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Article

## On racial capitalism, structural change and the liquidation of Whiteness

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### Abstract

This article analyses 'racial capitalism' as a cohesive but at times contradictory project. Understanding that both capitalism and White supremacy are constantly evolving, the objective here is to understand the political and economic currents that produce shifts in the composition and structure of institutional dispossession. To do this, I look at the abolition of slavery, the legislative victories of the civil rights movement and the current realignment of corporate classes in support of police and criminal justice reform as moments of structural change in the narrative history of 'racial progress' in the United States. The shifts and currents which undergird these structural changes typically occur when White supremacy challenges the integrity of capitalism and the corporate class. Expanding on existing literature that posits Whiteness as a 'wage', I argue that White identity functions as an asset with some level of liquidity – that is to say, it can be readily converted and exchanged. By understanding these underlying shifts and the ways in which corporate classes may seek to liquidate Whiteness, I argue, radical activists can better anticipate coming iterations of White supremacy and class exploitation.

**Keywords:** racial capitalism; abolition; reconstruction; decarceration; prison reform; Whiteness

## Introduction

The term ‘racial capitalism’ was first articulated as a historical framework in Cedric Robinson’s *Black Marxism*.<sup>1</sup> In addition to highlighting a genealogy of Black radicalism and class-consciousness, Robinson laid out a methodical critique of Karl Marx’s formulation of class and capitalism. Marx, he argued, largely failed to consider the ways in which the labour force was structured based on ethnic and national differences during the period of feudalism and extending into early capitalism. These racialised categories were fundamental, Robinson argues, to the maintenance and sustainability of intra-European labour exploitation. The emergence of global capitalism, then, was not so much a negation of the feudal reliance on ethnic division, but an expansion and projection of these hierarchies across continents. The racialisation of labour was and remains fundamental to the maintenance of class hierarchy; while it is not accurate to say that all non-White people are part of an exploited labour force (nor to say that no White people are exploited), there is a clear material basis to racialism and colonialism.

Robinson’s archeology of racial capitalism suggests a uniquely flexible character; that is to say, understandings of race and capitalism in feudal England were different from those of feudal Germany, both of which in turn would change by the advent of globalisation and mercantilism. Racial capitalism is, following Robinson, not a calcified structure of unchanging racial exploitation, but a mutable and situated political economy. The only certainties of racial capitalism (as seen under Euromodernity) is (1) class exploitation and (2) racial difference (which privileges Whiteness).

The introduction of racial hierarchy complicates an otherwise strictly materialist class analysis. That is to say, by creating racial hierarchy, there simultaneously emerges a kind of value in excess of capital. If Whiteness is privileged, then to be White is to possess *something* even in the absence of material wealth or status as bourgeoisie. This tiered status thus constructs its own material reality in excess of class exploitation; White people can feel superior, act superior and receive benefits as though they were superior, without possessing the material wealth of the ruling class. W.E.B. Du Bois noted this in *Black Reconstruction*, one of the first serious attempts to situate race and capitalism together. He described the unique situation of Whites in the South who, although they shared a class interest with enslaved Black people, refused class alliances on the grounds of a ‘psychological wage’ they received as White people.<sup>2</sup>

This ‘wage’ accrues material benefits that move beyond psychology – White people could move freely, enter government, start businesses, acquire and hold capital, receive loans, enter schools and new workplaces and so on. The accrued benefits of Whiteness under racial capitalism thus exceed a ‘wage’ and begin to constitute what George Lipsitz calls a ‘possessive investment’.<sup>3</sup> As Cheryl Harris alternatively notes, Whiteness functions as a form of property – that is, it is excludable, usable and protected as a right by law.<sup>4</sup> Class exploitation and racialism thus form two distinct though interrelated organising structures. But if White supremacy and capitalism are interrelated but not homologous political projects, then some level of contradiction or conflict may arise.

What happens, then, when these two possessive interests come into conflict? When an investment in White supremacy becomes a liability for capitalism? What happens when a commitment to Whiteness as property poses a challenge to capital property? Here, I examine three moments in US history that speak to this question: first, the interests of Northern Whites in abolishing slavery prior to the US Civil War; second, Federal support for the civil rights movement as an imperative of Cold War capitalist expansion; third, recent movements toward criminal justice reform spearheaded by the Koch brothers and other corporate elites.

These moments are in no way intended to adumbrate or abbreviate Black radical history to a series of trite and simplistic moral victories. It is precisely because these moments are so often narrated as such that they warrant critical consideration. They demonstrate, I argue, that the ruling capitalist class accommodates certain moderate alleviations of racial oppression which might otherwise seem to contradict the possessive interest in Whiteness enjoyed by elites and non-elites alike. They revise Derrick Bell’s famous dictum that ‘The interest of blacks in achieving racial equality will be accommodated only when it converges with the interests of Whites’ – put another way, the interest of Blacks will be accommodated when it converges with the interests of the ruling class elite.<sup>5</sup> While I do not attempt an exhaustive history

of these monumental changes, I highlight the conflict between Whiteness and capital as a decisive factor in White/ruling-class behaviour.

The implications are threefold: first, racial capitalism is not a fully cohesive project, but property interests in Whiteness and capital can conflict. Second, if the dominant class tends to dissolve privileges of Whiteness in order to protect capital interests, this suggests that Whiteness itself is not static, but possesses some level of asset liquidity – that is to say, it is (to some extent) mutable and its privileges may be exchanged or ‘cashed in’. While White identity cannot be traded, sold or given away, the nature and quality of Whiteness as property (and its associated privileges) is not so permanent: if practices of racialisation are culturally, geographically and temporally situated, then the nature of Whiteness as a wage/investment/property must change and mutate? Third and perhaps most importantly, if Whiteness and capital can conflict, then activists dedicated to the abolition of racial capitalism can leverage these contradictions to generate radical change. By that same token, the appearance of ‘progress’ must also be seen as a possible transmutation from one iteration of racial capitalism to another.

## **Two reconstructions**

### *Emancipation*

The abolition of slavery in the United States and British Caribbean remains a contested subject of inquiry. The dominant historical narrative holds that the abolition of slavery was fundamentally an issue of morality. Yet morality does not compellingly explain why so many Northerners who supported the war simultaneously supported White supremacy (as evidenced by the endurance of racism in the northern part of the United States). The second historical camp surged after Eric Williams’s book, *Capitalism and Slavery*; Williams put forth that the British abolition of slavery was rooted in economic self-interest, rather than benevolence or morality.<sup>6</sup> In his thesis, he argues that the system of slavery had become a liability for the rapidly expanding system of industry and wage labour – abolition, then, was the natural evolution of British bourgeois rule. While Williams specifically addresses the British slave trade and not the general practice of slavery, his arguments are important for framing the economic motivations of abolition.

Du Bois similarly argued that the outbreak of the Civil War was not a conflict of competing morals, but a clash between a Southern slave-holding elite and a Northern industry against the backdrop of Western territorial expansion – for the Northern economy, the presence of slavery threatened the stability of wage labour. He wrote,

Northern workers were organizing and fighting industrial integration in order to gain higher wages and shorter hours, and more and more they saw economic salvation in the rich land of the West. A Western movement of white workers and pioneers began and was paralleled by a Western movement of planters and black workers in the South. Land and more land became the cry of the Southern political leader, with finally a growing demand for reopening of the African slave trade. Land, more land, became the cry of the peasant farmer in the North. The two forces met in Kansas, and in Kansas civil war began.<sup>7</sup>

Du Bois’s arguments (which pre-date *Capitalism and Slavery* by more than a decade) are far more in line with popular political discourse at the time than radical abolitionists’ focus on equal rights and Black humanity. Consider Abraham Lincoln’s statement at the 1858 Presidential Debates:

I am not, nor ever have been, in favor of bringing about in any way the social and political equality of the white and black races . . . I am not nor ever have been in favor of making voters or jurors of Negroes, nor of qualifying them to hold office, nor to intermarry with white people; and I will say in addition to this that there is a physical difference between the white and black races which I believe will forever forbid the two races from living together on terms of social and political equality. And inasmuch as they cannot so live, while they do remain together there must be a position of superior and inferior, and I as much as any other man am in favor of having the superior position assigned to the white race.<sup>8</sup>

Despite the tendency to romanticise Lincoln as an advocate of African American rights, he was a far cry from the abolitionism of Garrison and Douglass (and even further from violent liberators like Denmark Vesey, David Walker and John Brown). By the outbreak of the war, Lincoln was less interested in abolishing slavery so much as preventing the expansion of slavery into the West and protecting the union's integrity. Emancipation – Du Bois makes clear – did not come about because of Lincoln, but because of massive resistance on the part of the enslaved which crippled the Southern economy. The Emancipation Proclamation was little more than a codification of what enslaved Africans had already been doing – emancipating themselves.<sup>9</sup>

The broad-based appeal of abolition had less to do with Black humanity and everything to do with the Northern system of capital and labour surplus. This is to say, the political project of abolition was not a movement for or about Black rights, but a solidification of industrial capitalism in place of an increasingly unstable agrarian capitalism. This does not diminish the agency of radical abolitionists nor of the enslaved: in fact, it often became a site to leverage broader support. Edward West, for instance, advised abolitionists in the *Liberator* to demonstrate to the 'Commercial and Working Classes of America, not only that slavery is unjust and inconsistent with Christian Dispensation, but also show how their private interest is really injured by slavery'.<sup>10</sup> Abolitionists played upon fears, anxieties and the material interest in abolishing slavery to cultivate widespread Northern support. While moral concern for the enslaved was certainly a guiding consideration, it is clear that the economic self-interest of Whites (both North and South) and the imperatives of industrial/agrarian capitalism dictated policy on both sides of the Mason–Dixon Line. The ensuing solidification of industrial capitalism and wage labour across the country did not signal the end of racial exploitation, so much as a rearticulation for a new era.

That emancipation was a rearticulation of racial capitalism does not mean that it was not of great importance in improving freedom, access and rights for the (formerly) enslaved; it does, however, show that the abolition of a particular (or peculiar) institution does not necessarily present a challenge to White supremacy, but rather, an orientation distribution of Whiteness and capital. It demonstrates further how dominant classes can accommodate certain structural shifts before abandoning support. White labour, similarly, sought to abolish slavery but not racial inequality; the limits of emancipation, such as the refusal to end slavery non-Confederate states and the Exception Clause in the 13th Amendment, thus come into focus. Following Du Bois and David Roediger,<sup>11</sup> Northern abolition might be thought of differently in terms of the liquidity of Whiteness – that is to say, the way in which Northern capital was able to transmute the immediate rewards of free labour that slavery afforded for another orientation of racial capitalism.

### *The civil rights movement*

If the abolition of slavery represents the first tectonic shift in racial capitalism, then the civil rights movement of the 1950s and 1960s constitutes, as C. Vann Woodward famously suggested, a Second Reconstruction.<sup>12</sup> Though popular depictions of the civil rights movement have tended to underscore the idea of non-violence and racial harmony, the period was marked by a broader, militant and more tumultuous movement centred around economic justice and Black self-determination. As Glenda Gilmore expertly demonstrates, the civil rights movement is built from the radical and militant roots of socialism, communism and labour organising.<sup>13</sup> Organisations like the African Blood Brotherhood, the American Negro Labor Congress, the Southern Tenant Farmers Union and the Brotherhood of Sleeping Car Porters set the groundwork for the social struggles of the 1960s. This is to say, the objectives of the civil rights movement posed as much of a challenge to capitalism as to White supremacy. What, then, motivated federal support for civil rights?

Derrick Bell probed this dilemma in the context of the *Brown v. Board of Education* decision to desegregate public schools; he argued for the concept of 'interest-convergence' – that Black rights would only be advanced if it happened to coincide with White interests. That Black activists had been fighting for integration and school funding since Emancipation suggests, as Bell argues,

that the decision in *Brown* to break with the Court's long-held position on these issues cannot be understood without some consideration of the decision's value to whites, not simply those concerned about the immorality of racial inequality, but also those whites in policymaking positions able

to see the economic and political advances at home and abroad that would follow abandonment of segregation.<sup>14</sup>

While Bell surveys several theories of White self-interest, perhaps the most convincing and enduring was famously articulated by the Swedish economist Gunnar Myrdal in the study, *An American Dilemma*.<sup>15</sup> In it, Myrdal argued that racial discrimination (and its global publicity) presented a unique challenge to the image of American democracy abroad as it sought access to markets and resources in the rest of the world, particularly in (formally) post-colonial and post-war states. Put another way, the image of racial discrimination hindered the (neocolonial) expansion of American capitalism during the geopolitical conflict with Soviet communism.

Racial discrimination and violence affected the image of American capitalism in two primary ways. First, the US government found it difficult to court diplomats from nations rich in natural resources but inhabited by people of colour. Often, these diplomats themselves experienced discrimination and overt racism while visiting the United States, which irreparably tainted international relationships. Similarly, national presses across the globe (but especially in the Third World) tended to focus on racial violence in the United States. In this vein, violence domestically brought global attention and outcry:

For example, in 1946, Charles Trudell and James Lewis Jr., both fourteen years old, were sentenced to death in Jackson, Mississippi, for murdering their white employer. By 16 January 1947, the US embassy in London had received three hundred and two communications protesting the death sentences. Forty-eight of those were petitions with several hundred signatures.<sup>16</sup>

Second, US racial violence and discrimination helped motivate new states to ally with the Soviet communist bloc; the USSR certainly capitalised on US racism to expand socialism to the Third World. By 1949, race was the dominant theme in Soviet global propaganda and a defence against American criticism – the phrase ‘and you are hanging blacks’ gained popularity as a Soviet catechism.<sup>17</sup> With the Soviet Union as a powerful and anti-colonial global actor, there emerged a previously non-existent incentive to project racial democracy as a means of protecting the capital interests of Western Whites. That ‘the United States and its allies [came] to recognize that white supremacy applied broadly could come to jeopardize their own national existence’ reflects what Gerald Horne has importantly labelled ‘the general crisis of white supremacy’.<sup>18</sup>

In order for the US economic elite to continue to benefit from capitalism and colonial expropriation at a global scale, the packaging and presentation of US democracy would need to change. More specifically, the system needed to incorporate racial minorities within the image and imagination of a republic principally designed by and for Whites. The traditional union of anti-communism and White supremacy was no longer tenable; racial capitalism needed to evolve (at least perceptually) into a meritocratic liberal multiculturalism. From this necessity emerged a domestic and global propaganda strategy of reframing racism, racial tension and progress; diplomats and ambassadors began to argue that the *decline* of American racism was, in fact, evidence of the superiority of capitalism and democracy.<sup>19</sup> The US propaganda strategy was to present, as Dudziak writes, ‘a nation so open it could acknowledge its faults, a nation that had sinned but was on the road to redemption, a nation where politics reflected the will of the people, and where the people were sufficiently good that, at least in time, they willed for the right things’.<sup>20</sup> The State Department further sent African Americans on international speaking tours to testify to the evolution of US democracy, meanwhile silencing and confiscating the passports of dissenting voices that continued to trouble American innocence like Paul Robeson and Du Bois.<sup>21</sup>

Black activists continued to leverage domestic agendas with international pressure. Militant activists and revolutionaries such as Robert F. Williams, the Deacons for Defense and the Nation of Islam posed a looming threat of armed struggle against White supremacy. Moreover, the internationalisation of militant struggle at times included conspiracy with global opponents of the United States: Robert F. Williams was exiled from the United States and lived in Cuba and China,<sup>22</sup> while the Nation of Islam forged connections with Imperial Japan before and during the Second World War.<sup>23</sup> Pacifists similarly exploited international pressure by demonstrating the spectacular failure of US democracy. Du Bois was one such

figure attempting to internationalise the Black struggle, organising several Pan-African Conferences as early as 1900<sup>24</sup> and petitioning the United Nations in 1947.<sup>25</sup> White supremacy thus became a liability, either by radicalising domestic revolutionaries, or providing fodder for international rivals.

In this moment, the global interests of the US capitalist elite coincided with those of Black activists. Consequently, the Federal government made solid concessions on civil rights issues – famously, the Civil Rights Act of 1964, the Voting Rights Act of 1965 and Executive Orders 10925 and 11246, which established Affirmative Action in 1961 and 1965 respectively. It should come as no surprise, however, that Kennedy's interest in Order 10925 and his reluctant support for the Civil Rights Act followed the establishment of a communist state in Cuba and a missile crisis which risked nuclear annihilation; Johnson's drive for civil rights legislation, similarly, must be thought of alongside the escalation of the military draft and the end of marriage deferment, as well as the international repercussions of a violent war in Vietnam. Just as the United States sought, effectively, to destroy any chance of Vietnamese prosperity through chemical agents, napalm and mass murder, thereby disincentivising other, similar revolutions, Kennedy and Johnson attempted to remake the image of American democracy:

the erosion of US-style apartheid was a direct function of US fear that Jim Crow was allowing the USSR to gain an advantage in a world that, after all, was comprised disproportionately of victims of white supremacy. How could the United States purport to be a paragon of human rights virtue in the Cold War competition with the USSR when it tolerated Jim Crow?<sup>26</sup>

It should also come as no surprise that the retreat and repeal of this legislation under Nixon, Ford and Reagan as well as the larger embrace of neoliberalism came as the United States reached a decisive advantage in the Cold War. As the Soviet Union waned in stature, Reagan waged war on communities of colour domestically, slashed protections won by activists in the 1960s, and continued the mass criminalisation of poor people. Without a strong global counterpoint to US capitalism, formerly radical and anti-colonial governments like Algeria began to look to the United States as an economic ally. The decline of communist internationalism and the violent suppression of Black radicalism in the 1970s and 1980s testified to the fact that in the United States there no longer existed an international imperative for racial progress. The mutual interests of global capitalists and Black Americans had effectively diverged.

The federal role in advancing civil rights reflected the international imperative to evolve and repackage racial capitalism. White communities at the local and state level, however, by and large did not recognise the control of foreign markets to be in their immediate self-interest. The vast majority of Whites (the middle and working classes) did not stand to gain from the federal stance on civil rights. The outcry of Whites signalled the enduring value of 'the psychological wages of Whiteness' – that is to say, the immediate rewards of White supremacy outweighed (or prevented the recognition of) neo-colonialism and transnational corporatism. The resistance of (especially, but certainly not exclusively, Southern) segregationists in the federal government evidenced the failure of this movement to conceive of foreign policy relationships. Strom Thurmond, the Dixiecrat presidential candidate in 1948, quite literally ignored the foreign repercussions of domestic segregation and instead touted a mix of anti-communism, xenophobia and American isolationism. Segregationist politicians generally argued that the independence of African and Asian nations was a tragic error and evidence of White supremacy; absent in the segregationist account of global politics was the expansion of racial capitalism on the transnational stage. The terroristic outcry of the White public against the advancement of Black rights demonstrates the extent to which White elite and non-elite interests diverged. The conflict between the federal government (which represented elite interests on the global stage) and the White middle and working classes evidences again the ways in which certain privileges of conditions of racial hierarchy can be dissolved to accommodate capitalism.

### **A third reconstruction? Corporate decarceration**

If the abolition of slavery and the passage of civil rights legislation in the 1960s constitute two reconstructions of racial capitalism, then the United States is approaching another critical juncture. The era of neoliberalism saw a clear regression on civil rights: the 1954 case *Brown v. Board* was rendered practically useless by subsequent decisions,<sup>27</sup> Affirmative Action was steadily dismantled,<sup>28</sup> and – more

recently – the Voting Rights Act of 1965 has been greatly reduced in scope.<sup>29</sup> Moreover, the War on Drugs and the Omnibus Crime Control Act of 1994 perfected a state-sanctioned process of control, incapacitation and exploitation, as well as the violent and strategic demolition of Black racial organisations. All this has taken place alongside a dramatic widening of the racial wealth gap.<sup>30</sup>

In spite of this, the national conversation on mass incarceration, criminality and policing has undergone a dramatic shift in recent years. In the wake of the police murders of George Floyd, Tony McDade, Dion Johnson, Breonna Taylor and Sean Monterrosa (among many others), widespread support for defunding, demilitarising and dismantling police departments have gained currency. Corporations have paid lip service to the Black Lives Matter movement (BLM) and promised substantial changes: the Walton family has pledged \$100 million to fight White supremacy,<sup>31</sup> McDonald's is funding the Urban League<sup>32</sup> and Amazon changed the banner on its website to read 'Black Lives Matter'.<sup>33</sup> As Eric Levitz writes,

At some indiscernible point in the recent past, uptight, lily-white corporate America left its segregated suburb for a liberal arts college, made one Black friend, read exactly five pages of *The New Jim Crow*, and returned wrapped in kente cloth.<sup>34</sup>

And despite the fascistic increases in policing and immigrant detention, the United States has undertaken dramatic steps to reduce the prison population. In 2008, for the first time in 40 years, the prison population began to decline, and this continued through the Trump era.<sup>35</sup> Furthermore, in December of 2018, Trump signed the First Step Act which is a major and historic piece of legislation aimed at reducing recidivism and incarceration rates.<sup>36</sup>

That these corporations whose profits are predicated on the racial exploitation of labour should have developed 'conscience' is suspect; moreover, the existence of corporate morality beyond profit seems equally unlikely. What is perhaps most concerning for those advocating decarceration, prison reform or abolition, is that leaders of right-wing corporatism have begun to align themselves with anti-prison movements. Specifically, Charles and (now deceased) David Koch – the architects of neoconservative deregulation and campaign finance legislation – have become decisive supporters of prison reform and decarceration. While the goals and rhetoric of right-wing reformers is a far cry from abolitionists, there is an increasing willingness in the upper echelons of American politics to entertain the idea of 'second chances'. For this to happen, the idea of the 'criminal' must take on new meanings and cultural forms; however, the realignment of corporate interest towards decarceration means further reorienting Whiteness and its socio-political fictions to accommodate an evolving composition of White supremacy and capitalism. What, then, explains this tectonic shift in rhetoric and (to a lesser extent) policy?

Importantly, Black criminality has afforded one of the most enduring ideologies underwriting White supremacy. In the antebellum period, the image of the Black fugitive motivated the creation of slave patrols who, as Du Bois indicates, not only provided employment and security for a vast number of underemployed Whites, but created ongoing fictions to justify the regime of Southern slavery.<sup>37</sup> As Saidiya Hartman writes, 'breach of law [provided] the only possibility for the emergence of the subject, since criminality [was] the only form of slave agency recognized by law'.<sup>38</sup> In the postbellum South, the political project of Black criminality took centre stage.<sup>39</sup> Immediately, the creation of laws against vagrancy and other misdemeanours provided labour for an emerging regime of convict leasing and chain gangs; culturally, the image of the Black criminal was propagated through Lost Cause movements and immortalised in films like D.W. Griffith's *The Birth of a Nation*. Critically, the image of the Black criminal provided an 'ideological currency' which underwrote the relative value of Whiteness and the ongoing political project of White supremacy.<sup>40</sup> Even after the civil rights movement and emergence of colour-blind ideology, the currency of Black criminality still drove the War on Drugs and the construction of the modern prison-industrial complex (PIC).<sup>41</sup> Moreover, as demonstrated famously in the Moynihan and Coleman reports, Black criminality has offered a political narrative that explains the catastrophic effects of racism and discrimination as a failure of Black people themselves. And today, discrimination is maintained not only through the caste system of incarceration, but the cultural production of criminality.<sup>42</sup> All of this is to say, the current political, economic and cultural project of White supremacy is deeply predicated on the slave-era holdover of the Black criminal.

As discourse around mass incarceration and police violence takes on an increasingly moralistic vocabulary, the ways in which it directly protects and privileges the White middle class become increasingly obscured. But beyond the ideological currency of Whiteness, incarceration has proved an essential factor in structuring the modes of production. That is to say, the industries that comprise the 'complex' of the PIC are deeply and intricately embedded in the formation of US racial capitalism. Beyond the Marxist interpretation of prison conditioning the market by 'storing' excess labour, it is clear that those incarcerated in the United States now comprise an essential workforce of the state. Aside from this direct labour, private capital (which includes pensions, retirement savings and investments) is increasingly intertwined with corrections through vast networks of venture capital and finance. The money extracted out of a fully captive population has thus provided some level of insurance for almost all diverse investment portfolios; in other words, the spoils of mass incarceration implicate most Americans. Beyond these vast networks, the expansion of the PIC has been used as an important tool in creating jobs in areas facing economic stagnation, particularly rural White communities.<sup>43</sup> The redirection of government spending to employ rural Whites as overseers of captive people of colour is a familiar call-back to the socio-economic structure of Southern slavery.

The zeal with which Charles and David Koch have been approaching conversations of criminal justice reform runs parallel to their efforts to derail any legislation addressing climate change, destroy unions, and defund public education; in their crusade against 'big government', the brothers have donated billions to political campaigns, lobbied Congress, designed legislation nationwide and have also established and funded around 500 AstroTurf think tanks, advocacy groups and pseudo-scientific research groups.<sup>44</sup> They have guided policy strategies from notoriously neoconservative groups like the Cato Institute and the Heritage Foundation. An important aspect of the Koch political strategy has been quietly influencing the creation and distribution of curriculum across universities and K-12 schools; their conspicuously named Bill of Rights Institute has been covertly disseminating free curriculum which quietly but clearly emphasises 'a revisionist version of the history of slavery that paints it as a necessary evil to further freedom and democracy'.<sup>45</sup> The Kochs have also had a hand in influencing law school curriculum and thus the practical interpretations of the law; as one Koch staffer stated, this 'infrastructure ... is fully integrated, so it's not just work at the universities with the students, but it's also building state-based capabilities and election capabilities and integrating this talent pipeline'.<sup>46</sup> How can the expansion of rights to incarcerated people of colour be viewed coherently alongside a wholehearted investment in capitalism and White supremacy?

To understand this motivation, it is critical to consider a recent 'crisis' in the structure of American capitalism, the financial collapse of 2007. This global recession, brought on by mass defaults on bundled subprime mortgages, devastated the global working class; it also sent shockwaves through American corporate and managerial elites who, despite facing virtually no legal consequences, lost billions as the economy plunged. The economic collapse had particularly deleterious effects on Black homeowners, who (even when controlling for other factors such as income and household characteristics) were twice as likely to receive a subprime loan than a White borrower.<sup>47</sup> Home ownership, it should be noted, has historically been the most important means of wealth accumulation.

The meltdown emboldened political blocs as well: liberals and moderates found a champion in then senator Barack Obama, who promised comprehensive reform and a massive stimulus package; in response, there arose a revanchist and right-wing movement centred on government austerity, military Keynesianism and fiscal conservatism. Hadar Aviram has importantly demonstrated that this crisis had massive – if not always consistent – impacts on the public and political discourse surrounding incarceration.<sup>48</sup> If, as the Marxist analysis claims, incarceration is a method of controlling surplus labour,<sup>49</sup> one would expect that the prison population would have grown following the crisis given the massive unemployment. Similarly, one might imagine that prison profiteers, financial firms and local governments would be quick to construct new prisons in order to provide employment and jump-start (rural and White) economies. While this was the case in many areas, conservatives also tended to associate mass incarceration with 'big government', and thus a source of unnecessary spending; Aviram terms 'the growing tendency to view criminal justice and correctional policies primarily through a prism of cost' as 'humonetarian' discourse.<sup>50</sup>

Thus while homeownership rates plummeted and Black communities experienced a catastrophic loss of wealth, elite policymakers had already begun to rethink mass incarceration.

The corporate embrace of criminal justice reform is enabled and propelled by humonetarian politics.

The neutrality and political objectivity of humonetarian discourse also makes it an efficacious tool for creating alliances. Humonetarianism expands the limits of the sayable in a political universe that does not reward ‘soft on crime’ stances from politicians regardless of their political stripe. Those who shape policy usually achieve this by recasting nonpunitive arguments as being ‘smart on crime’ or ‘right on crime’ and not implying leniency toward offenders.<sup>51</sup>

As self-described free market liberals, the Koch reform advocacy is underwritten by their trademarked philosophy of Market-Based Management – that is, the preservation of free market capitalism and small government.<sup>52</sup> As Holden stated on behalf of Koch industries,

We need to downsize the criminal justice system because, among other reasons, it is a prime example of a ruinous failed big government program that has wasted trillions of dollars and ruined untold lives over the past 30-plus years.

With regard to where else spending can be cut, we believe the entire criminal justice system has unprofitable spending and waste associated with it. For example, law enforcement should be allowed to focus on dangerous offenders, rather than focusing heavily on low level alleged offenders, drug addicts, and people with mental health issues. If this were to occur, it would reduce spending and waste in the entire justice system – from arrest, pretrial, trial, incarceration, and reentry – because there would be fewer offenders in the system.<sup>53</sup>

Despite the general consensus on the need to decarcerate and stop criminalising poverty, this political discourse is underwritten by a generalised politics of spending and waste. The extent to which the Kochs have tailored their interest in criminal justice reform around cost helps to explain the limits and contradictions in their advocacy: while funding reform and ‘smart on crime’ policies nationwide, the Kochs have donated millions to political campaigns advocating ‘tough on crime’ policies. These campaigns have in turn run Willie Horton-style advertisements warning of ‘dangerous thugs’, and soliciting support to keep ‘violent criminals behind bars’.<sup>54</sup>

In addition to conservative fiscal austerity, the elite interest in decarceration is also a response to moderate regulatory agendas. Charles Koch has explained that his interest in criminal justice reform came when his company, Koch Petroleum, was prosecuted in 1995 for covering up chemical pollution in Corpus Christi, Texas. The Senior Vice President of Koch Industries, Mark Holden, described this as an over-prosecution and a ‘grave miscarriage of justice’.<sup>55</sup> In many ways, the advancement of criminal justice reform serves as a vehicle for corporate interest and deregulation. Indeed, the initial alliance of establishment liberals, prison reform groups and Koch industries known as the Coalition for Public Safety fell apart in 2015 when it was revealed that the brothers were pushing a bill that made it much harder to prosecute corporate crimes; specifically, H.R.4002 would have applied *mens rea* to White-collar cases, meaning that negligence, gross negligence and recklessness would no longer be prosecutable.<sup>56</sup> According to the president of the Center for American Progress, Neera Tanden:

The bill would make it much more difficult to enforce bedrock regulatory safeguards – such as environmental, health, and consumer safety protections – and leave communities of color disproportionately vulnerable to unscrupulous, fraudulent, and predatory business practices that exacerbate existing inequality in our communities. It is unfair to hold real criminal justice reform hostage to an effort that would allow corporations to skirt fundamental regulatory safeguards.<sup>57</sup>

In this respect, criminal justice reform (as articulated by free market neoconservatives) is ideologically and practically consistent with their deregulatory agendas. As the global financial crisis has shown,

the rollback of what little regulations on the market economy do exist would facilitate the continued expropriation and dispossession of communities of colour.

These ulterior motives suggest potential mutations of the corrections system. Indeed, the Koch brothers and the general conservative reform movement have tended to court, rather than disavow, for-profit prison companies and the ancillary industries like telecom, commissary, and corrections vendors. And interestingly, for-profit prison groups have been enthusiastic supporters of decarceration and legislation aimed at reducing recidivism, like the 2018 First Step Act. In fact, CoreCivic, the GEO Group and MTC collectively spent several millions of dollars lobbying for the passage of this bill, specifically lauding its strategies to reduce recidivism.<sup>58</sup> This, however, does not signal a decline of private corrections, but its expansion. As the CEO of CoreCivic described in a statement, CoreCivic (and the private corrections industry writ large) has undergone a ‘well-planned and executed effort, more than five years in the making, to diversify and transform our company toward reentry’ rather than incarceration.<sup>59</sup> Put another way, private corrections firms and their conservative allies are already deploying an architecture to transfer the control mechanisms of incarceration into a decentred ‘treatment–industrial complex’. This includes a vast and burgeoning network of for-profit halfway houses, ankle monitors, correctional health care, day reporting centres, surveillance and psychiatric and mental health facilities. These ‘humane’ alternatives to prison critically have the potential to essentially deputise people under surveillance as profit sources for private firms; in some cases, parolees must pay \$10 per day to a private corrections company as the operating cost of their ankle monitor, or risk being sent back to prison.<sup>60</sup> Conservative decarceration movements and the promotion of ‘humanitarian’ alternatives (as opposed to a wholesale embrace of prison abolition) have produced a precarious situation where for-profit firms and their corporate allies are poised to redeploy surveillance apparatuses into low-income communities of colour – that is, the ‘open-air prison’ of ghettoisation.<sup>61</sup> Carl Takei has importantly emphasised that the conservative embrace of decarceration and the expansion of the treatment–industrial complex will pre-empt a retrenchment of mass incarceration and government surveillance moved out of geographically isolated prisons and into communities themselves – ‘mass control’ will supplant mass incarceration.<sup>62</sup>

Critically, relocating state control out of rural prisons and into communities of colour necessitates a shift in contemporary discourse on the Black criminal. The narrative of Black criminality, however, is still deeply important for White people to access and insure the value of Whiteness as a possessive investment. That is to say, if the tectonic shifts in rhetoric necessary to accommodate a treatment–industrial complex rather than a punishment–industrial complex – to reorient exploitation in increasingly ‘colour blind’ ways – are to take hold, the relationship between Black criminality and racial capitalism must be examined. Though Aviram warns that humanitarianism privileges discourse that avoids discussion of the incarcerated individual in favour of the costs they incur, radical leftists and prison abolitionists are surely forcing this confrontation. BLM, for instance, has generated reactionary White supremacist counter-movements oriented fully around the protection of law enforcement and the continued criminalisation of Black communities – if the process of conservative decarceration is to continue at the pace sought by prison profiteers and the corporate class, this conflict must be negotiated.

As the scale and frequency of BLM protests have grown in recent years, so too has the scale and frequency of White supremacist violence (both vigilante and state-sanctioned). This backlash resembles the segregationist outcry of the 1960s and the separatism of the 1860s – in each case, the maintenance of capitalism and the maintenance of White supremacy came into conflict. In the case of Blue Lives Matter reactionaries, most do not stand to gain from a deregulatory agenda or a ‘treatment–industrial complex’. Rather, it is an instance where elite interests diverge from those of White people who recognise their immediate self-interest to be the preservation of racial hierarchy. The political conditions which have enabled shifts in the structure of racial capitalism have come about once again: elite economic interests seem to coincide with those of Black social movements, in this case anchored around mass incarceration and police reform. The confrontation that has unfolded in the past few years has challenged capitalism in the ways that some might hope. The confrontation between the working class and the capitalist elite is as yet forthcoming.

## The unfinished project of abolition

The story of racial progress centres on apparent victories for racial justice. These are also shifts in the underlying political and economic currents which dictate the composition of racial capitalism. Put another way, the abolition of slavery, the legislative and judicial victories of the civil rights movement and impending changes in the organisation of American punishment are instances in which capitalism and White supremacy have come into conflict. The fact that capitalism is dependent on racial hierarchy helps to explain why, after four centuries of exploitation, the United States still relies on race to order society. Interestingly, these histories indicate that when corporate classes interpret a shifting character of White supremacy to be in their best interest, that structure tends to shift. The immense backlash from Whites against abolition, civil rights and decarceration are as much about immediate economic investments in targeted industries as the possessive investment in Whiteness, both of which are threatened. These moments simultaneously demonstrate how dominant classes can dissolve some privileges of racial hierarchy in order to secure material wealth.

Critical in each of these moments – the abolition of slavery, the civil rights movement and the escalating move towards decarceration – are radical activists and directly impacted communities. Fundamental to Northern industrial interest in abolition was the perception that slavery was an unstable economic system – this, importantly, was a perspective largely brought about by uprisings, revolutions and militant activism on the part of the enslaved and their co-conspirators. Similarly, the Cold War tensions which created an imperative for the expansion of civil rights was brought about by concerted efforts on the part of radical activists to leverage domestic terror on an international stage – in other words, it was the efforts of Black radicals to negotiate in the global arena that precipitated *Brown v. Board*, the Civil Rights Act and the Voting Rights Act. Movements by oppressed people in resisting, disrupting and guiding these contradictions in racial capitalism demonstrate agency in spite of overarching structures of exploitation; moreover, they suggest that the system is manipulatable to its own end.

The realignment of corporate interest alongside criminal justice reform agendas follows other tectonic shifts in the composition and structure of racial capitalism. That the elite have realigned as such may serve in two ways: on the one hand, it is a sure warning against deregulation and a coming entrenchment of mass control mechanisms; on the other, it is an opportunity to leverage racial capitalism against itself. Radical abolition movements do not necessarily need to utilise these right-left coalitions, but must appreciate and anticipate the economic and political currents underwriting them. As Takei writes,

The left is not lacking for vision. The Black Lives Matter movement, the growing network of grassroots organizations built by formerly incarcerated people, and other elements of the left are each defining goals for how to build principles of racial justice, community participation, and human value into a decarcerated future. ... Decarceration that is not grounded in such a vision, and that relies primarily or solely on the left-right alliance for its rhetoric and implementation, will naturally slide into serving the right's interests – and this slide could ultimately foreclose the future that the left hopes to create.<sup>63</sup>

It is not sufficient, then, to negate racial capitalism, but to engage in a constructive and generative project to create a more just world. Stefano Harney and Fred Moten describe this generation:

What is, so to speak, the object of abolition? Not so much the abolition of prisons but the abolition of a society that could have prisons, that could have slavery, that could have the wage, and therefore not abolition as the elimination of anything but abolition as the founding of a new society.<sup>64</sup>

## Declarations and conflict of interests

The author declares that there is no conflict of interest.

## Notes

<sup>1</sup>Robinson, *Black Marxism*.

<sup>2</sup>Du Bois, *Black Reconstruction in America*, 700.

- <sup>3</sup>Lipsitz, *The Possessive Investment in Whiteness*, 1.
- <sup>4</sup>Harris, 'Whiteness as property'.
- <sup>5</sup>Bell, '*Brown v. Board of Education*', 523.
- <sup>6</sup>Williams, *Capitalism and Slavery*.
- <sup>7</sup>Du Bois, *Black Reconstruction in America*, 29–30.
- <sup>8</sup>Foner, *The Fiery Trial*, 107.
- <sup>9</sup>Du Bois, *Black Reconstruction in America*.
- <sup>10</sup>Cited in Lofton, 'Abolition and labor', 25.
- <sup>11</sup>Du Bois, *Black Reconstruction in America*; and Roediger, *The Wages of Whiteness*.
- <sup>12</sup>Vann Woodward, *The Strange Career of Jim Crow*.
- <sup>13</sup>Gilmore, *Defying Dixie*.
- <sup>14</sup>Bell, '*Brown v. Board of Education*', 524.
- <sup>15</sup>Myrdal, *An American Dilemma*.
- <sup>16</sup>Dudziak, *Cold War Civil Rights*, 24–5.
- <sup>17</sup>Roman, 'U.S. lynch law'.
- <sup>18</sup>Horne, 'The crisis of white supremacy', 123.
- <sup>19</sup>Dudziak, 'Desegregation as a Cold War imperative'; Plummer, 'Castro in Harlem'; and Skrenty, 'The effect of the Cold War'.
- <sup>20</sup>Dudziak, *Cold War Civil Rights*, 54.
- <sup>21</sup>Horne, *Paul Robeson*; and Lovelace, 'William Worthy's passport'.
- <sup>22</sup>Tyson, *Radio Free Dixie*.
- <sup>23</sup>Horne, 'Tokyo bound'; and Allen, 'Satokata Takahashi'.
- <sup>24</sup>Contee, 'Du Bois, the NAACP'.
- <sup>25</sup>Lewis, *W.E.B. Du Bois*.
- <sup>26</sup>Horne, 'The crisis of white supremacy', 131.
- <sup>27</sup>Lopez and Burciaga, 'The troublesome legacy'.
- <sup>28</sup>Harris, 'Whiteness as property'.
- <sup>29</sup>Clarke and Rosenberg, 'Trump administration'.
- <sup>30</sup>Shapiro et al., *The Roots of the Widening Racial Wealth Gap*.
- <sup>31</sup>Jones, 'Essential workers aren't impressed'.
- <sup>32</sup>Levitz, 'Corporate America'.
- <sup>33</sup>Paul, 'Amazon says "Black Lives Matter"'.
- <sup>34</sup>Levitz, 'Corporate America', n.p.
- <sup>35</sup>Lewis, 'The U.S. prison population is shrinking'.
- <sup>36</sup>Grawert and Lau, 'How the FIRST STEP Act became Law'.
- <sup>37</sup>Du Bois, *Black Reconstruction in America*.
- <sup>38</sup>Hartman, *Scenes of Subjection*, 41.
- <sup>39</sup>Haley, *No Mercy Here*; Hartman, *Scenes of Subjection*; and Shabazz, *Spatializing Blackness*.
- <sup>40</sup>Muhammad, *The Condemnation of Blackness*, 3.
- <sup>41</sup>Brown, *The Condemnation*; and Hinton, *From the War on Poverty*.
- <sup>42</sup>Bertrand and Mullainathan, 'Are Emily and Greg more employable?'; and Wozniak, *Discrimination*.
- <sup>43</sup>Gilmore, *Defying Dixie*.
- <sup>44</sup>Mayer, *Dark Money*.
- <sup>45</sup>Harriot, 'Millions of students'.
- <sup>46</sup>Levinthal, 'Spreading the free-market gospel', n.p.
- <sup>47</sup>Faber, 'Racial dynamics'.
- <sup>48</sup>Aviram, *Cheap on Crime*.
- <sup>49</sup>Garland, *The Culture of Control*; Simon, *Governing through Crime*; and Wacquant, *Punishing the Poor*.
- <sup>50</sup>Aviram, *Cheap on Crime*, 6.
- <sup>51</sup>Aviram, *Cheap on Crime*, 56.

<sup>52</sup>‘Market-Based Management’ is a term trademarked by the Charles Koch Foundation. It is described on the organisation’s website: <https://www.charleskochfoundation.org/about-us/market-based-management/>.

<sup>53</sup>Keller, ‘Is Charles Koch a closet liberal?’, n.p.

<sup>54</sup>Fang, ‘Koch brothers talk criminal justice reform’, n.p.

<sup>55</sup>Keller, ‘Is Charles Koch a closet liberal?’, n.p.

<sup>56</sup>Apuzzo and Lipton, ‘Rare White House accord’; and Froomkin, ‘Koch “Alliance”’.

<sup>57</sup>Tanden, ‘CAP president’, n.p.

<sup>58</sup>Evers-Hillstrom, ‘For-profit prisons strongly approve’.

<sup>59</sup>Hininger, ‘Statement from CoreCivic President’.

<sup>60</sup>Kofman, ‘Digital jail’.

<sup>61</sup>Wacquant, ‘Deadly symbiosis’.

<sup>62</sup>Takei, ‘From mass incarceration to mass control’.

<sup>63</sup>Takei, ‘From mass incarceration to mass control’, 170.

<sup>64</sup>Harney and Moten, *The Undercommons*, 42.

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