

CHAPTER 11

DISPOSSESSION, REIMAGINED FROM THE 1690s

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Contemporary critiques of dispossession in the Americas at times presuppose that those who have been dispossessed previously owned what was taken from them. This presupposition, in turn, has led some anti-dispossessive politics either to seek the return of what was taken or to imagine a future characterized by “the commons” or “commoning,” which is to say, a collective ownership that would repurpose an older form of collective possession understood to have existed before dispossession began. That presupposition and those politics are typically backed up by a historical narrative of “primitive” or “originary” accumulation that places the beginning of dispossession in a broad period from the fifteenth to the nineteenth centuries, in which capitalism is said to have established itself by enclosing commons; stealing the land, labor, and the very bodies principally of native and African-descended people; and enshrining property, waged-work, and racial forms in legal and extralegal norms.¹

In this essay, I offer a somewhat different narrative of “primitive” or “originary” accumulation in North America in order to show how critiques of dispossession do not need to presuppose that the dispossessed previously owned what was stolen from them, and to suggest that other forms of anti-dispossessive politics might follow from such critiques.² I focus on one legal case from the 1690s involving an enslaved black man from Boston named Adam.³ The late seventeenth century was a crucial period for dispossession in the British North American colonies, which intensified later than in Europe or Spanish America, for it represented a transition from indentured servitude to legally codified

and racialized chattel slavery. Adam's case allows us a glimpse into this transition, in medias res. In particular, the case exposes the ways Adam's dispossessors *imputed* to him an ownership of himself *in order to* facilitate the dispossession of his body and its capacities. In response to such accumulation by (the imputation of) possession—rather than by the dispossession of something Adam originally owned—Adam could be said to have eschewed claims to prior possession and reparative recovery in favor of a robust critique of dispossession expressed as a fugitive politics “exorbitant” from, or outside the orbit of, possession as such. I take the term *exorbitant*—which originally meant to go out of a wheel-track, as a cart might stray from a road—from testimony Adam's master John Saffin gave against him in the case, bitterly criticizing the way Adam dared to move about Boston “at his pleasure, in open Defiance of me his Master . . . to the great scandall and evill example of all Negroes both in Town and cuntry whose eyes are upon this wretched Negro to see the Issue of these his exorbitant practices.”⁴ Imagining Saffin's criticism from the subaltern perspective of Adam, whose own words do not appear in the archive, raises the possibility that Adam did not so much assert his own possession of himself or demand the return of possessions that were stolen from him as he “issued” “exorbitant practices” that defied possession as such. In the archive of Adam's case, then, we can find traces of a challenge to what Karl Marx dubbed “so-called originary accumulation” that imagined a future outside what C. B. MacPherson has called “possessive individualism,” or the Lockean tradition that understands self-ownership as the essence of proper subjectivity and private property as the normative relationship of subjects to the so-called natural world.⁵ This challenge also troubles contemporary efforts to imagine such a future in terms of “commons” or “commoning.”

Furthermore, Adam's exorbitance cannot be said to come from a subjective will or anything we could comfortably call his own desire to realize individual agency. No such ground can be imputed to Adam because he never represents himself in the archive; he is only ever represented by others. I thus suggest that we read “Adam” more as a name for a theory of anti-dispossession, or as a trajectory of thought and action, suggestively different from the trajectory that has gone under the name of John Locke. Indeed, the potency of Adam's case is ever more evident when we recall that Locke bases his seminal theory of possession, published in 1689–90 as *Two Treatises on Government*, on a critique of Robert Filmer's royalist interpretation of the biblical Adam. While Locke displaces Filmer's Adam to found a certain liberal trajectory that leads to the present, the case of Adam offers an alternative trajectory from the 1690s.

To the extent that contemporary analyses of, and political projects against, dispossession rely on a historical narrative that presumes individual or common possession prior to dispossession, my account of Adam's dispossession presents a challenge to, and demands a revision of, those analyses and political

projects. I thus urge contemporary critiques of dispossession to take stock of the implicit or explicit historical narratives that ground their analytical and political projects, and to entertain alternative, speculative narratives of the past that lead to different political futures.

Dispossession

There is an account of dispossession that has become widely accepted in many academic and activist circles, and that on initial consideration seems hardly objectionable. Under capitalism, so this account goes, exploited people have what they own stolen from them: indigenous people and rural peasants have their land stolen from them, as well as their labor stolen from them; African-descended people have their freedom stolen from them, and thus their labor and their very bodies stolen from them. Some have argued that this theft was initially driven by overt violence such as colonization, chattel slavery, enclosure, and the criminalization of poverty and landlessness via what Marx called “bloody legislation against the expropriated.” Then, the account goes, this overt violence gave way to, or was developed into, what Marx famously called the “silent compulsion of economic relations which ‘sets the seal’ on the domination of the capitalist over the worker.”⁶ In other words, workers learned to “work by themselves,” as Louis Althusser put it, to get up and get to the factory at the proper time without being dragged out of bed by an overseer, boss, or cop, whose overt violence did not disappear but became an exceptional exercise rather than a quotidian one.⁷

This classic account of dispossession has long been critiqued as too developmentalist, giving way to an understanding of “accumulation by dispossession” as a structure or an ongoing and recursive element of capitalism. Scholars of indigenous and Native American studies and of white settler colonialism in particular have of late theorized dispossession in its contemporary urgency.⁸ Yet despite this shift from a developmentalist to a structural account of dispossession, and the power of social movements that have both theorized and activated this account, a foundationalist presupposition still often animates the concept: namely that the dispossessed owned what was stolen from them. This foundationalist presupposition operates on two relatively distinct if often intertwined levels. First, it can be taken to mean that the dispossessed owned themselves, their bodies, or their labor before they were appropriated, and thus that a properly critical response entails returning selves, bodies, and labor to the subjects who originally owned them. Second, it can also be taken to mean that the dispossessed owned the land that was stolen from them, either privately or “in common” as codified commons or as collectively inhabited space, and thus that a properly critical response entails returning that land to its original owners

or inhabitants. This foundationalist presupposition is to some extent entrenched in Marx's own formative accounts of dispossession. His preferred words for the concept were *Enteignung*, usually translated as "expropriation," and *Aneignung*, usually translated as "usurpation" or "appropriation." Yet throughout part 8 of *Capital*, vol. 1, and elsewhere, he allows those terms to mingle with terms like *Raub*, or "robbery," *Diebstahl*, or "theft," and especially the phrase "theft of land," as Robert Nichols shows.⁹ Marx was also fond of describing so-called wage slavery as a situation in which the dispossessed were left with "nothing to sell but their *own skins*" (my italics).¹⁰ Many contemporary accounts of dispossession continue to presume, if not necessarily arguing explicitly, that subjects always already owned themselves, until their selves were stolen from them.

Of this account we must ask: In what sense can it be said that the dispossessed owned land, themselves, or even their "skins" such that those possessions could be stolen from them? What do we mean when we impute such prior possession, such ownership, or such propriety to the dispossessed? And what are the implications of such imputations for our anti-dispossessive politics?

As it turns out, one of the most influential seventeenth-century arguments for dispossession, which still underwrites contemporary practices of dispossession, was also an argument that imputed prior possession to the dispossessed: John Locke's *Two Treatises on Government* (1690). The *First Treatise* critiques Robert Filmer's claim that kings inherit their paternal and regal authority by divine right passed down from the presumptively first man, father, and ruler: the biblical Adam.¹¹ The biblical Adam emerges from the *First Treatise* not as a universal foundation linked to kings, but rather as a particular representative of "the whole Species of Man, as the chief Inhabitant, who is the Image of his Maker." This whole species—rather than Adam himself—is given "the Dominion over the other Creatures."¹² This particularization of the biblical Adam does not necessarily question paternal power over women or the power of mastery over the enslaved; rather, it refuses to take those powers as analogous to political power. For Locke, any authority imputed to the biblical Adam ceased once the tendency of the state of nature ("men living together according to reason, without a common Superior on Earth, with Authority to judge between them") to slide into the state of war ("a declared design of force upon the Person of another, where there is no common Superior on Earth to appeal to for relief") led men to leave the state of nature and enter into properly political "Society."¹³ At that point, political authority passed not to kings, but to "*men under Government . . . a standing Rule to live by, common to every one of that Society.*"¹⁴

This depoliticization of the biblical Adam's foundational authority, in turn, leads Locke to formulate his famous theory of property. Although "God gave the World to *Adam* and his Posterity in common," it does not follow that only

“one universal Monarch, should have any *Property*”; in other words, that Adam was first does not mean that an individual monarch can claim to be an inheritor of Adam’s power or property. Nor does it follow that common ownership prevails over individual ownership: “the taking of this or that part, does not depend on the express consent of all the Commoners.” Rather, “Though the Earth, and all inferior Creatures be common to all Men, yet every Man has a *Property* in his own *Person*. . . . Whatsoever then he removes out of the State that Nature hath provided, and left it in, he hath mixed his *Labour* with, and joynted to it something that is his own, and thereby makes it his *Property*.” Foundationally and presumptively (“of necessity”), then, people own their labor, and when that labor is “mixed” with natural things, those things become the property of those who labored upon them: “The *labour* that was mine, removing them out of that common state they were in, hath *fixed* my *Property* in them.”¹⁵ Since the value of something of nature derives principally from the willful exercise of labor upon it, rather than from any value inherent in natural things themselves, willful subjectivity is the condition of possibility for the removal of nature from commonality and the transformation of it into property.

For Locke, this principle is consistent with both servitude and the expropriation of native lands by settlers, but not because the enslaved or the “Indian” are not “men” or do not potentially own themselves, their labor, or their land.¹⁶ To the contrary, precisely because servants and native people are imputed to have the capacity for ownership over themselves, their labor, and their land, their ownership can be appropriated by others as an outcome either of just war or of insufficient “industry.” Of servitude, Locke argues in chapter 4 of the *Second Treatise* that “A Man” cannot offer himself up for enslavement, if enslavement is taken to be giving the power over one’s own death to another, because “No body can give more Power than he has himself.” But if by one’s own “fault” one has “forfeited his own Life, by some Act that deserves Death,” he may give the power to delay that death to another with whom he effectively enters into a compact to remain alive and serve. Servitude, here, is the preservation of a life that has actively forfeited its own right to remain alive.¹⁷ The precise “fault” or “Act” that could justify entering into such a relationship of servitude is not specified in chapter 4 of the *Second Treatise*. Quite apart from the specificity of such a “fault” or “Act,” however, it is crucial to recognize that the principle of servitude here is not the inhumanity or unreason of the enslaved, nor is it the inability of the enslaved to be an autonomous and willful master of their own desire. Rather, the enslaved are presumed to have a willful subjectivity that they surrender actively, through the willful exercise of that very subjectivity: “by his fault, forfeited his own Life, by some Act.” The condition of possibility for Lockean just servitude is thus the imputation of willful subjectivity to the enslaved prior to their enslavement.

The principle of willful subjectivity, expressed through labor, is for Locke also not inconsistent with the expropriation of native lands by settlers. “Indians” are not inhuman in the *Second Treatise*; they are not lacking in willful subjectivity: “Thus this Law of reason makes the Deer that *Indian’s* who hath killed it; ’tis allowed to be his goods who hath bestowed his labour upon it, though before, it was the common right of every one.”¹⁸ Their lands can be appropriated, rather, precisely because they do not properly utilize their presumptively willful subjectivity through sufficient or appropriate labor. Title to land, then, is determined by Locke’s quite particular determination of the quality and quantity of labor “mixed” with the land. The more one “Tills, Plants, Improves, Cultivates, and can use the Product of,” the greater the claim to title. It is not the inability to till, plant, improve, cultivate, and use the product of that labor that justifies appropriation of land; rather, it is the failure extensively and intensively to use the very ability that is imputed to all, “Indians” included.¹⁹

This is where Locke’s famous passages on the “Waste” land that can be rightly appropriated by settlers come into play. America, in particular, is full of “Land . . . lying wast in common” because “the Inhabitants valued it not, nor claimed Property in any more than they made use of”: “For I aske whether in the wild woods and uncultivated wast of America left to Nature, without any improvement, tillage or husbandry, a thousand acres will yield the needy and wretched inhabitants as many conveniencies of life as ten acres of equally fertile land doe in Devonshire where they are well cultivated?”²⁰ The comparison between the “waste of America” and the “fertile land . . . in Devonshire” is not a comparison between a place where inhuman or subhuman creatures called “Indians” live and a place where fully human Englishmen live; rather, it is a comparison between two groups of humans, both of whom are imputed to have a willful subjectivity expressed principally by labor, but one of whom fails to express that subjectivity adequately. Again and crucially, the condition of possibility for the devaluation of land as waste, as well as the subsequent justification for settler dispossession of that land from native peoples, is the imputation of self-ownership to the dispossessed.

Some contemporary scholarship has attended to this feature of dispossession. C. B. MacPherson shows how possessive individualism, or one’s presumptive ownership of one’s belongings and of oneself and as an autonomous and self-sufficient subject, was a feature of the rise of capitalism rather than a pre-capitalist precondition or even some ahistorical, ontological ground. Subsequently, scholars such as Cheryl I. Harris, Carole Pateman and Charles Mills, and Aileen Moreton-Robinson have shown how such possessive individualism has always been racialized.²¹ But by revisiting Locke’s *Two Treatises* here, I want to emphasize how racialized dispossession entails a quite specific, foundationalist presupposition and condition: the imputation of willful subjectivity to the dispossessed prior to their dispossession.

Since Locke constructs such a stark opposition between the commons and property, it might seem that casting possession prior to dispossession in terms of a more positively valued notion of collective possession—an anticapitalist commons or practice of “commoning,” rather than Locke’s negatively valued “waste”—would unsettle the foundationalist presupposition of Lockean dispossession.²² Yet E. P. Thompson has taught us how being “in common” with one’s lands or customs in England in the eighteenth century was a fluid practice constantly changing in response to unfolding conditions rather than a stable, idyllic state of collective possession. To the extent that they antagonized capitalism, the commons did so by repurposing themselves in the face of the quite specific techniques of capitalist expropriation, not by maintaining some pre-capitalist, nonpossessive purity rooted in time immemorial.²³ Indeed, any white settler commons in the Americas were themselves previously expropriated from indigenous peoples, and so should not function as the model for a prior state to which we ought to return or which we can simply revive. Additionally, although indigenous people had a diverse range of relationships to land, we know not only that many indigenous people did not conceive of land as property prior to the dispossession of their land, but also that sometimes indigenous people appropriated land from other indigenous people before it was stolen from them by white settlers.²⁴ If the opposition between so-called commons and possession is not as clear cut as either Locke or many critiques of dispossession presume, then we ought to be cautious about positing commons or commoning as a foundation upon which to generate a critique of possessive individualism and the dispossession it works to justify.

Some contemporary theories of the subject put an even sharper critical focus on dispossession’s tendency to impute prior proprieties to subjectivity. Such theories have long considered what might be called the constitutive dispossessions that make subjectivity possible, a consideration many link to any radical challenge to liberal, capitalist regimes of power and knowledge. Writes Judith Butler: “Let’s face it. We’re undone by each other. And if we’re not, we’re missing something”:

Even when we have our rights, we are dependent on a mode of governance and a legal regime that confers and sustains those rights. And so we are already outside of ourselves before any possibility of being dispossessed of our rights, land, and modes of belonging. In other words, we are interdependent beings whose pleasure and suffering depend from the start on a sustained social world, a sustaining environment. . . . We can only be dispossessed because we are already dispossessed. Our interdependency establishes our vulnerability to social forms of deprivation.²⁵

When contemporary theories of dispossession rely on foundationalist presuppositions about people owning themselves, by contrast, they become a politics

of morality. Such theories certainly have the advantage of revealing that the criminals are not those relentlessly criminalized subjects of dispossession, but rather the dispossessors themselves—despite their control over juridical and police apparatuses. But they also run the risk of implicating themselves in the very dispossessive modes of power and knowledge that they seek to oppose. That is, when current theories of dispossession remain within the terms of good and evil, innocent and criminal, they position anti-dispossessive critics and activists as detectives and cops, judges and juries. As is no doubt clear by now, I am concerned with the effects and affects of such foundationalism: how it might imagine justice as the return to what once was, how it could insist on a renewed conformity to identities imagined to have been lost, how it implicates anti-dispossessive politics in that which it seeks to challenge, how it melancholically aspires to recognition, restoration, and reparation.

What if people who were dispossessed under conditions of “so-called originary accumulation” sometimes understood dispossession differently than all this? What if they offered vigorous opposition to the theft of land, labor, and bodies from the dispossessed without always presupposing prior historical or ontological possession? And how might we spot such opposition in the worn and fragmentary archives of “so-called primitive accumulation” in the Americas?

Adam

I offer my interpretation of Adam’s case as an exercise in critical or speculative historiography about what has been called the black radical tradition, rather than as a historiographic recovery of black lives or an empirically verifiable interpretation of who Adam was or what he did.²⁶ While recovery as a historiographic aim in the narrowest sense has been critiqued from literary, philosophical, and historical perspectives, the tendency to interpret documents from the past as if they only provided answers to the questions of who did what, where, when, and why endures.²⁷ Elsewhere I have argued that, while such interpretations are valuable, their focus on the empirical evidence of subjective agency tends also to foreclose viewing such documents as scenes of speculative, subaltern theory.²⁸

In the case of Adam, we also confront a problematic that theorists of subalternity have long thematized. Adam was not in a position to write and publish texts that could become powerful trajectories of thought like his more empowered contemporaries did, texts we still read and theorize with, such as Locke’s *Two Treatises of Government*. He also seems not to have testified directly in his case, or at least the extant court records do not contain his own testimony. Consequently, what we know about Adam comes from what others said and wrote about him, and even those accounts exist as incomplete fragments, sometimes

literally worn beyond legibility. Certainly, in the absence of his own words, we can neither retry his case nor make verifiable historical or juridical claims about him. Indeed, there is no subject in this archive whom we could confidently call Adam and to whom we could impute desire, will, intention, or agency. In the face of this, we could despair of the possibility of discerning Adam's perspective on his own dispossession, leaving his case in the control of those who sought to dispossess him.

I take a different approach. Those who sought to dispossess Adam were clearly unsettled by Adam's challenges to their efforts, to such an extent that they went to great lengths to oppose him both in and out of court, as their own testimony clearly shows. By reading what others say about Adam's efforts as highly mediated, archival traces of what he might have done or said or thought—as something like negative prints or distorted echoes—I speculate upon how the name “Adam” might figure a set of perspectives on and actions against dispossession.²⁹ This approach, in turn, asks us to rethink what theoretical practice itself might entail. It can generate a potent if unverifiable account of subaltern theoretical practices that do not conform to contemporary presumptions about theory or practice, in particular to quite Lockean presumptions about how proper theory and politics are grounded in a subject's willful pursuit of their own desire.³⁰ The referent of what I call “Adam,” then, is not so much the historical subject of this case; that subject certainly did exist, but a verifiable account of his existence is not my aim. Rather, Adam's actions clearly made an impression upon these archives, and I am after that impression, distorted though it certainly is. In this way, we can give “Adam” the chance to prompt our rethinking of both the theory of dispossession and anti-dispossessive politics.

In the Massachusetts State Archive in Boston, one finds a set of bound volumes, created in the nineteenth century, containing the extant files of the Suffolk Court, some of the earliest judicial records of the Massachusetts Bay Colony. On about fifty pages of one such volume, one finds appended the records of a late-seventeenth-century conflict between John Saffin, a wealthy and well-connected Boston merchant and judge, and Adam, a black man enslaved to Saffin. These records are rich but fragmentary, due largely to the underdeveloped judicial system of the colony and the rather haphazard record keeping of British colonial authorities. We have a series of filings by Saffin, statements by witnesses, and determinations by court officials, but little that links one document to another beyond chronology. The documents cannot on their own be said to narrate much of a coherent story. We can, however, reconstruct something like a narrative of the conflict between Saffin and Adam by taking these Suffolk Court files together with a few other key texts.³¹ We can do this as long as we remember that it is we who are synthesizing this version of the tale, with the help of a few contemporary historians who have also written briefly about the case.³² Here is a version of that narrative.

It seems that in 1694, Saffin indentured his slave Adam, as well as a parcel of land and a few animals, to a tenant farmer of his called Thomas Shepherd, who lived in Bristol, Massachusetts. Adam was told that if he worked for Shepherd for seven years, he would be freed. When that term expired, Saffin refused to free Adam and indeed sought to make Adam work further for him, and then to indenture Adam to yet another man. Adam refused this second indenture and fled. In the face of legal action taken against him by Saffin, Adam turned to another prominent Boston merchant and judge named Samuel Sewell for help. Sewell, who was critical of slavery and also held the controversial distinction of being the only judge in the Salem witch trials subsequently to express regret for his involvement in that affair, became an advocate for Adam. The initial jury hearing the case ruled against Adam, who quickly appealed on the sensible grounds that his master Saffin had himself presided over the case, and thus had improperly influenced the jury. As the appeal moved slowly through the courts, Adam got smallpox and had to be cared for at Saffin's expense. Once Adam recovered, Saffin tried to indenture him again to a Captain Timothy Clarke, who got into a fight with Adam. At this point, Adam sued Saffin for harassment. Saffin then tried to sell Adam out of the colony, but was blocked by the courts, and eventually petitioned the governor and legislature for summary judgment on the matter, but was denied. Finally, in November 1703, the Superior Court of Judicature ruled in Adam's favor and freed him from Saffin.³³ To give some demographic context for this moment, Wendy Warren tells us that by the end of the seventeenth century there were about ninety thousand English colonizers in New England, perhaps fifteen hundred enslaved Africans, and another fifteen hundred enslaved or indentured Native Americans, all of whom lived alongside an undetermined number of as yet uncolonized Native Americans.³⁴

What would it mean to say that Saffin sought to dispossess Adam, as it seems we ought to say? The court records repeatedly point to a document at the center of this conflict: the indenture agreement Saffin penned when he first hired Adam out to Shepherd on November 15, 1694. Here is how that document is recorded in the Suffolk Court Files:

Bee it known unto all men by these presents That I John Saffin of Bristol in the Province of the Massachusetts Bay in New England out of meer kindness to and for the Encouragement of my negro man Adam to go on chearfully in his Business & Employment by me now putt into, the Custody Service and command of Thomas Shepherd my Tenant on boundfield Farm in Bristol aforesaid for and During the Terme of Seaven years from the Twenty fifth day of March last past 1694—fully to be compleat and Ended or as I may otherwise See cause to Employ him. I say I doe by these presents of my own free & Voluntary Will & pleasure from and after the full end & Expiration of Seven years beginning

on the Twenty fifth day of March last past and from thenceforth fully to be compleat and Ended, Enfranchise clear and make free my said negro man named Adam to be fully at his own Dispose and Liberty as other free men are or ought to be according to all true Intents & purposes whatsoever. Allways provided that the said Adam my servant do in the mean time go on chearfully quietly and Industriously in the Lawfull Business that either my Self or my Assigns shall from time to time reasonably Sett him about or imploy him in and doe behave and abear himself as an Honest true and faithfull Servant ought to doe during the Tearn of Seven years as aforesaid. In Witness whereof I the said John Saffin have hereunto sett my hand and Seal this Twenty Sixth day of June 1694—In the Sixth year of their Magestys Reign.³⁵

In turn, Saffin repeatedly explains to the court his decision not to follow through on the promise to free Adam after his service to Shepherd in these terms: “the said Negro hath in no wise performed the Conditions on which he was to be free But on the Contrary hath behaved him self Turbulently Neglegently Insolently and Outragiously both to your Petitioner and his Tenant Thomas Shepard and his wife and family, and Others.”³⁶

Crucially here, Saffin does not charge simply that Adam did not do the work that was required of him. Indeed, nowhere in the case records does Saffin claim Adam failed to work for Shepherd during his indenture, nor does Adam claim that he refused to work for Shepherd. Instead, Saffin charges that Adam did not work for Shepherd with the appropriate affect, with the proper mode of being, as it was described in the original indenture agreement of 1694. Rather than “chearfully quietly and Industriously . . . behave and abear himself as an Honest true and faithfull Servant ought to,” Adam “on the contrary . . . behaved him self Turbulently Neglegently Insolently and Outragiously.” This suggests that Saffin did not simply seek to *dispossess* Adam of something that was essentially his, such as his labor or his body. Rather, Saffin imputed to Adam a certain mode of being as a condition of possibility for the labor Adam was to perform. Rather than telling us that Saffin just sought to *dispossess* Adam of his own labor, these documents more strenuously emphasize that Saffin sought to *possess* Adam with, or *conjure* in him, the cheerful and quiet desire for, or love of, industry on behalf of his master.

In one of Saffin’s other statements we can see even more clearly that what is at stake in the case is not so much Saffin’s theft of Adam’s possessions, which is to say, Saffin’s dispossession of something Adam previously owned, as Saffin’s effort to *possess* or *animate* Adam with a certain being, to *conjure* Adam as a cheerful laborer who desires his master’s desire. As Saffin explains to the court in 1703:

The thing in brief is this. Your Petitioner hath a certaine Negro man named Adam that is withheld or taken from him your Petitioner under countenance

of authority (not collour of law) which Negro hath sooner or later cost your Petitioner above Threescore pounds. . . . [I]n the mean time your Petitioner is made a meer Vassall to his slave . . . for all this the said vile Negro is at this Day set at large to goe at his pleasure, in open Defiance of me his Master in danger of my life, he having threatned to be Revenged of me and all them that have cross't his turbulent Humour, to the great scandall and evill example of all Negros both in Town and country whose eyes are upon this wretched Negro to see the Issue of these his exorbitant practices.³⁷

Saffin here complains not simply that Adam stopped working for him, or that Adam improperly reappropriated the labor that Saffin had expropriated; rather, Saffin complains that Adam's "pleasure" and "practices" are "exorbitant" to the cheerful, quiet industry he demanded of and imputed to Adam, in their original agreement. This *immaterial* demand could be said to supplement the material dispossession of Adam's labor, forming a constitutive part of Saffin's regime of accumulation.

This is a crucial point about which I want to be clear: Saffin's effort to possess Adam with "cheerful, quiet industry" does not occur *after* Adam has been dispossessed of his labor; it is not merely a discursive *justification* of a prior, more concrete dispossession of something Adam properly owned. Rather, Saffin's attempted possession of Adam occurs alongside, and is intimately bound up with, his attempted dispossession of Adam's labor. We could even more precisely say that Saffin paradoxically tries to "give" Adam exactly what he then seeks to "take" from him, according to a logic we might call Lockean.

This case offers insight into the way racialized systems of accumulation proceed by dispossession and possession at once. It also suggests that a critique of such systems need not rely upon an understanding, either explicit or implicit, of what is possessed, essentially and prior to dispossession, by those who are dispossessed. That is, we do not need to make claims about who Adam essentially was or what he owned prior to his encounter with Saffin; we do not need to generate an account of the possessions of which Adam was dispossessed. To the contrary, a critique of Saffin's regime of accumulation must attend to the paradoxical ways Adam had imputed to him the very possession—in this case, cheerful, quiet, and industrious behavior—that Saffin sought to accumulate.

What would such a critical shift mean for how we understand the ways the dispossessed responded to dispossession? This is not to ask just what they did do, where, and when, but more crucially to ask how might they be said to have theorized dispossession, or how we might read their subaltern theories of dispossession in and from such an archive. Adam, as I have mentioned, did not have much access to the institutional discourses that would find their way into the archives of his case. He offers almost no direct testimony, no account of himself as it were. So we must read for his theoretical work in and through what is

said about him by others, and in turn read what we learn about or from Adam as a trajectory of theorized practice rather than a story about an individual's agency.

The court records never suggest that Adam demanded the return of his labor capacity and the restoration of his ownership over his own body. In fact, the founding conditions of Adam's initial enslavement to Saffin never come up in the case. As we have already seen, however, the archive does tell us a good deal about how Adam acted while working for Shepherd and what he did once he completed his term of indenture and judged himself to be free. The last two passages I quoted earlier indicate that while working for Shepherd, Adam did not perform a love of his work. He rather seems to have expressed his disdain for the very work he nonetheless seems to have performed. Once free from Shepherd and Saffin, he seems to have moved around quite a bit "at his pleasure," "both in Town and countrey" in and around Boston, particularly among "all Negros." These movements—whatever they were precisely, and we can only imagine—did not simply embarrass Saffin, they made Saffin feel as if he were "a meer Vassall to his slave," with such a manner of "open Defiance" that Saffin feared for his very life.

So Adam's "crime"—which is to say, his challenge to Saffin's regime of accumulation—was for Saffin not so much Adam's failure to do material labor as it was his successful spectacle of freedom, in which he dis-possessed his master's putative possession of his own desire, for "all Negros both in Town and countrey whose eyes are upon" him to see. We might say that, rather than seeking the return of his labor so that he could work industriously as he so chose, or the return of his body so that he could possess himself as he supposedly once did, Adam spectacularly indulged in what Saffin quite precisely calls "exorbitant practices": practices that were outside the track of industry itself. Adam's turbulent, negligent, insolent, and outrageous actions—as they appear textually in this archive—thus transvalue the laboring being Saffin sought to conjure him as.

What is more, that this ex-orbitance was said by Saffin to play out "both in Town and countrey" suggests that Adam also transvalues the spaces in which he moved. This possibility puts some pressure on a key feature of contemporary critiques of dispossession: the use of "the commons" as a name for that which the dispossessed possessed prior to dispossession, and thus as a foundationalist figure for opposition to accumulation by dispossession. When we use "the commons" in that way, we have to tell a story about how the enclosure or expropriation of the commons was a protracted, bloody, and violent process that entailed the loss of a prior state of anticapitalist collective possession; in turn, we risk tethering ourselves to the desire for a return to or a restoration of the commons or something modeled on the commons.³⁸

That desire actively forgets that any commons in the Americas were themselves "settled," which is to say, expropriated from native peoples and worked by the indentured and the enslaved. To acknowledge such expropriation is not

to impute prior possession in the Lockean sense, but rather to emphasize the taking of that which was not previously subject to such a notion of possession. Think, for instance, of Adam's own city of Boston and its Common, one of the places where Adam may well have gone "at his pleasure" and perhaps even issued "exorbitant practices" like speaking ill of his master, as Saffin charges. Expropriated from the Wampanoag tribes (particularly the Massachusett) whom European settlers first encountered, the area of Boston Common is first recorded to have been owned by William Blackstone, who held it until it was purchased by the Massachusetts Bay Colony in 1634 to be a communal park. Boston Common was during Adam's lifetime a collective space for cattle grazing and cultivation, both of which were tactics of white settler colonization, as well as for public gathering. But it was also a gallows where thousands of people whom John Saffin might have called turbulent, negligent, insolent, outrageous, and exorbitant were hung, including suspected witches, petty thieves, pirates, dissenters, servants, and slaves.³⁹ Because a collectively settled space like Boston Common did not include black and indentured people like Adam in its commonality, it could not function for Adam as a foundational home or stable site: that is, we cannot say that Adam had his proper commons enclosed. In fact, Adam likely had no such home or site at all, no place we could say he originally owned and then had taken from him. Boston Common could, however, be one of many places Adam passed through or lingered temporarily within "at his pleasure." That passing-through or temporary lingering, in turn, could be understood as the modality of his "pleasure" and the scene of his "exorbitant practices," in opposition to Saffin's effort to assign him a settled place of possession like Thomas Shepherd's farm. That is, rather than having lost and sought to recover a settled place stolen from him by Saffin, we find Adam setting out and about, publicly humiliating Saffin "to the great scandall and evill example of all Negros both in Town and countrey whose eyes are upon" him, such that, as Saffin writes in another submission to the court, "he grew so intollerably insolent, quarrelsome and outrageous, that the Earth could not bear his rudeness."⁴⁰

Born upon no Earth, not even a commons like Boston Common, Adam cannot be said to have been taken from a site of prior possession or to have sought a return to such a site. But he can be said to have exuberantly enacted a certain social vagabondage in and among "all Negros," much to Saffin's vexation. Going about town at his pleasure, refusing to be possessed by Saffin's regime of accumulation, Adam's communalism was itinerant and performative, critical and riotous, pleasurable and exorbitant.

The condition of possibility for Locke's critique of absolute monarchy is an insistence, against Filmer, "that *Adam* had not either by natural Right of Fatherhood, or by positive Donation from God, any such Authority over his Children, or Dominion over the World as is pretended." With the biblical Adam's

presumptively foundational, political authority removed, Locke is able to found a liberal, universal theory of possessive individualism that imputes ownership over one's self and one's belongings not only to those who would dispossess black and brown people around the globe, but also to those very dispossessed people as a condition of their dispossession. His theory effectively gives the dispossessed that which he then advocates dispossessing them of. To the extent that anti-dispossessive politics today reasserts and seeks to recover the possessions of the dispossessed on the ground that they previously owned—and thus have and will always by right own—themselves and their belongings, such politics risks further entrenching the very Lockean principle that made dispossession in the Anglo-American liberal tradition ongoingly possible.

While Locke was formulating *Treatises* that would become a constitutive part of our present, another Adam set out toward a different future. If those politics are not yet part of our present, it is not because they are of a too-distant or outdated past. Rather, the case of Adam deserves the most careful consideration as we reflect upon our dispossessed pasts and plot our fugitive futures. For perhaps we can glean from its extant fragments an alternative theory of dispossession, which is to say, perhaps Adam can teach us to read and to act not only with outrage for the loss of all that we think we had and knew, and not only with hope for efforts to restore or repair our stolen prior possessions. Rather, perhaps Adam can teach us how to live exorbitantly, to wander deviantly from possession as such.

Notes

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1. For work that either implicitly or explicitly presumes such prior possession, see Veronika Bennholdt-Thomsen and Maria Mies, *The Subsistence Perspective: Beyond the Globalised Economy* (London: Zed, 1999); David Bollier and Silke Helfrich, eds., *The Wealth of the Commons: A World Beyond Market and State* (Amherst: Levellers, 2012); Cesare Casarino and Antonio Negri, *In Praise of the Common: A Conversation on Philosophy and Politics* (Minneapolis: University of Minnesota Press, 2008); Silvia Federici, "Women, Land Struggles, and the Reconstruction of the Commons," *WorkingUSA: The Journal of Labor and Society* (WUSA) 14, no. 61 (March 2011); Federici "Witch-Hunting, Globalization and Feminist Solidarity in Africa Today," *Journal of International Women's Studies*, special issue, *Women's Gender Activism in Africa, Joint Special Issue with WAGADU*, 10, no. 1 (October 2008): 29–35; Federici, "Feminism and the Politics of the Commons," <http://wealthofthecommons.org/essay/feminism-and-politics-commons>; David Harvey, *The New Imperialism* (Oxford: Oxford University

- Press, 2003); Peter Linebaugh, *Stop, Thief! The Commons, Enclosures, and Resistance* (Oakland, CA: PM Press, 2014) and Linebaugh, *Magna Carta Manifesto: Liberties and Commons for All* (Berkeley: University of California Press, 2008).
2. For work that has inspired my shift in perspective on dispossession, and is not cited elsewhere in this essay, see Swapna Banerjee-Guha, *Accumulation by Dispossession: Transformative Cities in the New Global Order* (New Delhi: SAGE, 2010); Marisa Belau-steguigoitia Ruis and María Josefina Saldaña-Portillo, *Des/posesión: Género, territorio y luchas por la autodeterminación* (México: PUEG-UNAM, 2014); Marisa J. Fuentes, *Dispossessed Lives: Enslaved Women, Violence, and the Archive* (Philadelphia: University of Pennsylvania Press, 2016); Jodi A. Byrd, Alyosha Goldstein, Jodi Melamed, and Chandan Reddy, eds., special issue on economies of dispossession, *Social Text* 135, 36, no. 2 (June 2018); Glen Sean Coulthard, *Red Skin, White Masks: Rejecting the Colonial Politics of Dispossession* (Minneapolis: University of Minnesota Press, 2014); Craig Fortier, *Unsettling the Commons: Social Movements Within, Against, and Beyond Settler Colonialism* (Winnipeg: ARP, 2017); Alyosha Goldstein and Alex Lubin, eds., “Settler Colonialism,” special issue of the *South Atlantic Quarterly* 107, no. 4 (Fall 2008); Tania Murray Li, *Land’s End: Capitalist Relations on an Indigenous Frontier* (Durham: Duke University Press, 2014); Fred Moten, *Black and Blur: Consent Not to Be a Single Being* (Durham: Duke University Press, 2017), 85; Moten, *Stolen Life: Consent Not to Be a Single Being* (Durham: Duke University Press, 2017); Daniel Nemeser, “Primitive Spiritual Accumulation and the Colonial Extraction Economy,” *Política Común* 5 (2014): 1–21; Karen R. Roybal, *Archives of Dispossession: Recovering the Testimonios of Mexican American Herederos* (Chapel Hill: University of North Carolina Press, 2017); Audra Simpson and Andrea Smith, eds., *Theorizing Native Studies* (Durham: Duke University Press, 2014); Audra Simpson, *Mohawk Interruptus: Political Life Across the Borders of Settler States* (Durham: Duke University Press, 2014); Gavin Walker, “Primitive Accumulation and the Formation of Difference: On Marx and Schmitt,” *Rethinking Marxism* 23, no. 3 (2011): 384–404; Jackie Wang, *Carceral Capitalism* (South Pasadena, CA: Semiotext[e], 2018).
 3. Although in the limited space of this essay I discuss only this one case, in the larger project on which I am at work I examine a range of such cases from New England and the Yucatán peninsula in the 1690s. For an example of the latter, see my forthcoming essay “‘I Am He’: A History of Dispossession’s Not-Yet-Present in Colonial Yucatán,” in *Accumulation and Subjectivity*, ed. Karen Benezra (New York: State University of New York Press, forthcoming).
 4. Massachusetts Archives, Suffolk Court Files (Author’s image o827); Abner C. Goodell, “John Saffin and His Slave Adam,” *Publications of The Colonial Society of Massachusetts* (March 1893): 96. On *exorbitant*, see *Oxford English Dictionary* online.
 5. Karl Marx, *Capital: A Critique of Political Economy*, vol. 1 (New York: Penguin, 1990), 873–940. Though typically translated as “so-called primitive accumulation,” the phrase Marx used was *Die sogenannte ursprüngliche Akkumulation*, which is perhaps better translated as “so-called original accumulation.” The phrase “accumulation by dispossession” is usually associated with Harvey, *The New Imperialism*; C. B. MacPherson, *The Political Theory of Possessive Individualism: Hobbes to Locke* (Oxford: Oxford University Press, 2011).
 6. Marx, *Capital*, 1:899.
 7. Louis Althusser, “Ideology and Ideological State Apparatuses (Notes Towards an Investigation),” in *Lenin and Philosophy*, trans. Ben Brewster (New York: Monthly Review Press, 1971), 181.

8. For earlier accounts of dispossession as ongoing rather than originary, see the work of Peter Kropotkin, Rosa Luxemburg, and W. E. B. Du Bois in the nineteenth and early twentieth centuries, and dependency theory, world-system theory, South Asian and Latin American subaltern studies, Eric Williams, Cedric Robinson, David Harvey, and Glen Coulthard, among many others, in the twentieth and twenty-first centuries. This is a point many think Marx himself made repeatedly if unsystematically in part 8 of *Capital*, vol. 1, as well as in the *Grundrisse*, the *Ethnographic Notebooks*, and his famous letter to Nikolay Mikhaylovsky from 1877. See Robert Nichols, “Indigeneity and the Settler Contract Today,” *Philosophy and Social Criticism* 39, no. 2 (2013): 165–86; Nichols, “Disaggregating Primitive Accumulation,” *Radical Philosophy* 194 (November–December 2015): 18–28.
9. Nichols, “Disaggregating Primitive Accumulation,” 20. The “theft” framework was popularized by Pierre-Joseph Proudhon’s slogan “property is theft,” from his *What is Property?* (Cambridge: Cambridge University Press, 1994). Proudhon may himself have drawn on earlier, eighteenth-century iterations of that claim, such as Jacques Pierre Brissot de Warville’s *Philosophical Inquiries on the Right of Property (Recherches philosophiques sur le droit de propriété)* (Paris: Editions d’Histoire Sociale, 1780; Milan: Galli Thierry, 1966) and Marquis de Sade’s *Juliette*, trans. Austryn Wainhouse (New York: Grove, 1968). See Frederick A. de Luna, “The Dean Street Style of Revolution: J.-P. Brissot, Jeune Philosophe,” *French Historical Studies* 17, no. 1 (Spring 1991): 159–90. Even as he at times reproduces the “property is theft” formulation, Marx also critiqued Proudhon’s foundationalist presupposition: “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.” Marx, “On Proudhon,” Letter to J. B. Schweizer, *Der Social-Demokrat* 16 (February 1, 1865), in www.marxists.org/archive/marx/works/1865/letters/65_01_24.htm as well as Karl Marx, *The Poverty of Philosophy* (New York: Prometheus, 1995), 195–96.
10. Marx, *Capital*, 1:873.
11. John Locke, *Two Treatises of Government* (Cambridge: Cambridge University Press, 1988), 142, 149, 268.
12. Locke, 168.
13. Locke, 278–85.
14. Locke, 284.
15. Locke, 286–88.
16. It is important to note that Locke himself participated in enslavement and land dispossession as an investor in the Royal African Company, as well as a member of the Council of Trade and Plantations and also the Board of Trade, both of which oversaw the American colonies.
17. Locke, *Two Treatises*, 284.
18. Locke, 289.
19. Locke, 290–91.
20. Locke, 294–95.
21. MacPherson, *The Political Theory of Possessive Individualism*; Cheryl I. Harris, “Whiteness as Property,” *Harvard Law Review* 106, no. 8 (June 1993): 1707–91; Aileen Moreton-Robinson, *The White Possessive: Property, Power, and Indigenous Sovereignty* (Minneapolis: University of Minnesota Press, 2015); Carole Pateman and Charles Mills, *Contract and Domination* (Cambridge: Polity, 2007).

22. For an extensive critique of this view, which unfortunately I encountered too late to incorporate adequately into this essay, see Allan Greer, *Property and Dispossession: Native Empires and Land in Early Modern North America* (Cambridge: Cambridge University Press, 2018).
23. E. P. Thompson, *Customs in Common: Studies in Traditional Popular Culture* (New York: New Press, 1993). Marx also consistently refused to idealize precapitalist collectives: “Let us now transport ourselves from Robinson’s island, bathed in light [the classical political economists’ idealized figure for so-called primitive accumulation], to medieval Europe, shrouded in darkness. Here, instead of the independent man, we find everyone dependent—serfs and lords, vassals and suzerains, laymen and clerics.” Marx, *Capital*, 1:170.
24. See, for instance, Coulthard, *Red Skin, White Masks*; Brian DeLay, *War of a Thousand Deserts: Indian Raids and the U.S.-Mexican War* (New Haven: Yale University Press, 2009); Fortier, *Unsettling the Commons*; Greer, *Property and Dispossession*; Pekka Hämäläinen, *The Comanche Empire* (New Haven: Yale University Press, 2008); Simpson, *Mohawk Interruptus*.
25. Judith Butler, *Undoing Gender* (New York: Routledge, 2004), 19; Butler and Athena Athanasiou, *Dispossession: The Performative in the Political* (Cambridge: Polity, 2013), 4–5.
26. Cedric Robinson, *Black Marxism: The Making of the Black Radical Tradition* (London: Zed, 1983). See also Gaye Theresa Johnson and Alex Lubin, eds., *Futures of Black Radicalism* (New York: Verso, 2017); Fred Moten, “Knowledge of Freedom,” *CR: The New Centennial Review* 4, no. 2 (2004): 269–310.
27. For critiques of recovery as a historiographic aim, see, for example, Giorgio Agamben, *Remnants of Auschwitz: The Witness and the Archive* (New York: Zone, 1999); Saidiya Hartman, *Scenes of Subjection: Terror, Slavery, and Self-Making in Nineteenth-Century America* (Oxford: Oxford University Press, 1997); Marc Nichanian, *The Historiographic Perversion*, trans. Gil Anidjar (New York: Columbia University Press, 2009); Laura Helton, Justin Leroy, Max A. Mishler, Samantha Seeley, and Shauna Sweetney, eds., “The Question of Recovery: Slavery, Freedom, and the Archive,” special issue of *Social Text* 33, no. 4 (December 2015); Brian Connolly and Marisa Fuentes, eds., “From the Archives of Slavery to Liberated Futures?,” special issue of *Journal of the History of the Present* 6, no. 2 (2016).
28. David Kazanjian, *The Brink of Freedom: Improvising Life in the Nineteenth-Century Atlantic World* (Durham: Duke University Press, 2016); Kazanjian, “Freedom’s Surprise: Two Paths Through Slavery’s Archives,” *History of the Present: A Journal of Critical History* 6, no. 2 (Fall 2016): 133–45; Kazanjian, “Scenes of Speculation,” *Social Text* 125 33, no. 4 (December 2015): 77–83.
29. While such speculative readings are not strictly speaking verifiable, they build on a long tradition in anthropology of attending to the specificities of so-called local knowledges. A foundational text in this tradition is Claude Lévi-Strauss, *The Savage Mind* (Chicago: University of Chicago Press, 1966).
30. I am inspired by the calls of Gayatri Chakravorty Spivak and Saidiya Hartman to allow the hermeneutics of the social sciences (principally history) and humanities (principally literary studies) to bring each other to crisis. Saidiya Hartman, “Venus in Two Acts,” *Small Axe* 26, vol. 12, no. 2 (June 2008): 1–14; Gayatri Chakravorty Spivak, *Death of a Discipline* (New York: Columbia University Press, 2003); Spivak, “Our Asias—2001: How to Be a Continentalist,” in *Other Asias* (Malden, MA: Blackwell, 2008). See also Walter Johnson, “On Agency,” *Journal of Social History* 37, no. 1 (Fall 2003): 113–24;

- Saba Mahmood, *The Politics of Piety: The Islamic Revival and the Feminist Subject* (Princeton: Princeton University Press, 2005).
31. During this conflict, Saffin and Sewell engaged in a now famous pamphlet war over whether the enslavement of Africans was just or unjust. While this pamphlet war between prominent white colonists has long been considered one of the first debates of its kind in the British North American colonies, few have attended to the case involving Adam that was its principal precipitating cause. See Samuel Sewell, *The Selling of Joseph: A Memorial* (Boston, 1700); and John Saffin, *A Brief and Candid Answer to a Late Printed Sheet, Entituled, The Selling of Joseph* (Boston, 1701); Sewall, *Diary of Samuel Sewall, 1674–1729*, vols. 1 and 2, ed. M. Halsey Thomas (New York: Farrar, Straus and Giroux, 1973). See also Lawrence W. Towner, “The Sewall-Saffin Dialogue on Slavery,” *William and Mary Quarterly*, 3rd ser., 21, no. 1 (January 1964): 40–52.
 32. Richard Francis, *Judge Sewall’s Apology, a Biography: The Salem Witch Trials and the Forming of An American Conscience* (New York: Harper, 2005); Goodell, “John Saffin and His Slave Adam”; Wendy Warren, *New England Bound: Slavery and Colonization in Early America* (New York: Norton, 2016).
 33. “Its therefore Considered by the Court That the s^d Adam & his heirs be at peace & quiet & free with all their Chattles from the s^d John Saffin Esq^r & his heirs for Ever.” Records of the Superior Court of Judicature, 1700–14; Goodell, “John Saffin and His Slave Adam,” 100.
 34. Warren, *New England Bound*.
 35. Massachusetts Archives, Suffolk Court Files [image 0827]; Goodell, “John Saffin and His Slave Adam,” 88.
 36. Suffolk Court Files; Goodell, “John Saffin and His Slave Adam,” 101.
 37. Suffolk Court Files; Goodell, “John Saffin and His Slave Adam,” 96.
 38. For a comprehensive challenge to the idealization of the commons in the Americas, see Greer, *Property and Dispossession*, especially 241–70.
 39. See *The Public Rights in Boston Common, Being the Report of a Committee of Citizens* (Boston: Press of Rockwell and Churchill, 1877); Lawrence W. Kennedy, *Planning the City Upon a Hill: Boston Since 1630* (Amherst: University of Massachusetts Press, 1994).
 40. Suffolk Files; Goodell, “John Saffin and His Slave Adam,” 104.

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