

CHAPTER TWO

“I am he”: A History of Dispossession’s Not-Yet-Present in Colonial Yucatán

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AS “DISPOSSESSION” HAS BECOME an increasingly pervasive scholarly and activist concept in recent years, it has at times furthered a powerful, foundationalist presupposition: namely, that the dispossessed had prior possession over that which was taken from them by their dispossessors (their land, their labor, or their very bodies). When theories of dispossession claim or implicitly presume that the dispossessed previously owned that of which they were dispossessed, they certainly offer a strong moral basis for a critique of dispossession. Yet in studying cases of dispossession from what Marxists would call the era of so-called primitive or originary accumulation in the Americas, I have found that the dispossessed at times did not claim that they owned their land or their labor or their bodies prior to being dispossessed, and thus did not always respond to dispossession by seeking the return of their putatively prior possessions. In these instances, the dispossessed seem to have had quite different theories of dispossession, which is also to say they practiced different antidispossessive politics, than would follow from the presumption of prior possession—a politics set against possession as such.¹

In this paper, I identify some of the conditions of possibility and impossibility for contemporary theories of dispossession that presume prior possession. I then examine a case of dispossession from late-seventeenth-century Yucatán in which an enslaved Afro-Yucatecan named Juan Patricio was accused of beating up a priest named don Ignacio de Esquivel to stop the priest from forcing a Maya girl named Fabiana Pech into service for his mother, doña Isabel de Solís. From the records of the case, both Juan Patricio and Fabiana Pech can be seen to proffer critiques of dispossession that do not presume prior possession. Consequently, Juan Patricio and Fabiana Pech help us to chart what I will call a history of the not-yet-present of our own antidispossessive politics.

From Originary Accumulation to Dispossession

The *locus classicus* for accounts of dispossession is Part 8 of Marx's *Capital*, vol. 1, entitled "So-Called Primitive Accumulation," or perhaps better translated "So-Called Originary Accumulation [*Die sogenannte ursprüngliche Akkumulation*]." This section of *Capital* sets out to explain how it came to be that a small class of people owned most of the world's wealth, leaving the rest of the people with nothing to do but work for that small class of wealth owners. Marx examines a period stretching from the fifteenth century through the eighteenth century during which land, labor, bodies, and lives were expropriated from rural, black, poor, and indigenous people throughout the globe by the agents of capitalism's rise, through the violence of colonization, slavery, and enclosure, as well as the legalization of that violence by way of the criminalization of the poverty it caused (vagabondage, petty theft, "idolness"). As many contemporary scholars of dispossession have insisted, that process did not end in the eighteenth century, but continues to this day in the form of an ongoing "accumulation by dispossession."² In this insistence, they renew earlier arguments about the ongoing character of so-called originary accumulation formulated by the likes of Peter Kropotkin, Rosa Luxemburg, and W. E. B. DuBois in the nineteenth and early twentieth centuries, and in schools of thought such as dependency theory, world-system theory, South Asian and Latin American subaltern studies, black radicalism, and Native American studies in the twentieth and twenty-first centuries.

Indeed, Marx himself implicitly gets at that ongoing character of accumulation by dispossession with the very title of *Capital's* Part 8: the sarcastic "so-called," *sogenannte*. Like all of the terms Marx uses in *Capital*, "primitive"

or “originary accumulation” is not his term, but is borrowed directly from the classical or bourgeois political economists whom he is critiquing. His critical method always involves taking up such terms, elaborating how they function in the discourse of the political economists, salvaging anything that might be useful in them, and debunking everything in them that is wrong or does not make sense—and he makes clear in Part 8 that there is very little to salvage from the particular term *originary accumulation*. Hence, the “so-called” of the title. As he famously writes:

This originary accumulation . . . is supposed to be explained when it is told as an anecdote of the past. In times long gone by there were two sorts of people; one, the diligent, intelligent, and, above all, frugal elite; the other, lazy rascals, spending their substance, and more in riotous living. . . . Thus it came to pass that the former sort accumulated wealth, and the latter sort had nothing to sell except their own skins. . . . And from this original sin dates the poverty of the great majority that, despite all its labour, has up to now nothing to sell but itself, and the wealth of the few that increases constantly although they have long ceased to work. Such insipid childishness is everyday preached to us in defence of property. . . . As a matter of fact, the methods of originary accumulation are anything but idyllic.³

Marxists usually focus on his argument that so-called originary accumulation is not “idyllic” because it was originarily violent and brutal. But from this famous passage we can also see that another reason why so-called originary accumulation was not idyllic is that it was not, in fact, “of the past,” that it did not happen “in times long gone by.” The conditions of his own nineteenth-century present, he goes on to show, are thoroughly structured by a massive extraction of wealth from people and places that began in the fifteenth century. What the bourgeois political economists call “originary accumulation,” then, is not over at all; it is part of Marx’s present. We see him make this point even more directly in other places, such as his 1877 letter to Nikolay Mikhaylovsky, where he explains that “so-called originary accumulation” is also not a stage that every country has to pass through for capitalism to arise and, in turn, for socialism and communism to replace capitalism.⁴ Just because England enclosed the commons between the sixteenth and nineteenth centuries in the ways he describes in Part 8, this does not mean that Russian peasant communes of the nineteenth century need to be destroyed and converted into private property so that they can eventually become truly communist entities. That is, peasants do not need to first become proletarians

in Russia for capitalism to emerge and then be defeated; in fact, one ought to oppose the methods of so-called originary accumulation whenever they occur, as they indeed occur all the time.⁵

Still, despite this long history of critics—starting with Marx—understanding that dispossession was not a historically isolated event, but rather is an ongoing structure inherent to capitalism as such, some contemporary scholars and activists still build into their accounts of dispossession a trace of what Marx calls the “idyllic.” Specifically, such accounts often contain a foundationalist presupposition: *that those who were dispossessed previously owned what was stolen from them and, for that reason, that they sought or should seek to get those prior possessions back.*⁶ We find this presupposition in Pierre-Joseph Proudhon’s slogan “property is theft,” which he famously declared in 1840 in his text *What Is Property?*⁷ Marx isolated the problem with this formulation in an 1865 letter to J. B. Schweizer, which was published in *Der Social-Demokrat*, and later as an appendix to *The Poverty of Philosophy* (whose title is itself a play on Proudhon’s book *The System of Economic Contradictions, or The Philosophy of Poverty*): “The upshot is at best that the bourgeois legal conceptions of ‘theft’ apply equally well to the ‘honest’ gains of the bourgeois himself. On the other hand, since ‘theft’ as a forcible violation of property *presupposes the existence of property*, Proudhon entangled himself in all sorts of fantasies, obscure even to himself, about *true bourgeois property.*”⁸ Marx here suggests that the notion of property theft entails a kind of tautology. How can property be considered “theft,” if “theft” itself presupposes prior ownership over what was stolen, without then implying that all prior possessions were also once thefts? And if all prior possessions were once thefts, there would seem to be no precise way to differentiate one theft from another; theft itself would then appear to be as necessary or natural as property, and both would appear to be structurally “idyllic.”

Despite this critique and his professed disdain for the “idyllic,” Marx himself at times reproduced Proudhon’s presupposition. He most often used the words *Enteignung*, typically translated as “expropriation,” and *Aneignung*, typically translated as “usurpation” or “appropriation,” to name what we now more often call “dispossession.” However, Marx also used *Raub* [robbery] and *Diebstahl* [theft].⁹ Indeed, even in the passage quoted above from Part 8 of *Capital*, Marx describes the dispossessed as having “nothing to sell except their own skins” and “nothing to sell but itself,” with the words *own* and *itself* seemingly pointing to prior or foundational self-possession.¹⁰ And still today critics often speak of dispossession as a kind of theft of the previously

owned, with Peter Linebaugh's compelling book *Stop, Thief! The Commons, Enclosures, and Resistance* offering just one recent example.¹¹

The foundationalist presupposition of theories of dispossession operates simultaneously on two levels: on the level of subjectivity, or a subject's relationship to themselves, and on the level of a subject's relationship to land. In the first instance, subjects are presumed to own themselves, their bodies, or their labor before dispossession, and thus to seek the return of those stolen elements of their selves. In the second instance, land is presumably possessed by individuals or by collectivities, either by right or custom, as property or as commons, such that antidispossessive politics ought to seek the return of that land to the individuals or collectivities from which it was stolen. However, these presuppositions often do not specify in what sense subjects can be said to have previously owned themselves or their land, and thus fail to consider the political implications of imputing prior possession; as Marx put it in the passage on Proudhon above, "since 'theft' as a forcible violation of property *presupposes the existence of property*."¹² So how might we understand dispossession as the taking of what was not always previously "possessed"?

Much scholarship amplifies these concerns. On the level of subjectivity, for instance, C. B. MacPherson argues that possessive individualism, or one's presumptive ownership of oneself as an autonomous and self-sufficient subject with a will capable of enacting its desires, was an effect of the rise of capitalism rather than a foundational precondition for the theft of labor and bodies from autonomous individuals.¹³ For enslaved Afro-diasporans in the United States, Saidiya Hartman has shown us how the achievement of formal emancipation—or the presumptive ownership of one's self—did not alleviate the dispossessive forces of racial capitalism, and in fact entrenched crucial elements of that system by imputing liberal, racialized forms of freedom to the formally enslaved.¹⁴ Relatedly, contemporary theories of the subject ask us to confront constitutive dispossessions that form the basis for subjectivity as such. For instance, as Athena Athanasiou has argued in her dialogue with Judith Butler, dispossession names not only "processes and ideologies by which persons are disowned and abjected by normative and normalizing powers that define cultural intelligibility and that regulate the distribution of vulnerability: loss of land and community; ownership of one's living body by another person, as in histories of slavery, subjection to military, imperial, and economic violence; poverty, securitarian regimes, biopolitical subjectivation, liberal possessive individualism, neoliberal governmentality, and precaritization."¹⁵ The concept also names "a limit to the autonomous and impermeable

self-sufficiency of the liberal subject through its injurious yet enabling fundamental dependency and relationality” such that “avowing the trace of primary passions and losses—as one’s psychic and social attachment to the law that determines one’s disposition to alterity—is a necessary condition of the subject’s survival.”¹⁶ By both affirming the injustice of dispossession and insisting on the subject’s formative relationship to alterity, or lack of absolute self-possession, Athanasiou and Butler question any presumption of a prior or foundational subjective propriety as a necessary condition for a critique of or challenge to dispossession.

On the level of land, it ought not surprise us that the vast diversity of indigenous communities across the Americas maintained diverse and changeable relationships to land, even as any contemporary understanding of those relationships is caught in the irreducible conflict between ongoing indigenous knowledges and European accounts saturated with colonizing interests. For instance, before European colonization the relatively strict social hierarchies of the Nahua people in what would become central Mexico seem to have generated geographies codified under the Aztec empire into rural and urban zones, in which elites and commoners were tied by relations of taxation, tribute, and exchange.¹⁷ By contrast, the less imperial and urbanized Algonquian language communities in what would become New England seem to have maintained more flexible ties to their geographies.¹⁸ There are countless other examples to consider in the vibrant range of the indigenous Americas. So while there were indigenous conceptions of ownership in parts of the Americas, even before the conquest, we can still say that some indigenous communities did not understand land as something that could be individually or privately owned, in the way colonizers understood such ownership. Indeed, a key tactic of colonial dispossession was the imputation of ownership on the colonizers’ terms to colonized people, so as to facilitate the codification of dispossession through tactics such as treaties and land purchases. These tactics, as Glen Coulthard has shown, continue to structure even some indigenous efforts to redress dispossession.¹⁹ Less often remarked but still important to any critique of such dispossession are the ways indigenous people at times appropriated land from other indigenous people, both before colonization and after, under pressure from settler colonials’ appropriations.²⁰

The relatively recent wave of celebrating the commons and so-called commoning as anticapitalist would seem to resolve the tautology of “property is theft” by claiming that, prior to colonization and/or the rise of capitalism

proper, land was held “in common” by rural and indigenous people, until capitalists expropriated and enclosed the commons and converted them into private property. However, as Allan Greer has shown, in the Americas, European commons were imposed upon indigenous land, and so “commoning” functioned as an essential tactic of settler colonization rather than a prior practice of anti/non/pre-capitalism.²¹ While some indigenous people certainly had their own common relationships to land prior to European colonization, currently existing systems of indigenous commoning blend precolonial and colonial social and economic relations. For instance, the *ejido* system in Mexico gives indigenous communities a certain measure of control over land, and has at times antagonized dispossession or even functioned as an active challenge to it. However, the very word *ejido* comes from a medieval and early modern Iberian practice of commoning, which should remind us that Spanish colonizers imposed their understandings of humans-in-space upon the Americas and its colonized people, leading those people to adapt and repurpose such understandings in their own interests rather than simply to defend some idyllic, prepossessive understanding of the land. Indigenous commons like the *ejido* are not simply precolonial remnants any more than they are merely imperial impositions. Rather, they represent ongoing efforts by indigenous people to repurpose social relationships to the land in the face of, and often within the very idiom of, capitalist dispossession.²²

This rich range of subjective relationships to selves and social relationships to land troubles any presupposition that the colonized and enslaved owned their lands or their selves in strictly determinable or generalizable ways prior to dispossession. Consequently, theories of dispossession that implicitly or explicitly make such a presumption not only risk reproducing the tautology of “property is theft,” they also fail to consider the dynamic forces of dispossession as well as the diverse and often dexterous responses to it by the dispossessed.

Juan Patricio

The archives of dispossession from North America during the late seventeenth and early eighteenth centuries—in the midst of the era of so-called originary accumulation—often do not square with the presumptions of prior propriety embedded in contemporary theories of dispossession that hue to the “property is theft” argument. Which is to say, one does not always find the dispossessed claiming prior possession or seeking the return of that

which was stolen from them. Consequently, they prompt us to understand what theft without prior propriety might entail, as well as how challenges to dispossession might evade the entrenchment of propriety as such.

Consider one such case from Yucatán in the 1690s. The record of this case is contained in a *legajo* in the Archivo de Indias in Seville, and is entitled “Complusa de autos criminales seguidos por Doña Ysabel Solis, vecina de Yucatan, contra Juan Patricio esclavo, sobre haber apaleado à Don Ygnacio de Esquivel, clerigo: Año de 1696.”²³ It involves a complicated cast of characters: at the center is an enslaved thirty-two-year-old black man named Juan Patricio, residing in Yucatán but previously from Santo Domingo, who was charged by a Creole woman named doña Isabel de Solís with beating her son, the priest don Ignacio de Esquivel, for taking a Maya girl named Fabiana Pech from the *encomienda* of Juan Patricio’s master, don Pedro Enríquez de Noboa. It seems that in mid-August of 1690, the priest Esquivel sent at least two Maya “*tupiles*,” or deputies, to the village of Tahmek in north-central Yucatán to take possession of Pech with the intention of bringing her to the city of Mérida to work as a domestic servant for his mother, Solís. However, Pech’s Maya village was controlled by Enriquez de Noboa, who seems not to have known about the priest’s plans for Pech. The Maya who were under the control of this *encomendero* in this region were not his slaves, like Juan Patricio was, in that by 1690 the Spanish Crown had long understood Indians throughout the Americas to be free humans and potential Christians with a host of rights and privileges. But these Maya were bound to follow their *encomendero*’s orders within certain well-defined limits. Although Juan Patricio *was* enslaved to Enriquez de Noboa, he was also an overseer of some of his masters’ ventures, including his Maya laborers—a role that was common enough for Afro-Yucatecans that one historian has called them “the black middle” for the mediation they performed between Creoles and Maya.²⁴

Indeed, according to Juan Patricio’s testimony he was the one who first discovered Esquivel’s deputies trying to take Pech away. He testifies that he ran into them by chance on the road from Tahmek to Mérida as he was going to check on the work some Maya masons were doing for his master.²⁵ He says he stopped the deputies from taking Pech by arguing with them and eventually striking them with a stick and driving them away. After this conflict, Juan Patricio told his master about Esquivel’s effort to take Pech, while the deputies told Esquivel about Juan Patricio’s efforts to thwart them. Esquivel was apparently angry that Juan Patricio intervened in his plan for Pech, and summoned Juan Patricio to speak with him. Juan Patricio did go to the

priest, but not immediately; he testifies that he waited out a rainstorm first, which further angered the priest, who declared: “Come here, dog; I didn’t send an Indian to bring you here for you to say that you didn’t want to come [*Ven acá, perro, no te embié a llamar con un Indio, como me respondes que no querías venir*].”²⁶ When Juan Patricio respectfully but forcefully explained the reason for his delay—“I beg to tell you, Father, that you are misinformed. Because as I said when the rainstorm ceased, I would go [*suplico a usted mi Padre, que le an informado mal. Porque lo que dixé fue que encessando el agua iría*]”—he says the priest responded dismissively and rudely and then struck him with a stick, declaring: “The dog now understands that he is speaking as if with the shameless arrogance of his master [*entiende el perro que está hablando con el Baladrón deslenguado de su amo*].”²⁷ The priest here accuses Juan Patricio of stepping out of his station, of assuming airs, of being more than he is or ought to be.

Insulted and incensed, Juan Patricio began a concerted effort to obtain redress for his treatment at the hands of Esquivel. He first went to church officials in the city of Mérida to lodge a complaint against Esquivel and to demand an apology from the priest’s superiors. With this, Juan Patricio seems to be disputing not just the priest’s violation of his master’s *encomienda*, nor just the priest’s rude and violent treatment of him, but also the priest’s presumption that Juan Patricio acted beyond himself, “as if” he were his own master. Not happy with the ecclesiastical response to his complaint, Juan Patricio eventually tracked down the priest on the road between the village of Tahmek and the village of Hochtún, got into a physical altercation, and broke the priest’s arm. Juan Patricio then fled to Mérida to hide from the authorities, first in the black and indian barrio of Santiago, and later in some houses owned by his master in a Creole barrio. But he was soon apprehended by the *pardo* militia and held under *tormento* in a Mérida prison until trial—which is to say, he was tortured and forced to testify. Eventually, he was convicted of assault and deported to be imprisoned in Veracruz.

This case is in some general sense part of a larger system of dispossession, in which Spanish colonialism in Yucatán enslaved Africans and colonized Maya, reordering the Yucatán so as to more easily extract wealth from it and its people—which is to say, that in this larger system, bodies and labor and land were stolen from black and native people. Indeed, we can see the general outlines of the simmering agonisms and outright antagonisms among all the major, competing sectors of colonial Yucatecan society: first, the church, in the person of the priest don Ignacio de Esquivel; second, large landowners, in the person of the master Enríquez de Noboa; third, the state, in the militia

that eventually apprehends Juan Patricio and in the judicial system that tries him; fourth, the Maya majority, in the person of Fabiana Pech as well as the priests' Maya deputies and the many other *indios* who testify; and finally the Afro-Yucatecans, many of whom were enslaved like Juan Patricio. To give a sense of scale, the ratio of Creoles to Afro-Yucatecans to Maya during this period was approximately 1:1:8; so there were equal numbers of Creoles and Afro-Yucatecans, and eight times as many Maya as either of those two groups.²⁸

Yet when one delves into the more granular detail of the case, attending in particular to the language of the many statements made by the principals and other witnesses, one starts to see how contemporary theories of dispossession that rely on the presumption of prior possession do not really help us understand how those black and native people responded to this instance of dispossession. In his own testimony, Juan Patricio does not represent this scene in terms of the theft of something that was his or his master's. He does not decry his master's robbery of his freedom, he does not challenge his master's control over Maya or their lands, and he does not describe the priest's taking of Fabiana Pech as the theft of anyone's possession. What is more, he does not challenge this system of dispossession by seeking the return of anything he claims to have previously owned—such as his body, his freedom, or his land—or something his master previously owned, such as Fabiana Pech.

What he does do, however, is exercise a remarkably nimble mobility in his efforts to challenge the priest Esquivel's taking of Pech and to get redress for the priest's rude treatment of him. Juan Patricio moves with seeming ease between the rural pueblo of Tahmek and the city of Mérida. He knows the routes from his home to his master's fields to the Casas Reales in the village to the church's seat of authority in the city to the black and indian *barrio* in Mérida to his master's own dwellings there. He describes traveling to and from all these places in his account of how he first encountered the taking of Fabiana Pech, then challenged the priest's authority, and finally sought to evade punishment. Which is to say, he knows how to fight and flee, how to seek authority and how to hide from it, how to track down information and how to evade being informed upon. For him, fugitivity is like a skill set, a positive field of knowledge and potential power. He flees *to* at least as much as he flees *from*. Juan Patricio's response to so-called primitive accumulation is improvisational, but also apparently informed by a wealth of knowledge put to use in a world of dispossession.

We learn even more about this improvisational knowledge when we attend to the way Juan Patricio responded to the priest's declaration that "the dog now understands that he was speaking as if with the shameless arrogance of his master [*entiende el perro que está hablando con el Baladrón deslenguado de su amo*]." A *Baladrón* is a braggart, and *deslenguado* (literally to cut a tongue) can mean unkempt or a loss of composure, as well as shameless, foul-mouthed, or free-talking. So Esquivel says not only that Juan Patricio is taking on the airs of his master, but also that his doing so is a kind of wild, uncontrolled behavior. To this charge, Juan Patricio says in his testimony that he deliberately knelt in front of the priest and declared confidently: "I beg you my Father to understand, that I am the one talking with you and not my master, who is [away] in the city [of Mérida] [*Suplico a usted mi Padre se soportte, que yo soi el que habla con usted, y no mi amo que está en la ziuudad*]." More literally translated, Juan Patricio here testifies to having said: "I am he who is talking with you." "I am he [*yo soi el que*]" is not the same as "I am me," and "I am he who is talking with you" is not the same as "I am talking to you." That is, Juan Patricio does not respond to the priest's reminder that Juan Patricio is owned by his master and cannot act like his master by simply claiming to be or to own himself. Rather, Juan Patricio performs a kind of momentary self-alienation in the interest of speaking otherwise than himself. This momentary self-alienation is complex: he kneels, showing his humility as well as his subservience to the priest, and he calls the priest by the formal "you" [*usted*], again recognizing the priest's authority. Yet by kneeling, Juan Patricio does so with a controlled and deliberate action, thereby undercutting the priest's *deslenguado* charge. What is more, he also claims the power to speak "with" the priest, as if the two were at that moment also equal. In contemporary terms, we might say that Juan Patricio here declares himself in some sense *igualado*: an excessive sense of equality that an inferior claims in the face of a superior. Crucially, then, Juan Patricio's performance consists in not being on the same footing *as well as* being on the same footing with elites like Esquivel. Phenomenologists would call this a moment of *compossibility*: two possibilities validly alongside each other but not consistent with one another.²⁹

So to the priest's charge that Juan Patricio was trying to be more than he was, or trying to act like he owned himself when actually his master owned him, Juan Patricio did not assert prior possession by saying something like: "You are wrong, I own myself." Rather, Juan Patricio effectively replied: "You are right, I am not my own, but still, if only at this moment, I am he." "He"

who? “He who is talking with you.” This “he” thus offers a different theory of dispossession than Marx’s formulation to which I referred at the beginning of this paper: “nothing to sell except their *own* skins,” “nothing to sell but *itself*.” “I am he” at once theorizes and puts into practice a powerful if fleeting self-dispossession, a stepping out of and beyond selfhood as such. We might say that Juan Patricio theorizes dispossession not so much as the theft of something he wants returned to him, but rather as the imputation to him of a fixed status. To use the idiom of Spanish colonialism, this fixing could be understood as an articulation of *reducción*, the complex Spanish system of organizing and ordering colonized people and places into communities and towns.³⁰ Recalling that the Latin root of the word *reducción* is *ducere*—to lead, draw, pull, think, consider, prolong, but also to mislead, cheat, incite, induce, even to charm—then we might consider *reducción* as a “fix” in two senses: imputing a controllable place to the colonized, to the point of inducing them to accept that place, as well as cheating them out of who, where, or how they might be otherwise. In turn, we might say that Juan Patricio’s theory and practice of dispossession at once exposes this incitement to fixity and counters it with improvisational tactics aimed at unfixing the fix.³¹

What of Fabiana Pech? We can say less of her because she apparently did not give direct testimony in the case, and few others speak much of her. From what little is said about her, we can presume that she had some kind of relationship with Juan Patricio, given that he goes to such effort and risks so much to get her back from the priest’s deputies, and to get redress for the injuries he suffered during that effort. Others who give testimony report that she did not want to serve the priest’s mother, Solís, because she was known as a cruel mistress (although other indigenous witnesses testify to the contrary on Solís’s behalf).³² Given that Solís lived some distance away in the city of Mérida, it is notable that Pech knows about her and how she treats her workers. It is not clear whether Pech communicated her wariness of Solís to Juan Patricio prior to that day in mid-August of 1690, when the priest’s deputies tried to take her. But Pech does seem to have had some sort of prior connection with Juan Patricio, since he intervened on her behalf in particular, rather than simply on behalf of his master’s general claim over any and all Maya of the *encomienda*. This is suggested when Juan Patricio testifies that, in his initial encounter with the priest’s deputies as they were leading Pech away, he tells them that she should not have to go with them because she is “*enferma*,” sick or perhaps even pregnant, and urges them to take another Maya girl instead: “*les dixo la dexassen, y que llevassen otra que*

estuviese sana.³³ When the deputies insist on taking Pech, declaring that Esquivel wants her in particular—“*aviéndoles replicado diciendo avía de ser aquella y no otra*”—Juan Patricio becomes even more concerned, striking them and driving them away—“*se enforcó y les quitó la dicha India enferma dándoles a dichos tupiles algunos golpes*.” Pech thus seems able to leverage her connections to Juan Patricio as well as her knowledge of the labor conditions that Maya faced in late-seventeenth-century Yucatán against the priest’s attempted abduction of her, such that for some time at least she is able to remain in her village and rebuff the aims of two powerful figures who are agents of dispossession: a clergyman and his wealthy Creole mother.

There is much more to say about this case—for instance, about Juan Patricio’s efforts to marry another enslaved woman in a seeming bid to be released from his master by ecclesiastical authorities, potentially linking him with a widespread Afro-diasporan tactic in New Spain well documented by Herman Bennett.³⁴ But at this point I would like to take stock of the implications of Juan Patricio’s case for contemporary antidispossession politics.

A History of the Not-Yet-Present

One of the most powerful aspects of what has come to be known as Michel Foucault’s “history of the present” is the way it conceptualizes the questions it asks. By posing questions about pervasive understandings of the present, and then showing how their seemingly liberatory aspects are historically bound up with the very modes of power from which they seek to liberate us, such a history both unsettles the present and opens it to potentially different futures. So, for instance, rather than asking, “What are the origins of the prison reform movement?” in *Discipline and Punish* Foucault unsettles our understanding of “reform” by asking, “How might the supposedly more humane prisons of the present be said to be part of a centuries-old *dispositif* that determines what can be said about power as much as what can’t be said about it?” By *dispositif*, Foucault means “a thoroughly heterogeneous ensemble consisting of discourses, institutions, architectural forms, regulatory decisions, laws, administrative measures, scientific statements, philosophical, moral, and philanthropic propositions—in short, the said as much as the unsaid.”³⁵ Theories and practices of prison reform thus emerged from Foucault’s history of the present as bound up with the very carceral brutalities they sought to overcome. A history of the present of dispossession, then, might reveal to us how antidispossession politics that presume prior possession and that seek

to restore such possessiveness are not as antidispossessive as they seem. For instance, rather than challenging regimes of private property or individual autonomy, such politics risk entrenching those regimes by seeking their supposedly more egalitarian restoration.

Perhaps more importantly, however, another implication of such a history of the present—albeit not central to Foucault’s own work—is the way research into such a history might reveal archival traces of pasts that did *not* become “of the present,” pasts that were exorbitant from the presents that would become our own. So I want to ask: How might one mobilize the critical, genealogical force of a history of the present to read archives of cases like Juan Patricio’s for the impressions they offer not of outdated or antiquarian pasts, nor of hopelessly compromised presents, but rather of as-yet-unrealized futures? Such a history of the not-yet-present would no doubt be unverifiable, and thus fall outside the positivist idiom, even when rigorously responsible to the archive. But it might attend, speculatively, to the archival traces of how subalterns theorized in and through acting in the world in ways that have not yet become central aspects of contemporary thinking and acting. In turn, this speculative potential might challenge us to find other ways of realizing futures we desire, or even of imagining futures we never thought to want.

For instance, in my accounts of Juan Patricio and Fabiana Pech I am not trying to show how they were willful agents who pursued their own desires in resistance to those who would deprive them of that putative “right.” A history of the present of dispossession would question whether the “recovery” of such individual agency from the past can offer an effective critique of dispossession, attending instead to the ways presumptions of such self-propriety actually facilitated dispossession.³⁶ Elsewhere I have argued that, while the recovery of the willful agency of historical subjects can at times be an important historiographic aim, its focus on the empirical evidence of subjective agency also tends to foreclose viewing our archives as scenes of speculative, subaltern theory.³⁷ Consequently, I am interested in reading archives of dispossession from the period of “so-called primitive accumulation” in the Americas for traces of how subalterns might have theorized the dispossessive forces they were facing; how that theorization emerges in and through mediated, archival traces of their actions; and how those traces urge us to rethink what theoretical practice itself might entail. Such readings can generate potent, if unverifiable, accounts of subaltern theoretical practices that do not conform to contemporary presumptions about theory or practice,

in particular to presumptions about how theory and politics are grounded in a subject's willful pursuit of their own desire.³⁸

My skepticism about acting as if we are freeing historical subjects from the neglected or oppressive past when we emplot their histories in the biographical mode of individual agency so pervasive since the rise of social history also has a presentist source. Like many of my friends and colleagues responding to the harsh policies President Barack Obama directed toward migrants, and the utterly vicious policies President Trump subsequently pursued, I have been working as a translator and advocate with migrants from Latin America who are seeking asylum in the United States. A crucial aspect of the asylum process is what is called the "credible fear interview," in which the migrant must give an account of how they cannot return to their country of origin because of—to quote the U.S. Citizenship and Immigration Services (USCIS)—"a well-founded fear of persecution on account of your race, religion, nationality, membership in a particular social group, or political opinion if returned to your country."³⁹ As the lawyers working pro bono on these cases often do not speak Spanish, translators like me mediate between the migrant and the lawyer to help the migrant prepare to tell their story of credible fear in front of an immigration judge. All this, thanks to amazing organizations that have responded to the urgency of the current conjuncture by linking lawyers and translators with migrants in detention centers across the country—organizations such as the Las Américas Immigrant Advocacy Center in El Paso, Texas; the CARA Family Detention Pro Bono project in Dilley, Texas; the North West Immigrant Rights Project; and the Immigrant Justice Campaign.

But the experience of working on these cases has also reminded me that storytelling should not be idealized as a way of revealing a subject's will, much less redressing their dispossession. Typically, when you first ask a migrant in detention why they must stay in the United States, they will either give you the sparest of details of generalized hardships they have suffered, or they will talk with much pathos about how they want to participate in the American Dream—none of which qualifies one for asylum under current U.S. law. After some back and forth, however, you eventually learn the real reasons they have come to the U.S., which is to say that you hear them speak of the very last things they want to speak of: their detailed stories of dispossession, violence, and fear in their homelands, often at the hands of gangs and local police. As many scholars have shown, those gangs and police were in large part created by and in the United States, and are part of a larger global system of racial

capitalist and neoliberal dispossession.⁴⁰ Migrants give these accounts only after much dialogue, retracing of narrative steps, and intimate questioning. It is a kind of uneven pedagogy. It can often feel inappropriate, I might even say expropriative or dispossessive: a kind of extraction and exposure of trauma itself generated by dispossession in the first place. In other words, the process by which these migrants must learn to make their stories legible within the terms of U.S. asylum law is one fully within the terms of the *dispositif*, or apparatus of power-knowledge, that organizes the U.S. judicial system, including asylum law, the lawyers and translators and judges within that system, the experts who give testimony, the built environments of the migration route, the architectural form of the detention center, and the popular knowledge that circulates among migrants.

Juan Patricio and Fabiana Pech too were caught up in the power/knowledge structures of their time and place; anything we read about them or from them in archives is mediated through a *dispositif* designed to extract and mold their stories. For this reason, among others, I have been less and less inspired to read the archives of seventeenth- and eighteenth-century dispossession simply to reconstruct the stories of individuals' lives, as if those reconstructions gave them new life, freed them from the archive, or did justice to their dispossession. Instead, I look to what they are described as having done and said, listening for speculative echoes of how they might have theorized the dispossessive forces in which they were caught up and how they might have formulated an antidispossessive politics out of that subaltern theory—for echoes, that is, of how they beheld the spectacle of dispossession and, in turn, counterperformed in the face of that spectacle.

In sum, my argument is not that every instance of antidispossessive politics during the period of so-called originary accumulation in the Americas eschewed possessive individualism or claims to prior possession. Rather, I suggest that we learn how to read our archives for instances that do not conform to those foundationalist presuppositions: instances of an antidispossessive politics of self-dispossession and fugitivity like Juan Patricio's, or of quotidian knowledge-based improvisation like Fabiana Pech's, even if—or perhaps especially because—such cases do not fit comfortably within many contemporary critiques of dispossession that presume prior possession and seek its restoration. It is my hope that this speculative history of a not-yet-present of dispossession recalls a seemingly remote past that holds promise for our political futures; but not because that past is full of agential subjects whose willful lives and self-possessed subjectivities we can free from the

archive. Rather, because the archive of this era of so-called original accumulation is full of fragmentary, subaltern efforts to theorize and to counter dispossession in terms that flee from possession as such, which is to say in terms that are yet to become, but may yet become, part of our present.

Notes

1. I have been inspired by recent work that troubles the presumption of prior possession in a range of dispossessive contexts: Banerjee-Guha, *Accumulation by Dispossession*; Belausteguigoitia Ruis and Saldaña-Portillo, *Des/posesión*; Butler and Athanasiou, *Dispossession*; Byrd, Goldstein, Melamed, and Reddy, eds., “Economies of Dispossession”; Coulthard, *Red Skin, White Masks*; Fortier, *Unsettling the Commons*; Fuentes, *Dispossessed Lives*; Greer, *Property and Dispossession*; Goldstein and Lubin, eds., “Settler Colonialism”; Murray Li, *Land’s End*; Moten, *Black and Blur*, 85; Moten, *Stolen Life*; Nemser, “Primitive Spiritual Accumulation”; Roybal, *Archives of Dispossession*; Nichols, “Indigeneity”; Nichols, “Disaggregating Primitive Accumulation”; Simpson and Smith, eds., *Theorizing Native Studies*; Simpson, *Mohawk Interruptus*; Walker, “Primitive Accumulation”; Wang, *Carceral Capitalism*.

2. Harvey, *New Imperialism*.

3. Marx, *Capital*, 1:873–74.

4. Marx, “Letter on Russia.”

5. For a thoughtful account of Marx’s letter to Mikhailovskiy in relation to the questions I raise in this paper, see Nichols, “Indigeneity” as well as Nichols, “Disaggregating Primitive Accumulation.”

6. For work that either implicitly or explicitly presumes such prior possession, see Bennholdt-Thomsen and Mies, *Subsistence Perspective*; Bollier and Helfrich, eds., *Wealth of the Commons*; Casarino and Negri, *In Praise*; Federici, “Women, Land Struggles”; Federici, “Witch-Hunting”; Federici, “Feminism”; Harvey, *New Imperialism*; Linebaugh, *Stop, Thief!*; and Linebaugh, *Magna Carta Manifesto*.

7. Proudhon, *What Is Property?* Proudhon may himself have drawn on earlier, eighteenth-century iterations of that claim, such as Brissot de Warville’s *Philosophical Inquiries on the Right of Property* and Marquis de Sade’s *Juliette*. See also de Luna, “Dean Street Style.”

8. Marx, “On Proudhon” and Marx, *Poverty of Philosophy*.

9. See Nichols, “Disaggregating Primitive Accumulation,” 20.

10. Marx, *Capital*, 1:873.

11. Linebaugh, *Stop, Thief!*

12. For an extensive history of this problematic, see Greer, *Property and Dispossession*.

13. MacPherson, *Political Theory*.
14. Hartman, *Scenes of Subjection*.
15. Butler and Athanasiou, *Dispossession*, 2.
16. Ibid.
17. See, for instance, Greer, *Property and Dispossession*, 27–64; Carrasco and Matos Moctezuma, eds., *Moctezuma's Mexico*; Cline, *Colonial Culhuacan*; Kellogg, *Law and the Transformation*; Lockhart, *Nahuas after the Conquest*; Ouweneel and Miller, eds., *Indian Community*.
18. Anderson, *Creatures of Empire*; Bragdon, *Native Peoples*.
19. Coulthard, *Red Skin, White Masks*.
20. Boone, “Glorious Imperium”; Greer, *Property and Dispossession*; Hämäläinen, *Comanche Empire*; Hassig, *Aztec Warfare*; Hicks, “Land and Succession.”
21. Greer, *Property and Dispossession*. For accounts that celebrate contemporary commons, see Bollier and Helfrich, eds., *Wealth of the Commons*; Federici, “Women, Land Struggles” and “Feminism”; Linebaugh, *Stop, Thief!* and *Magna Carta Manifesto*.
22. This point was made vividly by one of the classic modern works on European commons, Thompson, *Customs in Common*.
23. “*Compulsa de autos criminales seguidos por Doña Ysabel Solis, vecina de Yucatan, contra Juan Patricio esclavo, sobre haber apaleado a Don Ygnacio de Esquivel, clerigo: Año de 1696.*” AGI_MEX_0368, Archivo de Indias, Seville.
24. Restall, *Black Middle*.
25. “*Compulsa*,” AGI_MEX_0368_0088-0101.
26. “*Compulsa*,” AGI_MEX_0368_0092
27. Ibid.
28. Restall, *Black Middle*, 27.
29. Brown and Chiek, *Leibniz on Compossibility*.
30. Hanks, *Converting Words*.
31. See Katheryn Burns’s wonderful essay “Unfixing Race,” which has inspired me to think about racial fixing.
32. “*Compulsa*,” AGI_MEX_0368.
33. “*Compulsa*,” AGI_MEX_0368_0090.
34. Bennet, *Africans in Colonial Mexico*.
35. Foucault, *Power/Knowledge*, 194.
36. See Agamben, *Remnants of Auschwitz*; Hartman, *Scenes of Subjection*; Nichanian, *Historiographic Perversion*; Helton, Leroy, Mishler, Seeley, and Sweeney, eds., “The Question of Recovery: Slavery, Freedom, and the Archive”; Connolly and Fuentes, eds., “From the Archives of Slavery to Liberated Futures?”
37. Kazanjian, *Brink of Freedom*; Kazanjian, “Freedom’s Surprise”; Kazanjian, “Scenes of Speculation.”

38. See Hartman, “Venus”; Johnson, “On Agency”; Mahmood, *Politics of Piety*; Spivak, *Death of a Discipline*; Spivak, “Our Asias.”
39. See <https://www.uscis.gov/humanitarian/refugees-and-asylum/asylum/questions-and-answers-credible-fear-screening>.
40. See Bruneau, Dammert, and Skinner, eds., *Maras*. Thanks to Josie Saldaña for conversations about her extensive work in progress on this front.

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