

What is the State without State Violence?

My title, and these opening remarks, seek to explore the relationship of the state to its various apparatuses of violence, from the police, to the prison, to bail, to immigration enforcement – a nexus usefully termed “the prison industrial complex.” I see the work of the *13th* as indebted to exploring this relationship, both in space and time. The *13th* explains how we’ve arrived at the age of mass incarceration, wherein the U.S. imprisons 25% of the incarcerated population of the world, and 1 in 3 black men are confined behind bars. This history is one of the mutually enforcing relationship between capitalism and anti-black violence, or what is called racial capitalism. In the present, the *13th* extends the work of incarceration beyond the prison itself – to explore the ways that identity and relationships are shaped by long-standing representations, technologies, political processes, and internalized racism. I see the *13th* as a reminder, a history lesson, and a call to action. It looks backward to the statecraft of the 13th Amendment which brings into existence the modern police, to hold fast to an economy dependent upon free labor, while simultaneously looking forward and anxiously anticipating the new forms of state violence yet to come. I want to work through these moments – the past and the future, through a feminist critique of the state.

The short answer to my title – is there a state without state violence? – is no, or at least, not yet to come in the American context. Slavery and colonization are the country’s original sins that have not yet been reckoned. The *13th* illustrates the ways in which the promises of freedom have fallen short, as slavery has been transformed into criminalization. Both processes serve the same cause – the accumulation of resources and power for white people, and white men specifically. A feminist critique of the state, and the criminal justice system, speaks both broadly

and specifically to the ways that the state injures, incapacitates, and kills. Feminist critique names specifically the sources and sites of oppression, while also providing the roadmap to proceed through histories of abolitionist struggle. The interwoven histories and constitutions of race and gender demonstrate the ways that they are predicated on each other. The scene in *Birth of a Nation* demonstrates so clearly the stakes of white femininity and black masculinity – that one’s frailty is based on another’s trespass. And, that black femininity is withdrawn – unknowable and constituted through tropes alone, while white masculinity is the absent center that holds and polices the boundaries of race and gender. A feminist lens makes these histories evident, while also precisely diagnosing the injustices of the justice system. Just as Angela Davis puts the court on trial and walks free, she and others, continue the work of feminist organizing – the refusal to play by the rules, accept the pittance, and show respect to a murderous system. Instead, a feminist analysis insists on resistance on multiple and sometimes contradictory scales, constant and unrepenting attention to difference, and a guiding ethic of ending oppression.

The history lesson of the *13th* illustrates an important tension – that a country predicated on freedom and liberty was only made possible through slavery. This is the entanglement of the state and capitalism. At the beckoning of free markets, there is the simultaneous suppression of labor and the acceleration of the slave trade. Free markets perversely require people in chains. Marx describes this paradox as the double bind of freedom, that workers are free to sell their labor and that labor is their only means of exchange (Marx 1977). With what Saidiya Hartman (1997) calls a “dark humor”, Marx describes freedom under capitalism as, “free in the double sense, that as a free man he can dispose of his labour-power as his own commodity, and that on the other hand he has no other commodity for sale, is short of everything necessary for the realisation of his labour-power” (Marx 1977, 272-3). Capitalism requires a working class for

whom labor is their only commodity, and who must continually “freely” exchange that commodity to subsist. Hartman reminds us of the ways that slavery is integral to the development of early capitalism in the United States, and that slave labor creates the wealth that makes possible American leadership today. Slavery is omnipresent in today’s society; we live in the wake of its diaspora. And lest we think the moment has passed, the *13th* reminds us not only of its shifting forms, but also the ongoing accumulation of capital at the expense of labor. The *13th* insists on the connections between racial violence and economic violence, and it is vital to point to the moments in which this is deeply inflected throughout time, both in anti-black as well as anti-latinx and xenophobic forms. The wealth disparities of our time are only possible through racist action – there is no white 1% without the black incarcerated 40.2%. The 13th Amendment acknowledges and anticipates this need, laying the foundation for the accelerationist tough on crime politics of the last 50 years including the War on Drugs and the 1994 crime bill. We must always be clear and precise – freedom depends on unfreedom, capitalism depends on free labor, and “law and order” is a veiled threat. The ideology of the prison exceeds its walls – we live in its shadow. Freedom and wealth depend on its specter.

The *13th* issues a steady caution throughout – simply put, we haven’t heeded these histories in the past, haven’t repaired the foundational logics of inequality, and continue to consciously or unconsciously participate in race baiting politics. The veil of colorblindness facilitated by neoliberalism and the false sense of progress agitates the political body – we were a gaslit society from which Trump and his success awakened us. Various interviews throughout the *13th* remark on this anxiety and promote a state of hyper-vigilance – Van Jones says we don’t know what it will be, but it will be; there is a promise of “new permutations of a cancer.” There is a need to name the next phase and to prepare for the onslaught of state violence yet to come. It

is not lost that we are here on a webinar, and not in a room together. That our social mobilizations are as much virtual as they are in the street. That the transmission of information is as vital as sitting in. We meet today as there is an ongoing pandemic, one that disproportionately affects people of color and poor people in the United States. The conditions of Covid-19 have divided the social body into those that are constantly at risk of exposure and those that are safer at home. That this fracture is on the faultlines of race and capital is no coincidence. Our relationship to capitalism is literally making us sick. George Floyd, an unwilling martyr, represents the colliding risks of slow and fast death, one at the hands of the pandemic and the other at the hands of the police. We are in the midst of a new permutation – and the demands for economic justice, safety, and shelter are calls for an anti-racist politics. The uprising against the police in 2020 cannot exist without widespread unemployment. As the *13th* urges, we must constantly be attentive to anti-black racism as it is both foundational to our politics and creeps into our rhetoric. Following a feminist critique, we must not only diagnose, but act. To seize the moment and the energy and imagine otherwise. In my case, it's a state without violence, a world without police, and an economy without property. While it may not yet exist, there is a feminist blueprint forward.

Hartman, Saidiya. *Scenes of Subjection*. Oxford: Oxford University Press. 1997.

Marx, Karl. *Capital Volume One*. New York: Vintage Books. 1977.