. In 2014 dollars, incarcerated people had a median annual income of $19,185, which is 41 percent less than non-incarcerated people of similar ages.[105] In addition, the widely used practices of pretrial detention and money bail keep people who are too poor to afford freedom locked in cycles of criminalization and carceral containment.[106] Today, 76 percent of people held in jails have not yet been convicted of a crime, "and many are there simply because they can't afford money bail."[107] As noted above, in addition—and related—to factors of race and class, while men comprise the majority of the total number of incarcerated people in the U.S., women are the fastest growing incarcerated

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[103] Marie Gottschalk, "Are We There Yet? The Promise, Perils and Politics of Penal Reform," *Prison Legal News* 27, no. 1 (January 2016), https://www.prisonlegalnews.org/news/2016/jan/1/are-we-there-yet-promise-perils-and-politics-penal-reform/.

[104] Prison Policy Initiative, "Breaking Down Mass Incarceration in the 2010 Census: State-by-State Incarceration Rates by Race/Ethnicity," https://www.prisonpolicy.org/reports/rates.html.

[105] Prison Policy Initiative, "Prisons of Poverty: Uncovering the pre-incarceration incomes of the imprisoned." https://www.prisonpolicy.org/reports/income.html.

[106] Prison Policy Initiative, *Detaining the Poor* (May 2016), https://www.prisonpolicy.org/reports/DetainingThePoor.pdf.

[107] Prison Policy Initiative, *Mass Incarceration: The Whole Pie 2019*, https://www.prisonpolicy.org/reports/pie2019.html.

group, and women are now jailed (in municipal jails) at rates higher than men.[108] As explored in previous chapters, a majority of incarcerated women are already victims of domestic and sexual violence, which is reified through the multidimensional violence of incarceration. In addition to increases in women's criminalization and incarceration, there are currently approximately 49,000 people—and another 11,800 children—held in dehumanizing and deadly immigration detention centers or refugee resettlement centers, many fleeing U.S.-created violence in Central America, a 43 percent increase since 2016.[109] The privatization of criminalization, incarceration, and post-release surveillance is also a growing dimension of the American carceral landscape: while only 7 percent of prisoners in the U.S. are in institutions operated by private corporations such as CoreCivic (formerly Corrections Corporation of America) or GEO Group, the Prison Policy Initiative writes, "virtually *all* incarcerated people generate profit for private companies by paying for phone calls, medical care or other necessities."[110]

These statistics, overwhelming as they may be, capture only a partial sense of the massive life-altering reach and impact of mass criminalization and incarceration in the United States. For "offenses" real, dubious, unnecessary, or altogether fabricated, millions of people are held in captivity or under some form of control that does little if anything to repair or account for real harm and, both for those who have committed real harm and those who have not, dispossesses and dehumanizes in ways that often last a lifetime, or even result in early death, including for the families and communities of those incarcerated.

Prisons in their early modern origins were places for punishing—through captivity, isolation, and forced labor—those found guilty of trespassing against the intertwined

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[108] Prison Policy Initiative, "Women's Mass Incarceration: The Whole Pie 2018,". https://www.prisonpolicy.org/reports/pie2018women.html.
[109] Prison Policy Initiative, *Mass Incarceration: The Whole Pie 2019.*
[110] Ibid.

normativities and laws of the social order. Because the normativities and laws of modernity have traditionally been defined according to the godlike-aspiring-powers of whiteness, absolutely exclusive private property, and patriarchy, those subjected to carceral captivity have tended to be black, other nonwhite, and economically dispossessed men and women. In tandem with prisons, houses of correction, and workhouses, policing emerged as an institution originally designed to capture those defined in the popular imaginary as inherently criminal threats to the preservation of a social order characterized by deliberate disparities in wealth and power. Who are the "captives" today? Much the same as yesterday, they are those held in bondage by the desire internal to the principalities of whiteness, private property, and patriarchy to exercise godlike power and control over those who register as threats to that power.

What, in such a context, are the features of a theology of decarceration (and participation), a theology capable of nourishing and helping materialize God's vision for liberation from sin and evil in their carceral manifestations? A soteriology of decarceration understands carceral captivity as a manifestation of sin and evil generated from the desire of some to exercise godlike power over others. If captivity is a condition forged by sin, then release from captivity is a dimension of the salvation that God enacts. Carceral captivity in the United States is a manifestation of a white supremacist capitalist patriarchal order that creates heaven for a few by forging the hell of chains and corpses for many. As a byproduct or manifestation of the sin of self-absolutizing, self-deifying power for a few at the expense of many, an order that sacralizes subjection and criminalization as if it were an expression of God's will or work is a sinful, evil, death-dealing, and demonic order. Transforming people made in God's image into inherently immoral and criminal threats and then bringing them under carceral subjection is a work that *makes* captives and deals death, and thus directly contradicts the spirit of God made

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manifest in the proclamation of "release to the captives." Captivity made necessary by deliberately designed inequities—of race, class, and gender—is a condition of evil generated by sin. Release from captivity is a material manifestation of God's saving power: decarceral freedom is divine—and a dimension of salvation—because carceral captivity is a state forged by principalities and powers opposed to God. In the end, if whiteness, private property, and patriarchy are expressions of sin and evil, then those who inhabit and possess them—those who play a role in holding others captive—might also be said to be living under the kind of bondage theologians talk about when they talk about sin as captivity to the power of the devil. Liberation in such a context is liberation, first, for those held captive by the evil of carceral confinement, but it is also ultimately liberation for those held in a kind of spiritual bondage by the desire to so bind others in pursuit of godlike power.

Decarceration also entails the healing that is a partial manifestation of what the Christian tradition calls salvation because it serves to repair relational fragmentations between people where possible, restores (by liberating) people subjected to living death, and makes possible the kind of just, equitable, life-giving recompense or reparation that does not depend upon people being caged. Soteriologies of subjection presume that fallen humanity—and, by extension fallen individuals—require forced subjection to a sovereign or authority in order to be redeemed from the sinfulness that produced the transgression in question. For a soteriology of decarceration, on the other hand, restoration in the wake of real harm (which, again, accounts for only a portion of people incarcerated today) is made possible through thoroughgoing processes of accountability facilitated by communities themselves, which is certainly no simple task. Such processes include consequences, potentially including recompense or separation from those harmed, and facilitating such arrangements can be deeply complex. This, too, is another meaning of

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"participation": active community involvement in determining ways forward in the wake of harm, a practice modeled best by feminists and abolitionists working against mass criminalization today.[111]

Contrary to popular belief, accountability and punishment are not synonymous. Indeed, punishment often keeps more thorough accountability, reparation, or restoration out of reach, and can even facilitate more harm instead of the "justice" or "rehabilitation" it claims to bring about.[112] Punishment—incapacitation and civil death—facilitated by the managers of a white supremacist capitalist patriarchal social order "satisfies" "justice" only if by "justice" we mean whatever preserves the inequities upon which such an order is built. White supremacist capitalist patriarchy and the criminalization it generates is "satisfied" only when those it brings under subjection "pay debts" that cannot in fact be satisfied. An order that pursues restoration in the wake of harm real or imagined by way of cages is an inherently harmful—not healing—order.

Decarceration is not only liberating but healing in the sense that it releases from the wounding, living death of captivity and realizes ways of responding to actual harm that attend to root causes, context, and power, all in pursuit of the restoration of relations, and where that is not possible, reparation or recompense, which, by definition, cannot be achieved by placing people in cages. The healing entailed in decarceration is not simply analogous to soteriological healing; rather, insofar as it facilitates restoration to modes of relation that the God of scripture and tradition desires and makes possible, decarceration is an actual, even if only partial, manifestation of the "healing" entailed in salvific restoration. Restorative or transformative justice, at their best, are forms of justice that decarcerate and facilitate real and rigorous

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[111] Ann Russo, *Feminist Accountability: Disrupting Violence and Transforming Power* (New York: New York University Press, 2019); Kaba, "Circles of Grief, Circles of Healing"; Transform Harm, https://transformharm.org/.
[112] Sered, *Until We Reckon*.

accountability, healing, and recompense in the wake of real (and fabricated) harm that current carceral systems utterly fail to bring about.[113] Theological frameworks of release from captivity and healing—including in their concrete political deployments—are dimensions of the same salvific reality.

Just as for theologies of liberation, for a theology of decarceration, it is God who makes possible release from captivity to sin and the material captivities that sin creates, but humans are invited to "participate" in that work as a central expression of what it means to be human, especially today. What participation in God's work—and thus in God's own life—looks like is non-possessive, participatory modes of relation that entail both individuality and collectivity, modes of relation with other humans and with the earth itself. A key term used by centuries of collective political formations working to dismantle systems of oppression and captivity is "abolition." From the effort to abolish chattel slavery comes efforts to abolish the carceral afterlives of chattel slavery.[114] Absolutely exclusive possessive individualism—a cornerstone of whiteness, private property, and patriarchy—generates carceral captivity. As such, the abolition of criminalization and carceral captivity also entails the abolition of the forces—the principalities and powers—that necessitate it. As I have argued, abolition entails dismantling and eliminating, but it also entails creating something new in the shell of the old. My argument is that participatory modes of relation are central to the work of abolition or decarceration precisely

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[113] Sered, *Until We Reckon*. While the work of restorative and transformative justice is far from simple and indeed often quite messy and painful, it is far more life-giving—in all directions, both for those who harm and those harmed—than anything that carceral captivity manifests. Indeed, Mariame Kaba argues that everyone—*everyone*—has both harmed and been harmed by others, which should serve to complexify any easy categorization of people as *either* "victim" *or* "offender." See: *Why is this Happening* podcast with Chris Hayes, "Thinking about how to abolish prisons with Mariame Kaba: podcast & transcript," https://www.nbcnews.com/think/opinion/thinking-about-how-abolish-prisons-mariame-kaba-podcast-transcript-ncna992721.
[114] For more on the multivalent work of abolition today, see *Abolition* journal: https://abolitionjournal.org/. See also: Vincent Lloyd, "Political Theology of Abolitionism: Beyond the Death Penalty," *Political Theology* Vol 19, No 2: 120-136 (2018).

because they undercut and press beyond the possessive and exclusive modes of relation inherent to the whiteness, private property, and patriarchy that generate carcerality in the first place. As such, modes of collective and cooperative ownership, economic democracy, participatory economics, and direct, participatory democracy should be understood as dimensions of the work of abolition, and the abolition of carceral institutions in particular. If raced, classed, and gendered dispossessions give way to raced, classed, and gendered carceral condemnations, then the abolition and replacement of carcerality and the abolition and replacement of raced, classed, and gendered dispossessions might be thought of as two dimensions of the same work. The problem of criminalization is a problem connected to—because it derives from—the theological problems of whiteness, private property, and patriarchy. As such, to speak of an abolitionist, decarceral soteriology also demands speaking of the abolition of the powers—the principalities—of whiteness, property, and patriarchy that make the evil of criminalization possible in the first place. It is for this reason that a soteriology of decarceration cannot be adequately developed apart from a participatory theological or theological-political anthropology, and vice versa.

The abolition of prisons and private property seem clear enough (even if they are in fact complex). But what would it mean to "abolish" whiteness? The abolition of whiteness is not the same thing as the abolition of white people because whiteness is not just an identity category, but a "social order."[115] Political theorist Joel Olson reads Du Bois's call for the abolition of the "color-line" as a call for the abolition of the "white world" that creates and benefits from the color-line. By the abolition of the white world, neither Du Bois nor Olson mean the abolition of white people but the "dissolution" of the inherently exclusive, possessive, individualistic, and un-democratic power of whiteness. Engaging the work of both Malcolm X and Du Bois, Olson

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[115] David R. Roediger, *How Race Survived U.S. History: From Settlement and Slavery to the Obama Phenomenon* (London: Verso, 2010), 22.

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frames the dissolution of whiteness as an invitation to the entire world, white people included, to learn the "more expansive and participatory visions" that oppressed black people have enacted through their struggles for emancipation.[116] The abolition of whiteness means its dissolution as a means of exclusive power at the expense of others, and the material and conceptual redistribution of that power.[117] As such, the abolition of whiteness might even entail the collective ownership of the earth forever and ever, Amen! When white people—especially those of wealth—become sharers instead of absolute and exclusive possessors of property and power, not only do people of color benefit, but white people too receive the gift of liberation from the spiritual death generated by the "genocidal lie" upon which our identity originates.[118] As James Baldwin writes, "black freedom will make white freedom possible. Indeed, *our* freedom, which we have been forced to buy at so high a price, is the only hope of freedom that they have."[119] Or, as Alicia Garza puts it, "When Black people get free, everybody gets free."[120] The abolition of prisons and policing—institutions created to manage the supposed threats of black, other nonwhite, and economically dispossessed peoples—entails the abolition of and liberation from whiteness, private property, and patriarchy, and the creation of new modes of relation and distributions of power in their place.

How are decarceration, the abolition of whiteness, private property, and patriarchy, the abolition of carceral systems, and the proliferation of participatory modes of relation matters of salvation? Much as Cone and Gutierrez and others argue of "liberation," what the Christian

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[116] Joel Olson, *The Abolition of White Democracy* (Minneapolis: University of Minnesota Press, 2004), 125-133.
[117] By "conceptual" redistribution of power I mean something like the work of forging new significations regarding race and whiteness in the popular imaginary, a forging that is neither linear nor unidirectional, but a process that would perhaps take place through concurrent material and conceptual struggles.
[118] James Baldwin, "On Being White…and Other Lies" in *The Cross of Redemption: Uncollected Writings*, ed., Randall Kenan (New York, NY: Vintage International, 2011), 167.
[119] James Baldwin, "The Fire This Time: Letter to the Bishop," in *The Cross of Redemption*, 267.
[120] Garza, "A Herstory of the #BlackLivesMatter Movement."

tradition calls salvation cannot be reduced, one-for-one, to decarceration, to material release from carceral captivity. Likewise, participatory modes of relation such as cooperative ownership are not full manifestations of God's salvation. But, also like traditional theologies of liberation, salvation in the context of a white supremacist capitalist social order that generates mass criminalization is not salvation apart from the work of that freedom-making called decarceration, and the participatory modes of relation and agency with which it is intertwined. In place of exclusive and possessive modes of relation and the carceral formations they necessitate, an anthropology of participation and soteriology of decarceration, together, entail collective involvement in the work of discerning how to distribute resources and order our lives as individuals and communities. They also entail collective discernment of the best way to proceed in the wake of real harm.[121] Release to the captives is what happens God's spirit is at work in our midst: decarceration and the participatory modes of relation with which it is intertwined are gifts that God creates and in which humans are invited to participate. In so doing, we participate in the life of the God whose human incarnation can be summarized precisely as "release to the captives." William Stringfellow writes that "the first place to look for Christ is in hell."[122] So is it for those who "participate" in the life of the God who brings release to the captives: to love and commune with God is to love and commune with those bound, both soul and body, in carceral hell, joining them in the divine and collective pursuit of release,[123] of restoration to relations not of subjection but human and divine participation. Salvation may not be reduced to the material

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[121] Mechanisms for determining how to hold people accountable when they create real harm is a necessary feature of finite (fallen) life. Cages, however, do not promote accountability or healing, even for those harmed by the actions of those so confined.

[122] William Stringfellow, "No Priesthood: No Laity," in *A Keeper of the Word: Selected Writings of William Stringfellow*, ed. Bill Wylie Kellermann (Grand Rapids, MI: W.B. Eerdmans, 1994), 165.

[123] As Baldwin argues, the hell that white supremacy makes for black people is a place of kinship for those cast there. Baldwin, "The Fire This Time: Letter to the Bishop," 264-265.

release of carceral captives alone, but in an age of mass incarceration and criminalization,

salvation cannot be salvation apart from it.

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