

## FOUR



### *Dilemmas of Self-Ownership, Rituals of Antiwill*

The socio-political order of the New World . . . with its human sequence written in blood, *represents* for its African and indigenous peoples a scene of *actual* mutilation, dismemberment, and exile. First of all, their New-World, diasporic plight marked a *theft of the body*—a willful and violent (and unimaginable from this distance) severing of the captive body from its motive will, its active desire.

—HORTENSE SPILLERS, “Mama’s Baby, Papa’s Maybe”

The experience of slavery had made *us* an *us*, that is, it had created the conditions under which we had fashioned an identity. Dispossession was our history. That we could agree on.

—SAIDIYA HARTMAN, *Lose Your Mother*

In the preceding chapters, I argued that one important dimension of colonial expansion in the Anglosphere of the nineteenth and twentieth centuries has been recursive dispossession. Specifically, the dispossessive

processes through which a system of land ownership was generated in the Anglo settler world was recursive in the sense that it used a form of widespread and systemic theft as a means to generate property, thereby producing that which it presupposes. I suggested that this operated not simply by denying the proprietary interests of Indigenous peoples in their ancestral lands but, rather more paradoxically, by recognizing those interests in a highly idiosyncratic manner. In effect, Indigenous peoples came to possess a proprietary right that could only be fully actualized in the moment of its extinguishment, that is, by transferring it to another. This was a truncated, or “structurally negated,” proprietary right. I moreover intimated that this generates an experience of disjuncture between the abstract form of the proprietary right and the conditions for its realization, between a juridical structure of right and the social context that actualizes and imbues that system of right with its political content.

In the course of this chapter, I intend to explore more fully why this peculiar mechanism was needed in the first place. If Euro-American colonizers were so convinced of the inferiority of Indigenous peoples and their forms of life, then why was it so important to gain their supposed consent through these complex mechanisms of preemption and property transfer? What explains the shift of territorial acquisition into the terms of contract and sale? These questions drive us back to larger concerns regarding the nature of agency, will, and consent under conditions of domination, which comprise the core preoccupation of this chapter.

In early modern colonial expansion, governing capacity was something of its own legitimating principle. If European (and later, settler) systems of governance were able to secure effective control over a given territory, that was already some evidence of their legitimacy. In an important sense, might made right. By the turn of the nineteenth century, this framework had come under attack from a number of angles for some time. Agitation by liberals, republicans, democrats, and various other radical movements meant that governing authority was increasingly thought to arise from the consent of the governed. This generated a number of serious contradictions for Anglo settler societies of the nineteenth century, however. While on an ideational level they may have been increasingly committed to principles of popular sovereignty and democratic consent, on a material level these same societies remained heavily dependent on land and labor that, only a generation or two earlier, their leaders had been openly boasting about acquiring through force and coercion. My postulate is that this contradiction was partially resolved (or at least mitigated) by developing what I shall call

here, following the work by Black feminist theorists, *rituals of antiwill*. By this I mean to point to a series of complex legal and political devices that worked to register the will and consent of racialized and colonized subjects through acts of self-abnegation. The goal was to establish a social and institutional context in which rights to personhood and possession (which were increasingly closely linked) could be extended to these subjects in ways that made them fully realizable only in and through their extinguishment. This yoked consent and coercion.

I pursue this set of claims here by way of an extended movement through the field of Black social and political thought. My rationale for doing so is two-fold. First, the Black radical tradition (broadly conceived) offers a distinct perspective on dispossession, which is of interest in its own right. In this way, the chapter supplements the analysis on Indigenous struggles by widening the aperture of investigation to take into consideration another grammar of dispossession. In this case, the primary locus of concern is not land but the body, self, or person. Not only is this the dominant manner in which dispossession would be spoken of in many strands of feminism, liberalism, Marxism, and critical race theory; it might even be assumed to have a certain logical priority over other, contending uses. As I explain in section II, in these traditions, the term *dispossession* is used to describe a particular violation of personal autonomy and/or bodily integrity. Critical-theoretical treatment of dispossession in this sense has been plagued by a familiar unease, however, since it too appears to presuppose a commitment to possession, this time in the form of self-ownership or “property in the person.” The problem is that these latter notions remain highly contentious on both philosophical and political grounds, particularly because they are associated with the idea of self-alienation, that is, the ability to confer control over oneself to another and effectively contract into one’s own exploitation or enslavement. As a result, the conceptual coherence and political utility of the language of “bodily dispossession” remains refractory and unresolved. In section III, I turn to Black political thought as a means of reframing the debate. Drawing upon a range of thinkers—from Frederick Douglass to Patricia Williams and Saidiya Hartman—I contend that Black political thought has not so much resolved the problem of dispossession and self-ownership as *transposed* it onto a different terrain of analysis. By shifting the discussion into a historical and political register—specifically, that of actual (rather than merely metaphorical) slavery and its afterlives—these thinkers have rendered the question more tractable. I reconstruct a “naturalistic” rather than idealist account of self-ownership from this intel-

lectual tradition. What emerges is less a concern for the (reified) meaning of self-ownership than an attentive focus on its *function*. Examination of function leads to the matter of context, which in turn enables us to diagnose the source of the enduring ambivalences concerning bodily dispossession: a sliding historical backdrop that gives variable configurations of race, rights, legal personhood, and property their concrete content. Section IV explores the intuition that notions of antiwill may serve as a possible link between Black and Indigenous intellectual traditions. This, then, is the second rationale behind incorporating Black political thought: equipping us with the notion of a ritual of antiwill not only complements but completes the broader analysis of this book.

## I

Within the Black radical tradition (broadly conceived), the concept of dispossession has had a long-standing and widespread, yet curiously quiet and subsidiary role. It is widely employed as a term of art by such prominent thinkers as Saidiya Hartman and Fred Moten and even functions as a titular concept in a number of recent works.<sup>1</sup> Despite this, however, it has rarely been expressly theorized or given a systematic conceptual reconstruction. This shadow life of dispossession stems from a deep ambivalence attending the term, or so I shall argue.

In the first instance at least, within the Black radical tradition the concept of dispossession refers to a broad yet specific experience of alienation. In this register, it shares at least one main feature with uses in other critical traditions (e.g., Marxism): here, as elsewhere, dispossession gains its analytic purchase in contradistinction to exploitation. In this context, however, it arises out of a need to theorize the specific role of Black embodiment at the conjuncture of slavery and capitalism.

Long-standing Marxist historiography held that capitalism emerged in early modern Europe. As it eventually spread to extra-European locales, it was thought to dissolve relations of personal command and domination, replacing them with the “silent compulsion” of economic relations. On this view, then, slavery was antithetical to the capital relation.<sup>2</sup> Early work in the Black radical tradition pushed against this view. Perhaps most famously, Eric Williams sought to demonstrate the close internal relation between slavery and capitalist development, effectively arguing that the latter emerged (at least in part) on the wealth accumulated through the former.<sup>3</sup>

A subsequent generation, led by luminaries such as Cedric Robinson and Orlando Patterson, contested the wider parameters of this debate.<sup>4</sup> While acknowledging that “slavery was a critical foundation for capitalism,” Robinson and others specifically objected to the way in which slavery had essentially been conceptualized as a form of hyperexploited labor.<sup>5</sup> That view, they argued, fails on a number of fronts. First, it is inadequate to its own task of apprehending the economic structure of slavery. Framing slaves as hyperexploited laborers reduces the production and circulation of value to the labor process in an improperly narrow sense. In particular, it fails to recognize that slaves were also *commodities*: capital was accumulated not merely by exploiting their labor but through their circulation as objects of property that, for instance, one could acquire cheaply (through forced reproduction) yet sell at high cost.<sup>6</sup> Among other developments, this new emphasis on the reproductive economy of slaves *qua* commodities helped bring gender and sexual violence to the fore of analysis.<sup>7</sup> Finally, the “hyperexploited labor” view missed the diverse variety of extra-economic infrastructures on which slavery depended. As a social and political institution, slavery has never been defined predominantly on narrowly economic terms: “Worker *qua* worker has no intrinsic relation to slave *qua* slave.”<sup>8</sup> Those working within the intellectual tradition now known as Afro-pessimism have been especially concerned to disclose the operation of a distinct “libidinal economy” in which white subjects extracted value from the enslaved through the pleasures of torture and cruelty. Speaking from that vantage, for instance, Frank Wilderson has argued that the “gratuitous violence” of torture within the context of slavery was not, strictly speaking, gratuitous at all since it served a necessary productive function.<sup>9</sup>

Freeing the critique of slavery from an overly restrictive notion of exploitation has opened critical theorists to a richer language of affective detachment. Paramount among these has been the notion of natal alienation. In *Slavery and Social Death*, for instance, Orlando Patterson highlights the ways in which slaves were radically estranged from their own social contexts, even their own networks of familial association and support, through a host of legal, political, and social mechanisms that kept the enslaved in a near permanent state of isolation, a condition of “social death.” Slavery, in Patterson’s formulation, is “the permanent, violent domination of naturally alienated and generally dishonored persons.”<sup>10</sup> This condition of alienation and degradation operated on both the individual and social group level. As Frederick Douglass remarks in his autobiography, individual enslaved persons often did not know their own parental lineage, kin relations, or

even birth dates, all of which generated a condition of self-estrangement.<sup>11</sup> Scaled up to the group level, the Middle Passage has been described as a great caesura, a radical severing from a rich and diverse communal history in such a way as to constitute the category of “Black” in relation to a world that can never be known or recovered yet one that pulls and calls those who live in the wake of this rupture.

It is to this experience of alienation that the language of dispossession in the Black radical tradition frequently speaks. As I understand it, this is how Saidiya Hartman intends the term when, for instance, she writes that “dispossession was our history”; when Shatema Threadcraft articulates the sexual violence inherent in the structure of anti-Black racism as generating a form of “dispossessed reproduction”; or when Marisa Fuentes describes enslaved African women as “dispossessed lives.”<sup>12</sup> This is another kind of separation process, not the *Scheidungsprozeß* Marx envisioned but one that leaves subjects bereft of social world and historical memory. Another relation of relationlessness.

Beyond the above expansive use of dispossession, however, there is a second, narrower meaning attached to the concept. In this register, the term is used as a means of naming certain violations of personhood and bodily integrity. Speaking of *bodily dispossession* in this way draws Black political thought into conversation with other strands of critical theory. It is, for instance, predominantly in this sense that feminist philosophers Judith Butler and Athena Athanasiou and critical race theorists Brenna Bhandar and Davina Bhandar deploy the concept.

The idea of bodily dispossession has a certain intuitive appeal and may even be granted a certain logical priority over the land question, which has otherwise been the focus of this investigation. Critical-theoretical treatment of dispossession in this sense has been plagued by a familiar unease, however, and nearly every deployment of the concept is attended by a certain ambivalence. As Athanasiou expresses it, the notion of bodily dispossession may “reiterate the link between the human and ownership,” generating a “central aporia of body politics: we lay claim to our bodies as our own, even as we recognize that we cannot ever own our bodies.”<sup>13</sup>

It is perhaps helpful to parse this concern by separating it into two registers: one generic and one specific. The generic register echoes a concern we have already seen in previous chapters regarding dispossession in other contexts: insofar as (bodily) dispossession presupposes a relation of (self) possession, it appears to reinforce the very proprietary and commodified models of human personhood that these traditions commonly seek to displace or critique, in this case in the form of “property in the person” or self-ownership.

This general concern is motivated by a desire to loosen the grip of “possession” and “property” over our moral and political vocabulary. As many scholars have noted, in Western legal and political thought there is a tight relation between rights and property, between *ius* and *dominium*. So close is this association that the two are often spoken of as if virtually synonymous. It is not merely the case that property is considered an important species of right but rather the inverse: rights are legal constructs we routinely conceptualize as possessions of personhood, as objects of personal ownership. My rights are precisely that: *mine*.<sup>14</sup> The gravitation center of this has long been the notion of “property in the person” or, more simply, self-ownership.<sup>15</sup> The fount of this idea remains the oft-cited passages from Locke’s *Second Treatise of Government*, where he posits that “every Man has a *Property* in his own *Person*. This no Body has any Right to but himself.”<sup>16</sup> So powerful was this idea, C. B. Macpherson has argued, that it has become the organizing grammar of our political vocabulary. The resulting world of “possessive individualism,” as MacPherson termed it, entails the view that the individual is proprietor of “his own person and capacities,” such that political relations more generally come to be experienced as derivations of this core sense of self-ownership.<sup>17</sup>

Beyond this expansive and rather general worry with a commodified and/or proprietary reformulation of social, moral, and political life, however, a second, more concrete one emerges: the problem of *self-alienation*. Property is a legal construct that empowers certain subjects to claim exclusive control over a particular object of concern. What it means to have “exclusive control” is highly debatable, but it is generally taken to include the power to alienate.<sup>18</sup> If I own something, I would commonly understand that ownership to include the power to sell, gift, or otherwise divest the object from myself. So the right to alienate is part and parcel of the power of property. If rights are “property-like” in some important sense, then it would seem to follow that they too should be alienable. If I have a right to my life or liberty, then part of what it means to say that these are “mine” is to say that I can alienate them to whomever I choose. When articulated as a feature of “self-ownership,” this has proven troubling and contentious for central figures in the history of Western legal and political thought, however, because it may be conceptually incoherent and/or generate outcomes that are morally or politically undesirable. Paramount among these disquieting outcomes has been the right to alienate one’s own self. If my right to life is alienable in the manner of ordinary property, then I should be able to contract into my own servitude or slavery.



The problem of self-alienation has, for instance, been at the heart of many generations of debate over the problem of exploitation. Exchanges between G. A. Cohen and Robert Nozick are typically cited as emblematic in this regard.<sup>19</sup> Many liberals and libertarians such as Nozick have argued that the capacity to contract one's own labor out on a market is a core right. For them, this is an exercise of the right of self-ownership rather than a violation of it, because alienating my capacity to labor is not the same as alienating my personhood tout court. They even extend this beyond the phenomenon of "renting" oneself out (e.g., in the course of a day's work) to include "selling" oneself permanently. When, for instance, Nozick posed the question of whether "a free system would allow [the individual] to sell himself into slavery," he answered in the affirmative: "I believe that it would." Others have extended this to defend "a *civilized* form of contractual slavery."<sup>20</sup> By contrast, Marxist critics such as Cohen have contended that contracting into waged exploitation is not different in kind from self-imposed slavery, since the only real difference is the duration of the contract, which, at any rate, is itself merely a product of the negotiation between the two parties and not bound by external moral restriction. The logical extension of the liberal argument for self-ownership, they argue, is that no distinction can be found between contracting oneself out for a day versus a lifetime. Several decades of subsequent commentary and revision have not so much resolved the matter as exhausted it.

By concretizing the material stakes of the question, feminist theorists have been able to gain greater traction as well as clarify its stakes. As scholars such as Carole Pateman and Anne Phillips point out, it is not simply the case that women have categorically been excluded from the status of "property owner" in a variety of ways (although this is also true). They are also eager to raise concern with the myriad ways in which women have been rendered "property-like," that is, through processes of sexist objectification and commodification. When situated historically, these processes present a dilemma not unlike the one posed earlier, however (see introduction and chapter 1). Namely, over historical time, as social relations have become more generally proprietized and commodified, the denial of autonomy and control over one's life entailed by patriarchal forms of domination has increasingly been expressed and experienced as a loss of self-ownership. Sexist violations may then be experienced as an attack on the inherent "property in the person" of women. As a result, the question becomes: To what extent can feminist objectives of dismantling and replacing patriarchal rule be advanced by projects aimed at retaking, restoring, or properly realizing



this expectation of self-ownership? While some theorists view the language of self-ownership as indispensable—for instance, as part of a defense of women’s bodily integrity in the context of sexual violence—others have found it inimical to feminist aims.<sup>21</sup>

The central conundrum remains. If I truly “own” myself in any meaningful sense, then should I be able to dispose of myself as well? If so, can this self-alienation be permanent (as in slavery) or merely temporary (as in renting oneself out)? For many, the ability to alienate oneself permanently—for instance, by selling oneself into slavery—appears not only morally suspect but also conceptually confused since it would entail an exercise of one’s right in such a way as to effectively destroy the possibility of being a rights-bearing agent at all. Voluntary servitude appears then as a simultaneous exercise and negation of my rights to personhood.<sup>22</sup>

I shall make no attempt to resolve this conceptual puzzle, at least not as it has been previously staged. Instead, I propose first to transpose the debate into a different register. My intuition is that this problem has proven intractable because it has been posed in the wrong (or at least partial) way. Notions of self-ownership remain politically and philosophically indeterminate (and, consequently, so too does the idea of bodily dispossession) because the historical context against which they are set has been shifting beneath and behind the scenes. Caught in the flow of this transition, many historically subjugated populations have been (rightly) unsure what to make of the promise of self-ownership. This is the source of that deep ambivalence surrounding the language of “property in the person”: it can be authentically experienced as liberation and restriction at once. Instead of generating (yet another) ideal theory of “property in the person” that would finally resolve the paradoxes inherent in the idea, I propose to explore the entanglements of self-ownership, alienability, contract, and consent as a stage on which the second-order connections between gender, race, class, and coloniality have played out historically. The richest set of intellectual resources for doing so can be gleaned from the Black radical tradition.

## II

On May 24, 1886, the famed, formerly enslaved abolitionist Frederick Douglass gave a speech to the Annual Meeting of the New England Woman Suffrage Association in Boston. Extolling the virtues of the suffragette movement and defending their methods of vigorous “agitation,” Douglass

sought to draw parallels between his own experience as an enslaved man and the plight of his (predominantly, if not exclusively, white) female audience. The core connection between these two otherwise distinct struggles was, he argued, the idea of self-ownership. His argument consisted, first, in positing that the Civil War was best framed as a struggle “over the question whether a man is the rightful owner of his own body.” Second, Douglass asserted that the basic assertion of self-ownership originally made visible in the context of slavery provided a “whole encyclopedia of argument,” which equally applied to the case of suffrage.<sup>23</sup> In spirals of rhetorical heightening, Douglass linked these disparate movements.

The great fact underlying the claim for universal suffrage is that *every man is himself and belongs to himself*, and represents his own individuality, not only in form and feature but in thought and feeling. And the same is true of woman. She is herself, and can be nobody else than herself. Her selfhood is as perfect as perfect and as absolute as is the selfhood of man. She can no more part with her personality than she can part with her shadow. This fundamental, unchangeable, and everlasting condition or law of nature is, to some extent, recognized both by the government of the state and of the nation.<sup>24</sup>

To deny woman rights of self-ownership and suffrage was, Douglass summarized, to leave her in the condition of “a proscribed person.”<sup>25</sup>

Seven years later, Douglass was invited to speak at the Carlisle Indian Industrial School. Founded in 1879 in renovated military barracks, Carlisle was the first federally funded off-reservation Indian boarding school in the United States and quickly became the model for hundreds of such schools across the Anglo settler world. The express aim of these institutions was, in the infamous words of Carlisle’s founding director, General Richard Henry Pratt, “kill the Indian: save the man.”<sup>26</sup> Douglass addressed the residents of Carlisle on Thursday, April 7, 1893. His speech, titled “Self-Made Men,” was eventually printed and circulated as a pamphlet by the school press.<sup>27</sup> In it, Douglass not only again advanced the language of self-ownership; he extolled the virtues of labor as a medium for virtuous self-improvement and transformation: “My theory of self-made men is, then, simply this; that they are men of work.”<sup>28</sup> Citing himself as an example, Douglass exalted work on the “property” of oneself as a means to self-emancipation, and goaded his audience toward the same.

The “Self-Made Men” speech was not written specifically for the Carlisle students. Douglass had given it many times before—by some estimates more

often than any other discourse from 1859 to the time of his death in 1895.<sup>29</sup> On this occasion, however, he did make an effort to tailor it specifically to his Indigenous audience. Douglass had been raised by his grandparents, Isaac and Betsy Bailey. Betsy Bailey was of Native American descent, a fact that Douglass directly referenced, associating himself with the children in attendance: “I rejoice beyond expression at what I have seen and heard at this Carlisle School for Indians. I have been known as a Negro, but I wish to be known here and now as an Indian.”<sup>30</sup>

Although he innovated within the tradition, the language of self-ownership and virtuous self-improvement was of course not unique to Douglass. In his immediate sphere of influence, it was central to abolitionist theory long before Douglass made his visits to the suffragettes or the Indigenous students at Carlisle. For many decades, abolitionists had been making an argument to the effect that slavery was wrong because it violated inherent rights of self-ownership. For instance, in 1837, while working for the American Anti-Slavery Society, Edward Tyler published the pamphlet *Slaveholding a Malum In Se, or Invariably Sinful*, in which he contends:

Self-ownership is an original endowment of every human being—the nucleus around which his other rights gather—the circumference within which they all lie. That every man is naturally the owner of himself—the proprietor of his body and mind—is one of those first truths, which need no argument to establish, which unperverted minds universally acknowledge, which is recognized in the phrases, common to all languages, *my limbs, my body, my mind*. This is the only right, or comprehends all the rights, original to man, inherent in human nature, the birth-rights of our race. All other rights depend on this for their validity.<sup>31</sup>

As Tyler makes clear, it is not simply the case that self-ownership was a sacred right; it was *inalienable*. Under no circumstances could it be lost or transferred to another. Even the deliberate or consensual alienation of self-ownership was, for Tyler and many abolitionists like him, impossible—a conceptual absurdity—since it would entail negating the very personhood upon which consent was premised: “Self ownership cannot be forfeited by crime; neither can it be alienated by any other act. It is inherent in human nature. It cannot be lost by birth, by gift, by contract, or by captivity.”<sup>32</sup> Accordingly, regardless of how they had acquired those in their thrall, slave owners were *thieves* of their fellow humans.<sup>33</sup>

Part of what made the language of self-ownership appealing both to Douglass and to abolitionists more generally was, I suspect, its elasticity.

As we see in these speeches, through it Douglass was able to draw connections between white feminism, abolition and Black political thought, and Indigenous and anticolonial movements.<sup>34</sup> This was, however, an ambivalent and deeply fraught terrain. It threatened to recast these struggles into a vocabulary more amenable to the capitalist reorganization of social relations (the full implications of which could perhaps not yet be seen). Rather than reading Douglass as an unalloyed proponent of the idea of “property in the person” per se, I propose therefore to read him here as responding to a political predicament: a *dilemma of self-ownership*, which I take to be a specific instance of the more general *dilemma of dispossession* with which this book is centrally concerned.<sup>35</sup> Read contextually, the above speeches appear as markers in a broader set of transformations taking place over the course of the nineteenth century but extending into the present.

### III

Although Frederick Douglass may have drawn upon it, contemporary Black political thought has been considerably less sanguine about the emancipatory potential of “property in the person.” The intellectual tradition within Black social and political thought that has perhaps been most inimical to notions of self-ownership is Afro-pessimism. Although it has not been expressly theorized as such, we find in scholars working within this framework what might even be termed a (tacit and vexed) theory of bodily dispossession. Consider, for instance, the opening lines of Fred Moten’s influential work *In the Break*.

The history of blackness is testament to the fact that objects can and do resist. Blackness—the extended movement of a specific upheaval, an ongoing irruption that anarranges every line—is a strain that pressures the assumption of the equivalence of personhood and subjectivity. While subjectivity is defined by the subject’s possession of itself and its objects, it is troubled by a dispossessive force objects exert such that the subject seems to be possessed—infused, deformed—by the object it possesses.<sup>36</sup>

In a later piece, coauthored with Stefano Harney, Moten even seeks to connect the condition of “being-slave” to questions of land tenure. The link, they posit (presumably signally a Lockean inheritance), is the imperative to improvement that frequently attends rights of self-ownership: “From the out-

set, the ability to own—and that ability’s first derivative, self-possession—is entwined with the ability to make more productive. . . . For the encloser, possession is established through improvement—this is true for the possession of land and for the possession of self.”<sup>37</sup> There are hints here of possible linkages and solidarities between Black and Indigenous struggles.<sup>38</sup>

An Afro-pessimist orientation suggests that Blackness can never be compatible with the ideal of the self-possessing individual. Moten’s approach—shared by a number of other important contemporary theorists such as Jared Sexton and Frank Wilderson—emphasizes the radical exteriority of Blackness to normative conceptions of personhood. They draw upon a rich heritage. For instance, it was Fanon who decades earlier cried out, “Here I am an object among other objects,” warning that the “white man wants the world. . . . His relationship with the world is one of appropriation.”<sup>39</sup> Across great time and space then, it is fair to say that the Black subject has endured as, in Frederick Douglass’s words, a “proscribed person.” When we transpose this frame of reference into debates over “property in the person,” it is easy to see where skepticism surrounding the idea and ideal of self-ownership would arise. From this vantage, projects within (white) feminism, liberalism, and Marxism appear as attempts to *reclaim* a status or standing, one that has been historically predicated upon the excision of Blackness from the category of personhood. Insofar as these (white) thinkers do not trouble the basic distinctions between whiteness and Blackness on which the relation between property and personhood has historically been structured, their projects appear less as radical challenges to an unjust status quo and seem instead aimed at recovering or restoring the expectations of racial privilege that have been partially thwarted by the inequities of patriarchy or waged-labor exploitation.

Thinking alongside Afro-pessimist thought, prevailing debates on the matter of self-ownership are rightly recast as internal to whiteness, a structure of racial governance most white theorists leave virtually untouched, even unmarked. Consider, for instance, how central the language of enslavement has been to the explication of property rights, especially the idea of self-ownership. For example, in the classic philosophical debate between Robert Nozick and G. A. Cohen, which set many of the terms of this analysis, when Cohen sets out to define what it means to say that one “owns oneself,” he writes, “To own oneself is to enjoy with respect to oneself all those rights which a slaveowner has over a complete chattel slave” and the “crucial right of self-ownership is the right not to (be forced to) supply product

or service to anyone.”<sup>40</sup> What does it mean to conceive of oneself as a *slave owner* over one’s own person? For whom is this metaphor a useful tool for elaborating a normative ideal? It is truly remarkable (itself a sign of the pervasive whiteness of professionalized philosophy and political theory) that slavery can remain core to the lexicon of these debates without provoking systemic reflection on the *actual* institutions of enslavement, historically or in the present. Actual, nonmetaphorical enslavement remains largely ignored by the (white) feminist, liberal, and Marxist reflections on self-ownership, notwithstanding its common use as a term of art. More to the point, however, their uninterrogated, folk conception of slavery has left this work stalled over rather facile distinction between liberation *or* subjection, which in this particular context is supposed to map onto a dichotomy of possessor *or* possessed.

Beyond its generally myopic view of race, the problem with this orientation is that actual institutions of enslavement were rarely so simplistically or discernibly on one side of this divide or another. Even more to the point, as I elaborate below via Saidiya Hartman’s groundbreaking work, the “after-lives” of slavery have centrally depended on a much more disquieting concomitant relation of liberty and subjection, possession and dispossession. Unfortunately, notwithstanding the importance of its interventions more generally, certain strands of Afro-pessimist thought have surprisingly reproduced this ahistorical dichotomy, albeit in an inverted form. Insofar as that critique leverages a strict binary opposition between white and Black, which is then mapped onto categories of possessor and possessed, it too lacks the necessary conceptual and methodological resources to grapple with the variegated texture of the race/property nexus. By positioning subjects on either side of an impermeable barrier (possessor and possessed), this framework can account for neither the historical mutability of that distinction nor the productive function of permeability across its membrane. As Patterson has argued at length, the figure of the slave has rarely, if ever, been an outsider in an *unqualified* sense: “Although the slave is socially a nonperson and exists in a marginal state of social death, he is not an outcaste.”<sup>41</sup> Rather than ontologically exterior to personhood in some unqualified sense, historically, the utility of slavery has resided with its liminality: “The essence of slavery is that the slave, in his social death, lives on the margin between community and chaos, life and death, the sacred and the secular. Already dead, he lives outside the mana of the gods and can cross the boundaries with social and supernatural impunity.”<sup>42</sup> Just as important,

the reductive and ahistorical nature of the “ontological dichotomy” view may fail to make sense of other, nonwhite subject positions or, what is worse, participate in their absorption to whiteness by relegating them to the side of the “privileged.” This drives us toward increasingly antagonistic, zero-sum formulations that proceed from abstract and reified notions of priority, which dissolve into irresolution and inaction.<sup>43</sup> As I hope to have demonstrated through the previous discussion of recursive dispossession in the colonial context, however, rather than an impermeable barrier between possessor and possessed, we find instead a tangled skein.

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In my estimation, an earlier generation of Black feminist theory remains a surer guide to navigating through the vexations of bodily dispossession and self-ownership, providing a sturdier bridge between critical race theory and Indigenous thought. What is most inviting about this body of scholarship is not simply the content of analysis but also its methodological dexterity. Black feminists such as Patricia Hill Collins, Kimberlé Crenshaw, Angela Davis, Cheryl Harris, and bell hooks have been so successful in grappling with the vicissitudes of race, rights, and property (and the relations between them) precisely because they have deftly avoided the temptations of reification that tend to plague more lofty “metaphysical” accounts.<sup>44</sup> Rather than speak of property or race *as such*, their work generally eschews such mystifications in favor of more textured empirical work. Taken collectively, theirs is what I would term a “naturalistic” approach to the problem.<sup>45</sup> Following their lead, I contend that it is politics and history—not ontology or metaphysics—that set the context of our concern, and thus also supply the tools of our critique.

As Cheryl Harris extols at length, property is not a reified thing but a cluster of social and historical practices.<sup>46</sup> Property does not refer to a set of things but to a species of relations.<sup>47</sup> To assert property in something is to make an enforceable claim to exclude someone from access to some thing. Understanding property as a mode of social organization is the first step in grasping its possibilities as a tool of domination. Apprehending property as a cacophonous array of social practices situated in a mutable context of power is necessary to wrestling with the enduring dilemmas associated with its use in radical political thought. For property configurations—including the notion of “property in the person”—can mean different things at different times and, indeed, even multiple things at once. That is why they are dangerous and ambivalent tools (as many powerful tools are).



Since (self) possession remains an uncertain ideal within Black political thought, dispossession remains a fraught weapon of critique. This is perhaps why the concept is so rarely explicitly theorized as such, despite its relatively widespread use.<sup>48</sup> One of the most astute yet overlooked engagements with the vexations of dispossession and self-ownership within the Black feminist tradition comes to us from legal theorist Patricia Williams. In works such as *The Alchemy of Race and Rights*, Williams tracks the oscillating need to claim property in oneself (to protect against sexual violence, to claim control over one's reproductive capacities, etc.) while remaining wary of the implications of this move. She summarizes this in a particularly dense and impactful paragraph: "Reclaiming that from which one has been disinherited is a good thing. Self-possession in the full sense of that expression is the companion to self-knowledge. Yet claiming for myself a heritage the weft of whose genesis is my own disinheritance is a profoundly troubling paradox."<sup>49</sup> In my reading, Williams is grappling here with one face of what I would term the dilemma of dispossession. She is not simply repeating the long-standing ambivalence about the philosophical coherence of self-ownership in white feminist, liberal, and Marxist traditions. Rather, she is drawing attention to a particularly acute dilemma that lays in slavery's wake.<sup>50</sup> For those who have historically been rendered objects of another's property, the violence of this objectification generates contradictory desires in the form of a simultaneous *disavowal of oneself as property* and *avowal of oneself as (self) proprietor*. The question endures: Does the violence of enslavement reside in the condition of being property per se or in being rendered property of *another*? Is the problem that one has been rendered an object of property or that one has been denied the status of (self-)owner?<sup>51</sup> If dispossession appears a useful term of art for the Black radical tradition, it makes sense that there is nevertheless something deeply unsettling in the normative implications behind affirming, *I am property*, even if now that property is *my own*. In a new guise, it risks becoming one more twist in what Hortense Spillers named "the moral and intellectual jujitsu that yielded the catachresis, person-as-property."<sup>52</sup>

If I am correct to suggest that the dilemmas of dispossession play out on the terrain of history, not ontology, then there is nothing to do but return to that field of analysis. Recovering the complexity and recurrence of the dilemma is, in this view, no longer about finding the (ahistorical) "right" answer. It rather consists in analyzing those analytic and practical tools that have given the problem a particular tractability in certain times and places where those caught in its vices have managed to pry it apart.

## IV

As a number of scholars of the era have noted, the “long” nineteenth century was a period in which the contradictions of formal emancipation played out with particular fortitude.<sup>53</sup> Precisely as the field of formal legal and political rights was rapidly expanding to incorporate hitherto excluded social groups, these same rights were simultaneously being recoded, some would say hollowed out. As a result, inclusion into the formal sphere of law and public life came with diminishing returns. This was not simply because the content of those rights that had been so vigorously fought for was being emptied but also because being brought within their orbit came with new modes of governance. Inclusion was conscription. Accordingly, observers and participants of these processes became increasingly concerned with an experienced disjuncture between formal or abstract right and the social relations that imbued it with practical content. The tasks of critical theory became then not merely to observe a gap between the ideal and the real but rather to study the political function of this noncongruence, this disjunctive juridical subject.<sup>54</sup>

Analysis of this sort is often attributed to Marx. Perhaps most famously in “On the Jewish Question,” he sought to demonstrate how the “political emancipation” of the Jewish community through the abolishment of formal discrimination in the realm of right was coextensive with the deepening of substantive inequalities outside of it. Marx held that these substantive inequalities were emblematic of new forms of social domination that, he predicted, would be even harder to dislodge in a world where liberation was increasingly experienced as “freedom from others.” A crucial axis of this was, of course, property rights, which, while expanding in a nominal sense, were also being recoded as “the right to enjoy and dispose of one’s possessions as one wills, without regard for other men and independently of society,” that is, “the right of self-interest.”<sup>55</sup>

In a similar vein, the Foucault of *Discipline and Punish* returned to the early nineteenth century precisely to demonstrate how a critique of the juridical subject of rights must attend to the network of social relations in which it is embedded that give it its content and life, one dimension of which was the new linkages between punishment and property (including the transformation of the convict into an object of property).<sup>56</sup> It is not a coincidence that Foucault drew so extensively upon Friedrich Nietzsche, especially *On the Genealogy of Morals*, a text centrally preoccupied

with how our vocabulary of morality and selfhood has been so captured by that of contract and debt. As Nietzsche so astutely pointed out, property was not just a set of institutions; it was part of a larger moral vocabulary in which we have become entangled.

To inspire trust in his promise to repay, to provide a guarantee of the seriousness and sanctity of his promise, to impress repayment as a duty, an obligation upon his own conscience, the debtor made a contract with the creditor and pledged that if he should fail to repay he would substitute something else that he “possessed,” something he had control over; for example, his body, his wife, his freedom, or even his life. . . . Above all, however, the creditor could inflict every kind of indignity and torture upon the body of the debtor; for example, cut from it as much as seemed commensurate with the size of the debt. . . . An equivalence is provided by the creditor’s receiving, in place of a literal compensation for an injury (thus in place of money, land, possessions of any kind), a recompense in the form of a kind of *pleasure*—the pleasure of being allowed to vent his power freely upon one who is powerless, . . . the enjoyment of violation.<sup>57</sup>

Published in 1887, *Genealogy* appeared between Douglass’s speeches to the suffragettes and the Carlisle Indian school.<sup>58</sup> Situating these texts alongside one another, a portrait of struggle emerges. The whole historical period appears as a battlefield in which the scope of rights and personhood is being expanded even as it is being reformulated in a new, punishing idiom. Above all, each of these thinkers (in their own distinctive ways) reveals that the nominal expansion of formal, juridical right may not only coincide with but can also facilitate the expansion of new forms of subjection and domination.

This movement exceeds the simple juridification of politics.<sup>59</sup> The language of dispossession usefully foregrounds a more specific feature, namely, the peculiar dual gesture of ascription and alienation that attends these processes. Hence, we find here a range of techniques that entail the imposition of a proprietary interest that can only be actualized through its simultaneous negation. The language of inclusion and exclusion cannot grasp the peculiar structure of this process, what Nietzsche calls its “logic of compensation.”<sup>60</sup> For a more exact marker of this operation, we may look to a different discussion in Marx.

In at least one plausible Marxist interpretation of the transition from feudalism to capitalism in Western Europe, workers gained a new form

of property: property in their labor power. Under feudalism, serfs had no such proprietary claim over their own labor. Owned and controlled by forms of personal domination under aristocratic lords, serfs were not free to change employers or their form of employment (from, say, farmer to mason). In one sense, the collapse of feudalism ushered in a new proprietary right. Workers in capitalist economies “own” their labor power in a new way, which appears as a gain over their feudal counterparts. However, the background social conditions have changed in such a way as to effectively negate this new proprietary interest. Specifically, because workers in capitalist societies have no direct access to the means of production, they therefore have no way of *actualizing* a proprietary claim in their labor power, except, that is, by alienating it to someone else (in this case, by temporarily contracting it out to the owners of the means of production for a period of time and receiving a wage in return). As Marx put it, under such conditions, “property turns out to be the right, on the part of the capitalist, to appropriate the unpaid labour of others or its product, and the impossibility, on the part of the worker, of appropriating his own product. The separation of property from labour thus becomes the necessary consequence of a law that apparently originated in their identity” (C, 730).<sup>61</sup> We can say then that in these circumstances workers have a strange form of “negative property” in their labor power, the precise character of which comes to light when we read the *de jure* change against the *de facto* conditions of its actualization in its socioeconomic context.<sup>62</sup>

Marx failed to theorize in any systematic manner how race functioned as a key organizing grammar for this dispossessive process. Accordingly, he failed to see that what was at stake for many racialized and colonized subjects was not merely “negative property” but, more fundamentally, “negative personhood.”<sup>63</sup> This is why the Black radical tradition is indispensable. In my view, there is perhaps no text that better gets at the shifting terrain of race, rights, and property in the nineteenth century than Saidiya Hartman’s *Scenes of Subjection*. There, Hartman excavates the paradoxes of “enslaved personhood” as refracted through the medium of property in nineteenth-century America. As she points out, the slave was in many ways the paradigmatic “outside” of personhood, rendered as an object of property to be owned, used and abused, traded away or destroyed by her master. This structure of domination contained important caveats, however. Paramount among them: the slave could be treated as a legal person for the purposes of assigning criminal culpability. Hartman unpacks the logic of this selective recognition of “slave humanity” by pointing out that

it “nullified the captive’s ability to give consent or act as agent and, at the same time, acknowledged the intentionality and agency of the slave but only as it assumed the form of criminality.” As a result, the “recognition and/or stipulation of agency as criminality served to identify [slave] personhood with punishment.”<sup>64</sup> Among other perversions, this led to the unusual possibility that a slave caught in the act of flight could be found guilty of effectively “stealing themselves,” the absurdity of which was pointed out by abolitionist Henry Bibb when he observed, expressly echoing Proudhon, that “property can’t steal property.”<sup>65</sup> Hartman unpacks the twisting logics at work here, drawing explicitly upon the language of dispossession to do so: “The agency of theft or the simple exercise of any claims to the self, however restricted, challenged the figuration of the black captive as devoid of will. Stealing away ironically encapsulated the impossibility of self-possession as it exposed the link between liberty and slave property by playing with and against the terms of dispossession.”<sup>66</sup> Elsewhere, Hartman confronts perhaps the darkest implications of this paradoxical standing of the slave through her excavation of the institutions of sexual violence and rape. As she points out, the normativity of sexual violence in the context of slavery “establishes an inextricable link between racial formation and sexual subjection.” Here, the “consent” of enslaved and racialized women is rendered “intelligible only as submission.”<sup>67</sup>

Postbellum circumstances reconfigured the terms of liberty and subjection but maintained a tight internal relation between them. If slavery had been a complex set of institutions that operated in a multiplicity of registers—political, economic, social, and cultural—“emancipation” was confined to the formal legal sphere. The inability and unwillingness of U.S. society to root out the multiple levels and causes of enslavement produced what W. E. B. Du Bois rightly called the “splendid failure” of reconstruction.<sup>68</sup> As a result of this failure, in the postemancipation era formerly enslaved Blacks found themselves “freed” in a paradoxical sense: while released from the formal bonds of slavery, they were also thrown out into an utterly hostile world of social domination and economic exploitation. Consider the account given by the iconic Ida B. Wells in 1893.

The Civil War of 1861–5 ended slavery. It left us free, but it also left us homeless, penniless, ignorant, nameless and friendless. Life is derived from the earth and the American Government is thought to be more humane than the Russian. Russia’s liberated serf was given three acres of land and agricultural implements with which to begin his career of

liberty and independence. But to us no foot of land nor implement was given. We were turned loose to starvation, destitution and death. So desperate was our condition that some of our statesmen declared it useless to try to save us by legislation as we were doomed to extinction. . . . We were liberated not only empty-handed but left in the power of a people who resented our emancipation as an act of unjust punishment to them. They were therefore armed with a motive for doing everything in their power to render our freedom a curse rather than a blessing.<sup>69</sup>

There are at least two elements of Wells's analysis that stand out for our purposes here.

The first concerns the central role that land plays in her account of emancipation. This is undoubtedly a reference to the (in)famous promise of "forty acres and a mule." On January 16, 1865, General William T. Sherman issued Special Field Order No. 15, specifying that formerly enslaved families should be granted plots of forty acres in requisitioned lands in the Sea Islands and coastline south of Charleston. With this order, some 400,000 acres of privately held land would be forcibly confiscated from slave-owning families and redistributed. When Sherman later suggested the army would provide these families with mules to till the soil, it gave birth to the "forty acres and a mule" phrase.<sup>70</sup> The promise of this unprecedented downward reorganization of property was clear: African Americans would gain direct, unmediated access to the means of subsistence and production, thereby radically challenging their historic subordination to white property owners.<sup>71</sup> The stakes were enormous. As Eric Foner contends, "The prospect beckoned of a transformation of Southern society more radical even than the end of slavery."<sup>72</sup> The much-anticipated redistribution never materialized. Not only did the U.S. government abrogate its promise to African Americans, but a wave of "Black Codes" in the South went one step further, effectively preventing Blacks from owning or leasing land.<sup>73</sup> This leads to Wells's second point. It is not merely that postbellum life offered an inadequate or incomplete form of freedom. The continuity of enslavement is not her concern here. It is, rather, the manner in which freedom was "cursed": articulated in such a way as to produce a distinctly novel form of subjection, one that operated through responsibility without redress. Under these new conditions, the newly emancipated were expected to take individual responsibility for their self-improvement, even as the substantive inequalities and material conditions that made this practically impossible were being shielded from reconstruction efforts by

their placement in the newly forming sphere of the “social” (a realm characterized by noninterference from the formal institutions of the state and law). Adding to the burdens of the reconstruction era, emancipation was thought to have generated a *debt*. The Emancipation Proclamation was, in effect, a massive act of political manumission, which, as Patterson has documented, nearly always entailed a simultaneous continuation and mutation of the previous relationship. Speaking in comparative historical terms, Patterson points out that the similarities across societies that have institutionalized forms of manumission are striking: “Everywhere the freedman was expected to be grateful for the master’s generosity in freeing him, however much he may have paid. This followed naturally from the universal conception of manumission as a gift from the master. . . . The relationship between ex-slave and ex-master was always stronger and always carried with it a certain involuntary quality that was quite distinctive. It cannot be viewed in isolate from the relationship it replaced.”<sup>74</sup> In the eyes of much of postbellum white America, Black life owed its free circumstances to white agency, which explained and justified the subordination of the former to the latter even in a world of nominally free market exchange: “In short, to be free was to be a debtor—that is, obliged and duty-bound to others.”<sup>75</sup> The terms of amortization were supposedly set by contract and consent, even while the bargaining position of the parties involved was set by a racialized hierarchy. Rather than frame emancipation from slavery as, for instance, generative of restitution and positive entitlement for the formerly enslaved, liberty came to be expressed as their right to contract into indefinite debt repayment. In effect, the formerly enslaved remained, in Ira Berlin’s felicitous phrasing, “slaves without masters.”<sup>76</sup>

The paradoxical entanglement of liberty and servitude in this era is condensed in section 1 of the Thirteenth Amendment (1865): “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.” There is probably no one single sentence that has garnered more critical attention in the analysis of reconstruction and its contemporary reverberations. Most of this interest has been focused on the dependent clause, which famously introduces an exception to the general prohibition against slavery: “except as a punishment for crime.” A number of commentators consider this the crucial element since it enables reenslavement through criminalization. From the Black Codes, to Jim Crow, to the new era of mass incarceration, this subclause has provided the red thread by which to trace the structural endurance of Black



subjection, despite its mutations of form.<sup>77</sup> Following Hartman, however, I would draw attention to a different component of the amendment. In expressly prohibiting “involuntary servitude” alongside slavery, the provision tacitly references and defends the category of *voluntary servitude*. What remains unspecified here, setting the stage for a series of political battles in the subsequent decades, is the precise content of these terms and the means of distinguishing them. The Reconstruction era represents a transitional moment, then, one in which the expansion and consolidation of near indefinite indenture and subjection of Black life in America no longer hinged upon the formal, legally sanctioned negation of Black capacity to consent, as in slavery. Instead, we find the construction of background social conditions (economic deprivation and social stratification) that make it all but impossible to avoid contracting oneself into “voluntary servitude.” In this operation, the will of the subjected has been turned against them, used as a tool of their conscription into subordination and exploitation.

Patricia Williams has coined a particularly apt term for this: Black antiwill. In a reflection that expressly links the experiences of Black and Indigenous women, Williams writes, “One of the things passed on from slavery, which continues in the oppression of people of color, is a belief structure rooted in a concept of black (or brown or red) antiwill, the anti-theoretical embodiment of pure will. We live in a society where the closest equivalent of nobility is the display of unremittingly controlled willfulness. To be perceived as unremittingly without will is to be imbued with an almost lethal trait.”<sup>78</sup> Although Williams here frames “Black antiwill” as “unremittingly without will,” elsewhere in her work, we can see that this frequently operates not through *absolute negation* (i.e., “you have *no* will”) but through an odd partial or truncated will (i.e., “you have will, but it is only legible in a negative valence or register, that is, as acceptance of your subjection”). This “Black antiwill” resonates backward to the nineteenth century, through Hartman to Douglass. Taken together, these investigations into the amputated forms of will and consent in the context of extreme domination are pertinent because they move us beyond the articulation of racial and colonial domination in terms of a mere excision from the category of “personhood” or “property owner.” Instead, Williams and Hartman direct our attention to the possible conjunction of domination and the nominal expansion of personhood rights, where the latter is truncated or organized in a “structurally negated form.” This forms a conceptual bridge of sorts between rather abstract, ontological invocations of “dispossessive force” and

the more genealogical and historical-materialist analyses with which I am engaged here.<sup>79</sup>

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This conceptual bridge may serve as a point of contact between Black and Indigenous struggles as well. Recent years have seen a spate of new research on the linkages between these two intellectual and political traditions. Taken together, what emerges is not a picture of two distinct and parallel processes but an interactive relation between them. For instance, as such scholars as Brenna Bhandar, Alyosha Goldstein, Shona Jackson, Barbara Krauthamer, Tiya Miles, Nikhil Pal Singh, Manu Karuka, and Patrick Wolfe have shown, racialization processes were woven throughout the creation of landed property in the nineteenth-century Anglosphere.<sup>80</sup> Returning to the discussion in chapter 1, for example, the same Homestead Act discussed there also categorically excluded freed Blacks. Likewise, although the 1848 Treaty of Guadalupe Hidalgo made U.S. citizenship possible for Mexicans who were forcibly incorporated into the republic through imperial annexation, it also established a legal framework for land ownership and settlement that simultaneously produced and protected white Anglo identity by creating the racial category of “Spanish American.” Pueblo Indians and *genizaros* (formerly enslaved Indians) were denied the rights of communal land ownership they had enjoyed under Mexican law, while other Indigenous nations deemed too “savage” (such as Apaches, Comanches, Utes, and Navajos) were excluded from both Mexican and U.S. citizenship.<sup>81</sup>

Attending to the particular question of dispossession and self-ownership permits a new dimension of this connection to come to the fore: the imbrications of Black and Indigenous antiwill. Consider Alexander Weheliye’s recent reading of the political history of habeas corpus in the United States.<sup>82</sup> Weheliye notes that the history of habeas corpus has been bidirectional. It has been used as a tool of emancipation as, for instance, when it was deployed as a means to free captured Africans in the famous *Amistad* case of 1839. At the same time, however, he cautions that “the benefits accrued through the juridical acknowledgment of racialized subjects as fully human often exacts a steep entry price, because inclusion hinges on accepting the codification of personhood as property.”<sup>83</sup> Weheliye concretizes this claim through a reading of *Dred Scott* (1857), where, he notes, Chief Justice Roger Taney’s infamous decision explicitly contrasts Black subjects with Native Americans, situating the latter in a superior position on

the basis of their ability to “become citizens of a State, and of the United States . . . if an individual should leave his nation or tribe, and take up his abode among the white population.”<sup>84</sup> Weheliye is surely correct to note that this decision highlights the degree to which white supremacist governance has operated through a shifting and ever instrumentally mutable comparative taxonomy of racial classifications. Accordingly, the supposed “proximity to whiteness” inherent in the possibility of Indians gaining citizenship is properly read as a strategy of (self-)extinguishment: this is a personhood that can only be actualized through abnegation. It is worth noting in this regard that the same Chief Justice Taney also wrote the majority decision in *Martin v. Lessee of Waddell* (1842) some fifteen years before *Dred Scott*, in which he argued: “The English possessions in America were not claimed by right of conquest, but by right of discovery. . . . The Indian tribes of the new world were regarded as mere temporary occupants of the soil, and the absolute rights of property and dominion were held to belong to the European nation by which any particular portion of the country was first discovered.” As a consequence, “whatever forbearance may have been sometimes practiced towards the unfortunate aborigines, with from humanity or policy, yet the territory they occupied was disposed of by the governments of Europe at their pleasure, *as if it had been found without inhabitants*.”<sup>85</sup> There is perhaps no clearer single statement distilling dilemmas of dispossession than in the pairing of these two decisions. Black subjects are excised from the zone of personhood in and through the very same mechanism that ascribes personhood (including self-ownership) to Indians while, at the same time, defining the content of this latter personhood in terms that render it null, literally read as if it had never existed at all.

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To recapitulate: there is a collection of different strands of critical inquiry (feminist, Marxist, etc.) that uses the language of dispossession to refer to a relation to the self, body, or personhood. Although many thinkers in these traditions continue to speak of dispossession in this way, there is considerable ambivalence haunting its use. This ambivalence is manifest in both a generic and specific register. Rendering personhood as “property-like” in some important sense, it is objected, is problematic insofar as it tightens the grip of that vocabulary on our moral and political imaginations generally and, more precisely, because it would seem to countenance forms of self-alienation, even self-enslavement. I contend that stated in this abstract

register, there is no definitive solution to the dilemma: the conceptual coherence of the language of “bodily dispossession” remains refractory and unresolved. Enduring ambivalence with the concept stems from the fact that these debates have a dynamic historical context. They are taking place against a shifting social context, one in which property and possession operate as modes of governance less and less in the manner of a strict binary division between possessors and possessed. Rather than a simple case of excision from the propertied, or theft in the simple sense, dispossession entails a rather complex set of gestures in which proprietary interests are both ascribed and alienated. Revealing the work of this requires, however, laying bare the relationship between a juridical structure of right and the social context that actualizes that right, the dynamic and productive relation between *de jure* and *de facto*.

## V

To be dispossessed of oneself is not simply to be negated in one’s personhood, nor even seized as an object of another’s property, however important and reprehensible those other concerns may be. Instead, in the specific sense with which I use the terms here, to be dispossessed of oneself is to have a certain proprietary claim ascribed to one’s personhood (a claim of self-ownership) under conditions that demand its simultaneous negation. It is, again, to come to “have” something in such a manner that this possession cannot be actualized except through alienation. This matters, I contend, because it is so central to framing the forms of subjugation and domination that flow from this act of alienation as “freely” given, that is, as an act of voluntary contract and consent. Not only is this mode of dispossession historically pervasive; it is perhaps *the* primary form in which domination operates today in these contexts, given widespread liberal commitment to the notion that subjugation can only be legitimate if it is entered into voluntarily. I contend that historicizing the question reframes it in such a way as to render it more tractable.

As I have argued, the late modern era of democratic expansion generated important contradictions for Anglo settler societies. Increasingly committed to a normative ideal of consent yet materially dependent on coercively appropriated land and labor, this contradiction was managed through *rituals of antiwill*. In this moment, the register of racial and colonial governance moved toward “voluntary” self-abnegation.

Extended analysis of the Black radical tradition permits us to bring this sharply into view, accomplishing two tasks at once. We are able to flesh out the diverse lives of dispossession within critical theory (broadly conceived) by elaborating an alternative grammar, one more concerned with bodily integrity and selfhood than with land or the nonhuman natural world. At the same time, however, this discussion returns us to Indigenous politics. It serves as a response to the question of why “structurally negated” property rights were extended to Indigenous peoples in the first place. Situated in relation to the preceding discussion, we can grasp these now as a form of “Indigenous antiwill.” Set upon the same shifting historical backdrop as the one sketched above, Indigenous consent is registered and recorded in a manner that finds resonances with Black subjection.

The slow—but nevertheless discernable—shift in the mode through which property has served as an instrument of social organization and domination continues into the present. We have moved away from a form of governance in which racialized and colonized subjects are denied status or standing as property holders and/or treated as “property-like” in a variety of ways, toward a system in which governance operates through a more complex gesture of ascription and alienation. By the latter, I mean to highlight the way in which proprietary interests are ascribed to racialized and colonized subjects in such a way as to limit their actualization to moments of negation: voluntary servitude, self-alienation, or self-extinguishment. It has, accordingly, become harder for us to know what to make of the promise of possession.

Stated more formally, in the context of highly stratified and hierarchically ordered social relations, those in positions of relative power and privilege tend to view the codification of some object of interest under the rubric of “property” as a means of securing access and control to it. For them, property anchors and solidifies. Conversely, for those in positions of relative weakness and subordination, the rendering of something into a property form is frequently the first step to losing control over it, since it is also a way of making things more alienable and fungible. For the first, property is a congealing agent. For the second, it is a solvent. What matters then is less whether or not one has a proprietary interest in something but rather the background power relations that give property its specific valence in any given context.

Previous work has attempted to hold this background context largely at bay, presuming that it remains fixed and can thus serve as a stable reference against which to adjudicate the coherence of the terms in a purely philosophi-

cal register. The naturalistic view of rights given in, *inter alia*, Black feminist thought retrains our focus on the political function of the language of self-ownership, which in turn enables us to diagnose the proper source of enduring ambivalences concerning bodily dispossession: precisely that sliding historical backdrop that gives variable configurations of race, rights, legal personhood, and property their concrete content. As a result of this historical slide, we live today in societies governed by a moral vocabulary of contract, consent, and will but also one deeply steeped in the language of debt, property, and possessive individualism, so much so that it has become hard to imagine the former without the latter. Under these conditions, the extinguishment of rights to personhood and property must be imagined as a voluntary submission, something the subject has ultimately agreed to in some form. This undoubtedly takes many forms, from notions of tacit consent to be governed to the more complex rituals of antiwill discussed above. Tracking the mutations of this gives new tractability to that vexatious concept: dispossession.