

chapter one | THE RACIAL ROOTS OF PROPERTY

THE UNITED STATES OF AMERICA IS BUILT ON AFRICAN SLAVERY AND Indigenous genocide. This simple fact is the premise from which any honest study of American history must begin. Property, state, government, and economy in America rise from these pillars of racialized dispossession and violence—slavery and genocide—and any change made that does not upend this history, that does not tear these pillars to the ground in a process of decolonization and reparations, does not deserve the name justice.

Although US history is predominantly the story of the continuation of this violence, it is also full of moments, movements, and images of a life lived otherwise, of resistance, liberation, and transformation. One of the most consistent images from this other world to come, one that terrifies even many of those who claim to be partisans of that world, is of the Black looter, who finds her antecedent in the escaped and fugitive slave.

To fully understand this, it is necessary to trace how this image developed, to see how white supremacy and the racial regime of property—what preeminent historian Cedric Robinson calls racial capitalism—evolved out of Euro-American chattel slavery and (ongoing) settler colonialism.¹

The first slaves in the “New World” were not Africans but Indigenous Americans. Columbus had barely disembarked in the Bahamas before deciding that the people there “would make fine servants.” It was Indigenous slaves who built the great wealth of the Spanish empire, mining silver from Potosí in Bolivia and from the Mexican plateau throughout the sixteenth and seventeenth centuries. Much of this specie was siphoned off by Dutch, Genoan, and German bankers and merchants, who had grasped the nature of the coming market economy much better than the Spanish monarchy did.* This mineral wealth was the material basis and political focus of European mercantilism, the system that would give rise to the bourgeoisie and lay the groundwork for industrial capitalism. This wealth was produced by enslaved Americans (and Africans) under a genocidal slave labor regime that would reduce the Indigenous population of the Spanish colonies from fifty million at “first contact” to four million by the end of the seventeenth century. From its very beginnings, capitalism was built on the backs and the graves of the enslaved.²

In what would become known as the United States, the first colonial slave trade also traded in Americans, because it was considered best practice to ship Indigenous “servants” far away from their native land, where their knowledge of the local terrain and proximity to friends and family encouraged both escape and violent retribution. Thus, Indigenous peoples were swapped between New England and the Carolinas or sold from the continental colonies to the West Indies, and vice versa. This trade was crucial for the early colonies; Indigenous servants were one of the main exports during the first century of British colonial rule.³

Despite these precautions, Indigenous escape, insurrection, raiding, and war proved a constant threat to profit and stability. Combined with the fact that they were a “labor supply” succumbing to genocidal depopulation caused by both disease and systematic colonial policy, the Indigenous peoples of America were only temporarily the enslaved basis of the British colonial economy.

*Indeed, the fact that the Spanish paid in specie and thus increased the “real” wealth of England would be a major defense made by English slave traders of selling Africans to the Spanish colonies, despite the fact that, according to the economic commonsense of the period of mercantilism, trading with opposing empires was to be avoided at all costs.

This, historian Patrick Wolfe argues, is consistent with the labor logic of settler colonialism. A settler colony relies on the promise of “open land” or “virgin territory” as the material and ideological basis of its existence. The problem is that this “open land” is always already occupied. Thus, to capture the land, the settler colony must eliminate the Indigenous population through genocide, first by outright murder, later, by cultural destruction and assimilation. Yet, at the same time, laborers are required to transform that “virgin territory” into value for the colonizers, and a large and ever-expanding population of laborers is required to produce profits.

These two requirements—genocide of the Indigenous to take their land and justify the colony’s existence and the expansion of the pool of laborers to increase profits—are obviously incompatible. As a result, Indigenous labor cannot be relied upon in a settler colony. Thus, in the early continental colonies, the colonists emphasized Indigenous “unsuitability” for the brutality of plantation labor, an unsuitability that would not, of course, protect Indigenous Americans from continued forced labor, dispossession, and ethnic cleansing.⁴

But more labor *was* desperately needed by the planters and merchants of the colonies, who had come to the New World, after all, to get rich. The answer to this problem, for the first sixty or so years of what would become the United States, was largely found in the system of indentured servitude. Working alongside enslaved African and Indigenous peoples, white and Black “indentured servants” toiled in the tobacco fields and built the towns of colonial America.

But these servants were not yet distinguished as “white” and “Black.” Though the word *Negro* appears in Virginia’s colonial records, it is used as a national, not racial, descriptor, deployed in the same way that people’s nationality (Scotch, Irish, English) was.⁵ In this “national” definition that used “Negro” to interchangeably refer to Africans of any provenance, be they from the Spanish Caribbean or recently kidnapped from West Africa, we can see that the collapsing of various African nationalities into Blackness already existed. But whiteness had not yet been fully formed in the early seventeenth century, nor the fatal equation white-over-black that would give both racial identities their full force in America.⁶

These indentured servants came to the colonies with contracts lasting generally from three to seven years, during which time they were to serve at the absolute dictate of their master. After these terms expired, they were promised not only freedom but also land and wages from their former masters, called freedom dues. But for the first four decades of the US-American colonies, working conditions were so dire that few servants survived the length of their contracts.

In many ways, the peculiarly American systems of African slavery would be tested and designed around indentured servitude, which would expand rapidly during the tobacco boom in the mid-seventeenth century.* Servants were bought, sold, traded, kidnapped, or awarded to early colonists by the Crown, other settlers, and various companies.⁷ Though some servants signed on voluntarily, hoping for a new start in America, many were exiled criminals, orphaned children, or anti-English rebels captured in Scotland and Ireland. Many, too, were kidnapped off the streets of English cities by a particularly hated class of entrepreneurs called “spirits.”[†] Laboring on monocultural plantations, servants were beaten, starved, branded, maimed, and killed with near impunity. Even some of the horrors of the Middle Passage were practiced on English servants, who, at the height of the servant trade from 1650 to 1680, would

*I should note here that the servant trade, though it took on many of the aspects of the African slave trade, never reached the size and levels of technical organization present in the African trade in later centuries. Nor would it last nearly as long or touch even a fraction as many people. The servant trade was over before the end of the eighteenth century. Even at its zenith, European servants were never enslaved indefinitely or hereditarily, could represent themselves in court, and became full citizens after their indenture. There exists a white supremacist myth about the horrors of the “Irish slave trade” that contends that enslavement of Irish people lasted well into the nineteenth century and was equally as violent and vicious as the African slave trade. This is a historical falsehood—a white supremacist manipulation of the facts of indentured servitude. For more on the Irish slave trade myth, see the work of Liam Hogan, in particular: “Debunking the Irish Slaves Meme,” a four-part series on Medium.

[†]Spirits would befriend and feed the gullible, drunk, or vulnerable on English city streets, who would wake up the next morning not in their new friend’s home but in a cage, to be shipped to America (hence the phrase “spirited away”). So common and so hated were spirits that in the late seventeenth century, to accuse someone on a Bristol or London street of being one was sufficient to start a riot.

be “packed like herrings,” locked belowdecks for weeks with barely any food and only a few feet to move.⁸

Similarly, Africans in the colonies had not all been reduced to chattel slavery. Though life terms were sometimes enforced in the Caribbean colonies in this period, many Africans in the early United States were not enslaved for life, but only under indenture contracts, and eventually went on to receive freedom dues, own land, even own white servants. As historian Barbara Jeanne Fields writes, “African slaves during the years between 1619 and 1661 enjoyed rights that, in the nineteenth century, not even free black people could claim.”⁹ African and European servants worked together, married, and escaped tobacco plantations together. It was not some preracial utopia of equality but rather a period of violent domination and frontier colonialism in which the specific tenets of white supremacy had not yet been fully developed, what Lerone Bennett Jr. calls an “equality of oppression.”¹⁰

As the seventeenth century wore on, conditions in the colonies improved, and indentured servants started surviving their terms—and receiving their freedom dues—much more regularly, thus becoming more expensive. Plantation owners tried to squeeze more profit out of their workers, finding increasingly spurious reasons to extend the length of servitude, driving servants harder and harder in the fields. However, as Fields argues, English servants were crucially “backed up” by the history of struggle between British laborer and landowner, by centuries of conflict and negotiation passed down into the present as culture, precedent, and norms of treatment. Furthermore, news of servant mistreatment that reached England made it harder, and therefore more expensive, to capture or recruit new servants. There was thus a limit to how much planters could exploit English workers: they could not be made slaves for life; their progeny would not be born into permanent bondage.¹¹

Africans had no such power in the English colonies, no such backup. And enslaving someone for life became more ghoulishly attractive when “life” meant more than just a few miserable years. This logic was reinforced by the threat of servant revolt. Bacon’s Rebellion, the largest rebellion in the pre-Revolutionary colonies, taking place in 1676–1677, saw armed and aggrieved free Englishmen, joined by slaves and servants, loot

and burn the capital of Virginia and briefly take over the colony. This revolt, in which freemen joined servants in insurrection, increased distrust of English servants among the planters and colonial governorship. Thus, “the importation of African slaves in larger and larger numbers made it possible to maintain a sufficient corps of plantation laborers without building up an explosive charge of armed Englishmen resentful at being denied the rights of Englishmen and disposing of the material and political resources to make their resentment felt.”¹²

Though African slaves were present in the colonies from the beginning, “the law did not formally recognize the condition of perpetual slavery or systematically mark out servants of African descent for special treatment until 1661.”¹³ By the end of the seventeenth century, African laborers were cheaper, served life terms, and had children born into slavery. Without the same history of struggle and thus a customary level of expected treatment, an ocean away from their comrades, families, and societies, Africans were alone in America. White and Indigenous servitude would continue through the eighteenth century—nearly 10 percent of the white population of the colonies were still servants at the beginning of the Revolution—but they were slowly and surely being replaced on the plantations by African laborers.¹⁴

If, legally and socially, there was a space and time in which race-based chattel slavery did not exist in the colonies, could American capitalism have developed some other way? Some claim that Europeans acting as tenant farmers, yeomen, and merchants might have been perfectly viable in Virginia and the Carolinas, much like they were in the Northern colonies, and that, therefore, slavery was not necessary. But the Northern colonies’ economies were built almost entirely upon exporting their food, livestock, and small commodities to the sugar colonies of the West Indies, which, as a result of slavery-based plantation monoculture, did not produce enough of their own. Northern merchants, meanwhile, made much of their wealth building ships for the Triangle Trade and making rum and molasses from slave-produced sugar. New York City’s insurance and financial institutions—Wall Street—were largely built through providing capital for the slave trade. Without the support of the continental colonies, Britain could never have developed its sugar monopoly, but the

reverse is also true: without the sugar monopoly, the continental colonies would have ended in failure. Quite simply, there is no American economy, North or South, without slavery.¹⁵

Indeed, the incredible profits reaped from the English slave economies in the Caribbean and on the North American continent—a surplus of 50 percent or more on investments made by British capital—were the cash basis of the growth of industrial production occurring in England and the European continent through the period, and, thus, a key factor in the growth of European capitalism. Planters deposited their incredible wealth with bankers and bought new luxury goods from merchants, who would then reinvest this money in infrastructure, entrepreneurial firms, and agricultural improvements in England. Back in England, where the majority of the population was still transitioning out of subsistence agriculture, the goods produced in the colonies helped form an incentive to drive peasants into cash markets and capitalist labor relations. As historian Robin Blackburn writes, “The availability of tobacco, brightly coloured cotton goods, sweetened beverages, cakes and preserves, helped to tempt Britons into greater participation in market exchanges and greater reliance on wages, salaries and fees.”¹⁶ Thus slavery strengthened the English bourgeoisie, enriched British and continental banking and merchant firms, and helped create the modern English working class.* It’s not just America: industrial capitalism is impossible without New World slavery.

But capitalism is a system ideologically committed to free labor—though the freedom in “free labor” is the freedom to starve. The maximum development of profit for the bourgeoisie relies on a free labor market, on the reproduction of a proletariat with nothing to sell but their labor power. It is necessary that individual capitalists be able to manipulate their workers’ labor hours, for example, via hiring and firing, to

*As Cedric Robinson points out, even this “English working class” was hardly a unified subject but was, as it formed, deeply riven by racial hierarchy, with Irish laborers at the bottom, and Scottish, Welsh, and more recently West Indian and Asian workers below “English” workers proper. These divisions, though briefly overcome in the Chartist movement, were a crucial factor in limiting English working class radicalism in the nineteenth century (Cedric Robinson, *Black Marxism*, 2nd ed. [Chapel Hill: University of North Carolina Press, 2000], 45–52).

respond to developments in the productive forces and swings in demand within the market.

What Southern agriculture discovered is that this can be achieved without free laborers. Plantation owners frequently “hired out” farmhands to other owners or temporarily hired skilled slaves from other areas or industries. Southern cities of the nineteenth century were filled with communities of such laborers, who earned a wage much like a free worker did, the difference being they did so only at their enslavers’ pleasure and they were required to turn over most of their income every week—as many proletarians in America today turn over all their wages to debtors and landlords.

Frederick Douglass spent some of his bondage working as a ship caulker in Baltimore and, like many others, deceived his enslaver about how much he was actually making, thus secreting funds for his escape. Many of these workers lived miles distant from their enslavers—indeed, it is precisely these urban communities of relatively independent Black people that would lead to the earliest development of police departments, as gangs of slave catchers evolved into formalized slave patrols designed to keep these “slave quarters” under surveillance and control.¹⁷

Still, the main way capitalists increase profits is to drive down the cost of production, of which the largest part is usually the price of labor. This is done by maintaining a large body of unemployed proletarians, thus making workers replaceable and allowing employers to fire insubordinate, disabled, sick, or pregnant workers, while using the threat of unemployment to coerce the rest into working more hours for less pay. Agricultural slave labor, therefore, intuitively seems hard to make cheaper. With no threat of losing their wage nor any real promise of advancement, and with no unemployed people liable to take a slave’s position—slavery is a system of 100 percent employment, after all—the enslaved tend to work the bare minimum required to avoid punishment and are less reliably coerced by speedups and expanded managerial demands.

But research increasingly reveals that, rather than merely delay profit growth, this “dilemma” of enslaved labor saw overseers develop some of capitalism’s most powerful (and erroneously considered modern) man-

agement techniques. The earliest examples of employee surveillance, individual performance assessment, traceable units of production, detailed record keeping, and employee incentivization—all key concepts in modern management theory—occurred on slave plantations.¹⁸

Nevertheless, certain models of historical teleology persist in calling slavery “pre-capitalist,” or just primitive accumulation, a necessary condition for capitalism’s growth but something ultimately overcome by actual, real industrial capitalism. This relies on a definition of capitalism that considers the wage the most important defining feature of capitalism, a definition that underestimates the importance, for example, of the totally necessary unwaged reproductive labor that predominantly falls to women under capitalism: housework, emotional care, and the literal reproduction of the working class. In these models, unwaged labor becomes not a central component of capitalism but a supporting side effect, an arbitrary management tactic.

Other scholars have argued that capitalism eventually abolished slavery as inefficient, unprofitable, or immoral. But they ignore the fact that, even though formal slavery and the slave trade ended in the Americas in the nineteenth century, the enslavement of prison populations in the United States continues to this day, not to mention that colonial slave regimes in Africa and Southeast Asia expanded vastly at the very moment of American emancipation. When Brazil abolished slavery in 1888—the last country in the Americas to do so—King Leopold II of Belgium’s genocidal domination of the Congo was but three years old. From 1885 to 1908, almost all the people of the Congo Basin, along with thousands kidnapped from other parts of Africa, were forced into slavery.

The sinisterly named “Congo Free State” saw fifteen million people worked to death on rubber plantations, starved by monoculture-produced famine and drought, murdered by colonial overseers for failing to meet rubber or ivory quotas, killed on forced marches, or executed by militias for rising in rebellion. The rubber thus accumulated enabled the mass production of the bicycles and automobiles that would transform daily life in the Global North. Across the nineteenth and well into the twentieth century, capitalist development relied on enslaved, colonized labor.

Though one of capitalism's defining features is free labor, unfree and unwaged labor are endemic features of capitalist profit production, not holdovers from previous economic systems.

Still, slavery and capitalism are not identical regimes: slavery has existed across cultures and time periods, under various names, with differing centrality, at different levels of violence, and supporting divergent societies, whereas capitalism is a modern development that tends toward a global and homogenous social organization. And there is no question that the experience of the enslaved is fundamentally different from that of the worker. So then, how do we reconcile these two separable yet materially integrated and coproductive regimes without simply collapsing one into the other and thus losing sight of their specificities? One helpful step is to recognize the absolute centrality of race to the development of private property, and vice versa.

Racial domination is not a by-product of capitalism, nor one of a number of available strategies plucked from the ether of potential management paradigms, conveniently to hand. As we have seen, slavery and settler colonialism were necessary components of the formation and maintenance of capitalism. And slavery and settler colonialism couldn't be carried out, day by day, instinctively and across centuries, by millions of Euro-Americans, both rich and poor, without the formal, legal, psychological, and ideological frameworks of racism, white supremacy, and anti-Blackness.

Many historians have shown that strong, explicit racist ideology does not appear in the historical record in America until the revolutionary period, when the rights of man (and it is indeed man) became the defining philosophy of US politics. If the rights to liberty and property are inalienable, then what to do about all these people who are, very clearly, not in possession of liberty or the capacity of property ownership? What of these people who are the property of the men claiming all men have inalienable rights? Much like gender naturalizes and "explains" why women are not granted these inalienable liberties, the white Founding Fathers resolved this contradiction through race: Black men are not men, not really. As Fields writes, Black people "resolved the contradiction more straightforwardly by calling for the abolition of slavery."¹⁹

This contradiction finds its roots deep in European history and philosophy. The emergence of modern, explicit racial ideology is built on centuries of implicit racial and racialized power, a form of power absolutely fundamental to creating the division of labor, the construction of “Europe,” whiteness, and the very possibility of private property.

Cedric Robinson demonstrates that racialized hierarchies were crucial to medieval European notions of nobility and the formation of serf and slave populations—for example, in Russia, serfs were imagined to have black bones, as opposed to the white ones of nobles. Myths about the bloodlines of Normans, Irish, and Scots justified differing levels of work and privilege in medieval and mercantilist England. Proto-racial hierarchies, as framed around notions of barbarians and outsiders, were also the key tool for structuring and disciplining the mercenary armies and the immigrant and migratory working populations of sixteenth- and seventeenth-century mercantilist statecraft.²⁰

The contradiction between racial power and the liberal concept of inalienable rights to life, liberty, and property is visible throughout American history. One striking example occurred one hundred years before the Revolution, in the racialized conception of freedom visible in Bacon’s Rebellion. In the infamous 1676 Virginia uprising, enslaved and servant, Black and white fought side by side, and some historians therefore celebrate this rebellion as a proto-democratic and revolutionary uprising. Much like the Civil War was about slavery, but with neither side originally fighting for emancipation, so was Bacon’s Rebellion originally about “Indian policy,” with a disagreement about how quickly genocide of the Indigenous people should be carried out. And, as in the Civil War, slaves joined the fight, changing the meaning of the struggle in their attempt to win emancipation.

The conflict was sparked by Nathaniel Bacon, a backcountry planter and settler living on the border of “Indian territory.” He wanted to seize more land, and to do so advocated a more aggressive and immediate genocidal policy than that of the colony: total war on the natives. Berkeley, the English governor of the colony, disagreed. He recognized the strategic imperative to maintain provisional and relative peace—until,

of course, the next time the colony needed to expand westward—rather than risk an all-out war they would almost certainly lose.

Bacon ignored Berkeley, and in the first act of the rebellion, in May 1676, gathered a militia to attack a group of Indigenous Americans. Not even attacking a “hostile” nation, Bacon’s militia massacred a village of the British-allied Occaneechi. Governor Berkeley declared Bacon’s mustering of the militia illegal. In response, armed supporters of Bacon stormed the capital and forced Berkeley to change his ruling and approve Bacon’s commission as militia leader. This indicated the functional end of Berkeley’s power, and Berkeley and his governmental assembly would eventually flee the capital.

Bacon’s Assembly, the first and only formal government of the rebellion, was held in June 1676. It passed a number of new acts into colonial law, the most famous removing property restrictions on suffrage and giving democratic electoral control over parish priests to all free men of the colony, regardless of race. Bacon’s sudden death in October 1676, followed by a series of military defeats—ending in a famous last stand made by a mix of Black and white servant-rebels—concluded the uprising, and the acts of Bacon’s Assembly were repealed. Still, some historians hold up their expansion of voting rights and popular control as examples of early democratic policy in America.

Bacon’s Rebellion is thus seen as an antecedent of the America Revolution. And, indeed, it is, though not in the way its defenders usually intend but because the first three acts of Bacon’s Assembly all focused on pursuing total war against Indigenous Americans and confiscating Indigenous lands theoretically protected by British treaty.* European and Black servants fought together in the rebellion, which points to the fact that whiteness had not fully developed by then, but we can see in the first three acts of Bacon’s Assembly that racialized structures of freedom-for-some were already well established.

This contradiction, between legal and social structures of racial oppression and democratic liberty, is the central epistemological frame-

*J. Sakai calls this contradiction “the dialectical unity of democracy and oppression in developing settler Amerika” (*Settlers* [Chicago: Morningstar Press, 1989]).

work of the modern European worldview. As philosopher Sylvia Wynter demonstrates, it is the constitutive principle of Rational Man; for Wynter, the key transition from feudal thought to enlightened reason centers around the replacement of God versus Man as the structuring dichotomy of society with that of reason versus lack of reason. Because, under feudalism, all people were subservient to the law of God, everything in “nature” served to verify the glory, power, and existence of God: nobles and kings were divinely ordained, the sun rotated around God’s earth, and so forth. But once nature was no longer needed to perform this affirmation of the divine,

another mode of nature, human nature, would now be installed in its place. The representation of a naturally ordered distribution of degrees of reason between different human groups enable what might be called a homo-ontological principle of Sameness/Difference, figured as a by/nature difference of superiority/inferiority between groups, and could now function tautologically as the verifying proof of a . . . naturally caused status-organizing principle, a principle based on differential endowment of Reason (rather than of noble Blood) and verified dynamically in the empirical reality of the order.²¹

The emergence of reason and the subsequent reification of reason as the fundamental attribute of human nature is therefore completely premised on the creation of hierarchies of reasonable and unreasonable people. The enlightened, reasoned man can only exist in distinction to the (African, Indigenous, nonmale) person who lacks reason; the idea of universal humanity is premised on human difference from and opposition to the less- or nonhuman person, a racialized and racializing difference.

In practice, this means that anything is justified in introducing reason to those who lack it, because, lacking it, that person is cast outside what Wynter calls the “sanctified universe of obligation”; in other words, they are not entitled to those same protections colloquially referred to as basic human decency. This principle, “verified dynamically in the empirical reality of the order,” is the ideology of progress: domination, colonialism, and the expansion of capitalism become justice, the end of poverty, and

the spread of culture, science, and truth. As Wynter shows, in the colonial period this humanist structure was used to justify genocide of Indigenous Americans. Spanish colonists encountering what they understood as senseless human sacrifice (as opposed to rational, sensible wars of religion or conquest) used it as proof that the Indigenous societies they confronted lacked reason. In the name of God, yes, but as He is now the God of reason and un-reason's innocent victims, Spanish colonists claimed they not only could but also were morally obligated to conquer this society.

This is the same logic that allows Bacon's Rebellion to expand the franchise while advocating wiping out the "primitive" Indians. The concepts of the individual and the human that constitute the basis for all rights, for all law, for "life, liberty, and the pursuit of happiness" were already and always built on a racial definition. But the phrase is an adaptation of a John Locke quotation that did not mention happiness: it was "life, liberty, and the pursuit of estate." This inalienable right to "estate," to property, would be the marker of the kind of subject recognized by this new government. But this also works in the other direction: to be able to own property is to be human, so those who cannot own property—be they enslaved, Indigenous, or even the children and wives of settlers—need not be recognized as fully human by the state.

In the early decades of the colonial era, it was illegal to enslave Christians in perpetuity. But as the theological explanation of the world gave way to reason, the justification for enslaving people also transformed: only barbaric, uncivilized, and "reason-lacking" people can be enslaved. And, as Wynter shows us, because this is a tautological structure that verifies itself through what has already come to pass, Africans, who were by the turn of the seventeenth century "easier" to enslave than Europeans, became just such a "reason-lacking" people. Africans came to stand for lack of reason itself. Because people lacking reason were not human, they were only capable of *being* property, not owning it. Although the more liberal-minded settlers believed that with education and uplift some select Black people might become capable of humanity, they did not challenge the basic framework by which most Africans were deemed inhuman. Black people became, legally, socially, and ideologically, property.

American power and property developed along two racial axes: the genocidal dispossession of the indigene and the kidnap and enslavement of the African. As historian Patrick Wolfe writes in *Traces of History*, this is core to the worldview of John Locke, preferred property theorist of the Founding Fathers, who argued “in texts that would profoundly influence Euro-American colonial ideology, private property accrued from the admixture of labor and land. As this formula was color-coded on the colonial ground, Blacks provided the former and Indians the latter.”²² Property in America is only possible through this racial accumulation.

The stolen land and enslaved people were together by far the most valuable property in America, from the earliest days of the colonies up to 1860. The establishment in American jurisprudence of absolute rights to property and the inviolability of contract would occur in an 1810 Supreme Court ruling, *Fletcher v. Peck*, that centered around a massive expansion of slave territory in Georgia. That is why legal scholar Anthony Paul Farley argues that “the black is the apogee of the commodity.” Blackness, he writes, is a way of marking certain bodies as owners and certain bodies as owned. Simone Browne calls this mutual process of racialization and propertification the “making and marking of blackness as property.”²³

Just as Blackness marks a person as (potential) property, whiteness also cannot be understood outside of property relations: the characteristic of “whiteness” is the thing white people have that makes them legal subjects, owners, and human beings. We tend to think of property as tangible things, items or commodities, although we also understand ideas of intellectual property and copyright. *Property*, in other words, also includes rights, protections, and customs of possession passed down and ratified through law. Whiteness emerges as the race of people who are neither Indigenous nor enslavable—national identities are increasingly collapsed around the distinctions of slave/free and Black/white. As legal scholar Cheryl Harris writes in her seminal text “Whiteness as Property,” “Whiteness defined the legal status of a person as slave or free. White identity conferred tangible and economically valuable benefits and was jealously guarded as a valued possession, allowed only to those who met a strict standard of proof.”²⁴ Property law emerges to codify, formalize, and

affirm white enslavement of Africans and conquest of the Americas, to protect, project, and strengthen whiteness.

This can be seen as white settlers came in conflict with Indigenous landholders. Settlers claimed, absurdly, that they were the “first possessors” of the land. “Only particular forms of possession—those that were characteristic of white settlement—would be recognized and legitimated. Indian forms of possession were perceived to be too ambiguous and unclear.”²⁵ Law develops to codify whiteness and to give technical description and explanation to the genocide-accomplished fact of settler-colonial conquest. Access to certain forms of power, legality, and personhood—property-in-whiteness—was a prerequisite for access to property in land or slaves: whiteness became the meta-property from which all other private property flows and is derived.*

Not only is capitalist development completely reliant on racialized forms of power, but bourgeois legality itself, enshrining at its center the right to own property, fundamentally relies on racial structures of human nature to justify this right. Private property is a racial concept, and race, a propertarian one.

But what happens when this ultimate commodity, the slave, refuses to be property? This refusal, practiced over and over again, across and against the whole history of the United States, expressed in art, music, poetry, and dance, in religious fervor and revolutionary organization, in violent confrontation with the state and the cunning avoidance of it, in prison breaks and intellectual breakthroughs, has not yet been fully consummated. That is because the owners have always victoriously reasserted their great big YES, that yes of the police, the prisons, the plantations, redlining, borders, Jim Crow, failing schools, gang injunctions, slave patrols, cultural appropriation, housing courts, lynch mobs, unemployment, and the countless other aggressions, micro and macro, that reassert the commodifying mark every day in all its violence. As Blackness became a way to signify and describe those who can be and had become property, the radical consummation of that refusal would mean

*A similar process occurs through patriarchal domination, whereby being head of household—legal ownership of a family’s children and women—was the basis for citizenship.

at minimum the abolition of the entire system under which things can be commodified. Revolution.

Such a revolution, against white supremacy, property, and their fundamental intersection, was taken up by the enslaved of the United States, en masse, with the strategy of refusal that had proven most successful across the preceding centuries: escape from the plantation. And though this revolution would only destroy legal slavery and not everything it meant, defended, and reproduced, it is evidence of the revolutionary potential of abolishing property, of joining together and expropriating the owners. The revolutionary potential of looting.

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Discussions happen at **The Landing Strip**, which is located at 2614 30th Ave S.

This text will be the topic of discussion on **June 7th, 2023**

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