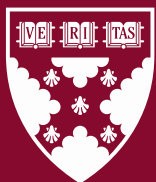


Working Paper 22-034

Capitalism, Slavery, and the Legacy of Cesare Beccaria

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Business
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“Man has such a furious pleasure in savaging his own kind that the greatest part of the evils to which the human condition is subject derives from man himself.”

Samuel von Pufendorf, *Of the Whole Duty of Man According to the Law of Nature*, 1673

The Milanese Marquis Cesare Beccaria (1738-1794) dedicated his life *first* to theorizing a more just and equal society grounded in individual rights, anchored in secular political economy rather than in religious dogma, *then* to realizing this bold vision through decades of administrative and regulatory work for the Milanese state. His project was not merely to reform the criminal system of the Old Regime but to challenge the very inequalities—legal, economic, educational, and so on—which drove crime to begin with.² During his lifetime, however, his fame as a “friend of humanity” derived mostly from his impassioned pleas against torture and capital punishment, though on the basis of his temperament and his ideas it would also be easy to count him as part of what, for the later eighteenth century, the late Yves Bénot dubbed the “*internationale abolitionniste*.”³ This is, in large parts, also how he is remembered, but not only. It is of course a truism that ideas can have ironic, even sarcastic afterlives, but there is nonetheless something slightly perverse about Beccaria’s treatment in parts of American historiography.⁴ I have previously highlighted how his paternity has been claimed for both libertarian atheism and Catholic social democracy, but his name now appears ever more frequently in contemporary

¹ Parts of this essay draws on Sophus A. Reinert and Cary Williams, “Slavery and Capitalism,” *Harvard Business School Case 721-044*, April, 2021. I am particularly grateful to Robert Fredona, Peter Garnsey, Bernard E. Harcourt, David Ragazzoni, Charlotte Robertson, John Shovlin, and Carl Wennerlind for comments.

² Sophus A. Reinert, *The Academy of Fisticuffs: Political Economy and Commercial Society in Enlightenment Italy*, Cambridge, MA: Harvard University Press, 2018.

³ Yves Bénot, “L’internationale abolitionniste et l’esquisse d’une civilisation atlantique,” *Dix-Huitième siècle*, vol. 33, 2001, pp. 265-279.

⁴ Sophus A. Reinert, *Translating Empire: Emulation and the Origins of Political Economy*, Cambridge, MA: Harvard University Press, 2011.

debates over “gun rights,” the “carceral state” and the rise of “racial capitalism.”⁵ We often hear of the “centrality of penal slavery” in Beccaria’s thought, for example, to the point where he repeatedly has been given the rather unenviable title of “father of prison slavery” and “father of penal servitude.”⁶ Some of these commentators are generous enough to admit that Beccaria *can* “be credited with voicing *some* humanitarian concerns,” but we are nonetheless told that

he wrote for a privileged audience who wished to protect their own wealth and whose best interest lay in preserving the status quo. Attributing equal value to property and liberty, he considered that invasion of property deserved *enslavement*.⁷

And because of his incredible influence on America’s founding fathers, Beccaria’s love for “prison slavery” as an alternative to “capital punishment” eventually “found its way” to “the jails and prisons of [modern] America.”⁸ As such, we find Beccaria as an architect of the ongoing crisis of racialized mass incarceration and related forms of carceral capitalism in the United States more broadly.⁹ Even his theories of “clemency” apparently contributed to a “racist dynamic.”¹⁰ Explicitly inspired by Ibram X. Kendi, a recent Portland State University honors thesis goes as far as declaring that Beccaria advocated for “the racial necessity of the prison,” a “racial capitalist invention.”¹¹ Indeed, on campuses across the United States Beccaria has become part and parcel of university courses devoted to the mass incarceration, racial capitalism, and calls to defund the police. One online “Criminal Justice 101” course goes as far as declaring that “he’s largely

⁵ Reinert, *The Academy of Fisticuffs*, p. 382.

⁶ Markus D. Dubber, *The Dual Penal State: The Crisis of Criminal Law in Comparative-Historical Perspective*, Oxford: Oxford University Press, 2018, p. 148.

⁷ Esposito and Wood, *Prison Slavery*, pp. 37-39.

⁸ Esposito and Wood, *Prison Slavery*, pp. 37-39.

⁹ On racialized mass incarceration see Reshmaan N. Hussam and Holly Fetter, “Race and Mass Incarceration in the United States,” *Harvard Business School Case 720-034*, June 19, 2020 and the appendix Reshmaan N. Hussam, Sophus A. Reinert, and Jordan Naylor, “Native American Incarceration,” April 24, 2021. On carceral capitalism, see Jackie Wang, *Carceral Capitalism*, Cambridge, MA: The MIT Press, 2018.

¹⁰ Barbara Esposito and Lee Wood, *Prison Slavery*, ed. Kathryn Bardsley, Washington, D.C.: The Committee to Abolish Prison Slavery, 1982, p. 36; Adam Sitze, “No Mercy,” *South Atlantic Quarterly*, vol. 107, no. 3, 2008, 597-608, p. 604.

¹¹ Henea S. de Savy, “Carceral Empire: A People’s History of the Origin of the Prison in the United States,” 2020, *University Honors Theses*, Paper 902, pp. 11, 25, following a reference to Kendi in f84. See, for a similarly curious use of Beccaria in the context of racial capitalism and mass incarceration in the US, Connor McElwee Donegan, “Incarceration and State Terrorism: Racial Capitalism in the American South, 1865-1945,” MA Dissertation, University of British Columbia, 2013, p. 88f4.

responsible for the development of today's United States criminal justice system."¹² At the same time, Beccaria is presented as an architect of the view that, in the United States, "the armed masses are the law," and quotes from his work appear in numerous internet memes against gun control.¹³ The so-called "friend of humanity," in short, has been recast as a gun-totin' atheist-Catholic libertarian racist-capitalist mass-enslaver behind many of America's most salient social problems.

In what follows I will interrogate some of these connections not, to be sure, to find fault with our long overdue reckoning with racial inequalities but rather to see what Beccaria still can tell us about the relationship among slavery, capitalism, and racism, not to mention the nature of "commercial society" itself. Indeed, I will suggest that, even from a utilitarian perspective, he ultimately can get us far further as an ally than as a misconstrued nemesis. For the Beccaria invoked in this recent historiography is a strategic simulacrum, a rhetorical plaything, even, more reminiscent of Francisco de Goya's *Straw Manikin* than of the historical figure who wrote *On Crimes and Punishments*.

¹² Ashley Dugger, "Cesare Beccaria's 'On Crimes and Punishments' and the Rise of Utilitarianism," part of Criminal Justice 101: Intro to Criminal Justice, *Study.com*, <https://study.com/academy/lesson/cesare-beccarias-on-crimes-and-punishments-and-the-rise-of-utilitarianism.html>. See also "Freedom and Social Control: Tentative Review for Exam Two," <http://www.uwgb.edu/austina/courses/fsc/fsc-rvw-02-2012.htm>; Christopher Geary, "English R1A: Reading and Composition: The Novel and the Police," University of Berkeley, Department of English, Fall 2021, <https://english.berkeley.edu/courses/7381>; Will McKeithen, "Prison Logics and Abolition Futures syllabus," <https://www.willmckethen.com/copy-of-cv>. See also "Before the Bullet Hits the Body: Dismantling Predictive Policing in Los Angeles," May 8th, 2018, <https://stoplapdspying.org/wp-content/uploads/2018/05/Before-the-Bullet-Hits-the-Body-May-8-2018.pdf>

¹³ David B. Kopel, "The Truth About Gun Control," *Cato Institute Policy Report*, May/June, 2013, <https://www.cato.org/policy-report/may/june-2013/truth-about-gun-control>



To get started, I will suggest that much of the confusion in recent literature results from Beccaria's rather impressionistic engagement with the question of "slavery" in his canonical 1764 *On Crimes and Punishments*, and to the changing meanings attributed to that word over time and in different contexts. For though the word "slavery" and its historical synonym "servitude" are scattered throughout the book, they nonetheless make sense only when viewed within a coherent vision of penal reform and, indeed, of justice understood as sociability in a secular commercial

society—which I would argue was the overarching project both of Beccaria and of his fellow members of the so-called Academy of Fisticuffs in Enlightenment Milan. And these interwoven themes of slavery and commercial society speak directly to one of the greatest debates in contemporary academia and civil society alike: that over the past, present, and future of capitalism.

In the face of evident structural racism and increasing economic inequality, scholars have naturally turned to interrogating the legacy of capitalism’s historical relationship to slavery as well as the concomitant issue of timing humanity’s escape from the so-called Malthusian Trap. Specifically, scholars and pundits debate whether slavery was a *necessary* precondition for the achievement of what Simon Kuznets dubbed “modern economic growth,” or “rates of growth in per capita income rang[ing] mostly from about 10 percent to over 20 percent per decade.”¹⁴ According to many leading voices in academia today, particularly in the United States, this question has again found resolution in the decidedly despondent concept of “racial capitalism,” according to which a) slavery was necessary for economic development to get started; and b) capitalism itself is quintessentially both violent and racist. As Kendi recently argued in his best-selling 2019 *How to be an Antiracist*, “racism” and “capitalism” are “conjoined twins”, to the point where “to love capitalism is to end up loving racism,” and “to love racism is to end up loving capitalism” because “capitalism is essentially racist; racism is essentially capitalist. They were birthed together from the same unnatural causes [in the age of high imperialism], and they shall one day die together from unnatural causes.”¹⁵

Without at all detracting from the very real horrors of slavery, racism, and imperialism, not to mention historical moments during which these concepts very much *have* gone hand in hand with, and indeed been integral to, economic processes we think of as capitalist—including in the present moment, not merely in the U.S. but worldwide—what follows will seek to add what seems to me to be sorely needed nuance to these debates over the nature and history of that protean shorthand “capitalism.” I will return to Beccaria—one of history’s greatest champions of human rights as well as first professors of political economy—to rethink this now increasingly popular story about slavery, capitalism, and economic development with the aim of adumbrating a more complex and historically informed perspective on these pressing questions of our time. Contrary

¹⁴ Simon Kuznets, *Economic Growth and Structure*, London: Heinemann, 1965, p. 18.

¹⁵ Ibram X. Kendi, *How to be an Antiracist*, New York: One World, 2019, pp. 156-163. See also, for a different variant of how “ingroup members... benefit from outgroup members,” Nancy Leong, *Identity Capitalists: The Powerful Insiders who Exploit Diversity to Maintain Inequality*, Stanford: Stanford University Press, 2021, p. 3 and *passim*.

to now popular opinion, I will posit that the historical emergence of sustained economic growth and recognizably capitalist economic systems—then conceptualized as commercial societies—did not *necessarily* depend on the *far* older and more widespread institutions of slavery and imperialism for their realization, and indeed that some of their earliest and most sophisticated architects simultaneously counted among slavery’s harshest critics, not to mention that they emerged in regions with no contemporary experience with the phenomenon of chattel slavery. This, in turn, will force us to interrogate the actual meaning of “penal servitude” in such a context, as well as its role in commercial society. To get to that story we must shift our gaze from the Atlantic to the Mediterranean, from the nineteenth century to the early modern period, and, crucially, from the English, French, and Portuguese languages to that, as the saying goes, of Dante.

But before we get there, I suspect that our debate around these issues would be improved by a more careful interrogation of its key terms, including those of slavery and capitalism themselves. Beccaria’s mentor and frenemy Count Pietro Verri warned early on about the existence of “magic words” like *Guelph* and *Ghibelline* in the face of which reason was forced to give way, and Beccaria himself lamented the “torrents of human blood” that had been “spilt over words.”¹⁶ Verri returned to this question in one of his very last pieces of writing, his 1797 “On the Way to End Disputes,” written with the bloodied hindsight of the French Revolution:

Among the great truths John Locke introduced us to in his *Essay on Human Understanding* was also this, that the *greatest part of disputes are not over things, but over words*, because men attribute different ideas to the same words. A good and precise definition would remove the majority of disputes, singularly so in politics, where ideas are not simple, but abstract, a where men attribute vague and undefined ideas to words like *Liberty, Justice, Government*, and so on.¹⁷

So what are we to make of the “magic words” slavery and capitalism?

Slavery

¹⁶ Pietro Verri, “Le parole,” in *Il Caffé*, ed. Gianni Francioni and Sergio Romagnoli, Turin: Bollati Boringhieri, 1998, 451–453, at 452; Cesare Beccaria, “[Risposta alla Rinunzia],” in *Il Caffé*, 104–106, at 104.

¹⁷ Pietro Verri, “Modo di terminar le dispute,” in *Edizione nazionale delle opere di Pietro Verri*, 6 vols. in 7, eds. Carlo Capra *et al*, Rome: Edizioni di storia e letteratura, 2003-2014, vol. VI, 840-844, p. 840, building on John Locke, *An Essay Concerning Human Understanding*, London: Holt for Thomas Basset, 1690, epistle to the reader.

The word “slave” is defined by the Oxford English Dictionary as “one who is the property of, and entirely subject to, another person, whether by capture, purchase, or birth; a servant completely divested of freedom and personal rights,” though in practice no uniform definition exists across all time and space.¹⁸ The etymology of the word is traced back to the Medieval Latin *sclavus*, itself derived from the earlier Greek σκλάβος, which originally referred to the Slavic inhabitants of central Europe who, at the time, constituted the largest part of the Medieval European slave trade.¹⁹ It was, nonetheless, only one of numerous words used to describe unfree people in the languages of the Mediterranean world, including *servus*, whence the English language’s second major word for subjected individuals.²⁰ Yet, as noted by Henry Louis Gates, Jr., pretty much all societies have practiced the institution at some time or another; “slavery is as old as humanity... there are no innocents.”²¹ Indeed, slavery thus understood played an important role in all the “complex societies” which first emerged in Bronze Age Egypt, Mesopotamia, the Indus Valley, and China around 6,000 years ago. That said, slavery has always been a polyvalent term, and a wide array of different slaveries have populated the historical record, from the war-captives of the Pawnee tribe of the Central Plains of the North America through the *mita* system of mandatory public service in the Inca Empire to the thralldom of Viking-era Scandinavia.²² In ancient Egypt, to mention only one of endless examples, the chattel slavery (involving people enslaved for life whose children also were born enslaved) of war-captives coexisted with different kinds of bonded work—often voluntary in exchange for food and shelter—as well as conscripted and time-bound forced labor.²³ And, though this was not always the case, in many societies throughout history slavery has been

¹⁸ <https://www-oed-com.ezp-prod1.hul.harvard.edu/view/Entry/181477#eid22495739>; see, for example, Colleen Theron, “Modern Slavery and Transparency in Supply Chains: The Role of Business,” in Gary Craig *et al.* (eds.), *The Modern Slavery Agenda: Policy, Politics and Practice in the UK*, Bristol: Policy Press, 2019, 187-218, p. 190.

¹⁹ William D. Phillips, Jr., *Slavery from Roman Times to the Early Transatlantic Trade*, Manchester: Manchester University Press, 1985, p. 57; Brion Davis, *Slavery and Human Progress*, p. 32 and *passim*; Hannah Barker, *That Most Precious Merchandise: The Mediterranean Slave Trade in Black Sea Slaves, 1260-1500*, Philadelphia: University of Pennsylvania Press, 2019.

²⁰ Tomaso Garzoni, *La piazza universale di tutte le professioni del mondo*, Venice: Gio. Battista Somasco, 1587, p. 674; Barker, *That Most Precious Merchandise*, pp. 14-15.

²¹ Henry Louis Gates, Jr., “Nikole Hannah-Jones in Conversation with Henry Louis Gates, Jr.: ‘The New York Times’ 1619 Project,” Hutchins Center for African & African American Research, Harvard University, December 4, 2019, <https://hutchinscenter.fas.harvard.edu/1619>. See also, at greater length, Patrick Manning, *Slavery and African Life: Occidental, Oriental, and African Slave Trades*, Cambridge: Cambridge University Press, 1990, pp. 2-3 and *passim*.

²² On the polyvalence of slavery even in an American context, see Jack M. Balkin and Sanford Levinson, “The Dangerous Thirteenth Amendment,” *Columbia Law Review*, vol. 112, 2012, pp. 1459-1499.

²³ Suzanne Miers and Igor Kopytoff, “African ‘Slavery’ as an Institution of Marginality,” in *id.* (eds.), *Slavery in Africa: Historical and Anthropological Perspectives*, Madison: University of Wisconsin Press, 1977, 3-78, p. 57, discussed further in David Brion Davis, *Slavery and Human Progress*, Oxford: Oxford University Press, 1984, p. 13.

understood in ethnic, national, and religious terms from an early date.²⁴ But whatever its precise institutional varieties, it remains that slavery has been a cornerstone of “civilization” throughout the vast majority of human history, “an unquestionable norm,” as Eric Nelson recently noted, “sanctioned by virtually every social and religious system on earth.”²⁵

The ubiquity and plurality of historical slavery has led scholars in the wake of the Cambridge classicist Moses I. Finley (1912-1986) to differentiate between “slave societies” and “societies with slaves.” Societies with slaves are characterized by economies that involve enslaved labor but do not principally rely upon it. By contrast, slave societies are entirely undergirded by enslaved labor as a principal mode of production.²⁶ Most slave societies in history relied on slaves for various kinds of productive and domestic work, though some, like the Aztecs, also relied on them extensively as a source of victims for human sacrifices.²⁷ Veritable slave societies included also the successive polities of the Greco-Roman world, where the very first, tentative experiments with democracy and republicanism were erected on top of varying dependence on enslaved labor. In Finley’s famous words, “one aspect of Greek history... is the advance, hand in hand, of freedom *and* slavery.”²⁸ As Orlando Patterson so influentially observed in his wake, the very notion of “freedom” was historically conceptualized and valorized only in relation to “slavery.”²⁹ Freedom, as such, necessitated its own antithesis, though the same of course is true—and perhaps more obviously so—of slavery. In any case, slavery has been abundant. Enslaved people in some periods constituted 30-40% of the populations of classical Athens as well as of the Roman Empire, but

²⁴ Brion Davis, *Slavery and Human Progress*, pp. 21, 32-33.

²⁵ Eric Nelson, *The Theology of Liberalism: Political Philosophy and the Justice of God*, Cambridge, MA: Harvard University Press, 2019, p. 154.

²⁶ Moses I. Finley, “Slavery,” *International Encyclopedia of Social Sciences*, ed. David L. Sills, New York: Macmillan, 1968, vol. XIV, 307-313, p. 308, on which see, among others, Noel Lenski, “Framing the Question: What Is a Slave Society?,” in Noel Lenski and Catherine M. Cameron (eds.), *What Is a Slave Society? The Practice of Slavery in Global Perspective*, Cambridge: Cambridge University Press, 2018, pp. 15-58. For one of many echoes, see Ira Berlin, *Many Thousands Gone*, 8-10, 22. It is, perhaps, telling of American historiography that its practitioners sometimes think the distinction originated with Berlin. See, for example, John Majewski, “Why Did Northerners Oppose the Expansion of Slavery? Economic Development and Education in the Limestone South,” in Sven Beckert and Seth Rockman (eds.), *Slavery’s Capitalism: A New History of American Economic Development*, Philadelphia: University of Pennsylvania Press, 2016, 277-298, p. 285.

²⁷ Michael Harner, “The Enigma of Aztec Sacrifice,” *Natural History*, vol. 86, no. 4, 1977, pp. 46-51; Victor Davis Hanson, *Carnage and Culture*, New York: Doubleday, 2000, pp. 194-195.

²⁸ Moses I. Finley, “Was Greek Civilization Based on Slave Labour?,” *Historia: Zeitschrift für Alte Geschichte*, vol. 8, no. 2, 1959, 145-164, p. 164; Kurt A. Raaflaub *et al.* (eds.), *Origins of Democracy in ancient Greece*, Berkeley: University of California Press, 2008.

²⁹ Orlando Patterson, *Slavery and Social Death: A Comparative Study*, Cambridge: Harvard University Press, 2018, p. 342.

such demographics were hardly a European prerogative. During the millennium between 800 and 1800, between a third and half of the population of Korea consisted of enslaved people, while estimates suggest the same ratio was between a quarter and a third in Thailand in the period 1600-1900. Myanmar harbored roughly the same percentage as late as the early twentieth century.³⁰ Most historical Islamic societies, from the nomadic tribes of the Middle East to the Sokoto Caliphate, have also been considered “slave societies,” and frequently drew their slaves from Europe as well as from the African continent. Though the trade is considered pre-historic and traceable even to the third millennium BCE, it has been estimated that approximately 18 million enslaved people were sold from East Africa into the Middle East and Indian Ocean slave trades between late antiquity and the early twentieth century. Raids by Barbary Coast corsairs similarly brought 1-1.25 million European slaves to the Maghreb between 1500 and 1800, depopulating towns from Cornwall to Sicily.³¹

Yet these chapters in the harrowing history of slavery have often been considered of a different nature compared to the more infamous Atlantic Slave Trade, which witnessed around 12 million enslaved people shipped from West Africa to the New World in the period between the sixteenth and mid-nineteenth centuries, of which an estimated 1.2-2.4 million perished during the crossing.³² This trade resulted in about 4 million chattel slaves being forcibly transplanted to Brazil, 2.5 million to the Spanish Empire in the Western Hemisphere, about 2 million to the British West Indies, 1.6 million to the French West Indies, 500,000 to the Dutch West Indies, and 500,000 to British North America and the United States. Though shippers carefully tracked the mortality rate for transatlantic voyages to determine the maximum capacity of enslaved people to transport without exacerbating the death rate by overcrowding, the average casualty rate was nonetheless 12.1%.³³ Historians further assess that another million died within their first year of enslavement

³⁰ See, for an overview, Richard Hellie, “Slavery,” *Britannica*, <https://www.britannica.com/topic/slavery-sociology>

³¹ Robert C. Davis, *Christian Slaves, Muslim Masters: White Slavery in the Mediterranean, the Barbary Coast, and Italy, 1500-1800*, Basingstoke: Palgrave Macmillan, 2003, p. 23.

³² For one of very many arguments for the qualitative difference between the Atlantic slave trade and other historical examples, see Eric Foner, “Africa’s Role in the U.S. Slave Trade,” April 25, 2010, <https://www.nytimes.com/2010/04/26/opinion/126slavery.html>

³³ Rediker, *The Slave Ship*, p. 311; Stephanie Smallwood, *Saltwater Slavery: A Middle Passage from Africa to American Diaspora* (Cambridge, MA: Harvard University Press, 2007), pp. 72, 83.

in the Americas.³⁴ Additionally, a broadly estimated 2.5-5 million indigenous people were enslaved in the Americas between 1492 and 1900, many by *mita*-like institutional fetters.³⁵

Slavery may have been a constant of human civilization, but, more recently, the Atlantic Slave Trade in particular reshaped large parts of the world, commodifying humans on a vast scale on three continents for the purposes of supplying industrializing nations with commodities and raw materials in the early stages of the development of global capitalism. Today's structural inequalities between global north and south must also be understood in light of this moment.³⁶ But were these dynamics—which *we*, in light of Enlightenment notions of human rights championed by the likes of Beccaria, find deeply tragic—*necessary* for economic development, and is all capitalism *intrinsically* violent and racist to any greater extent than human history itself can be said to be so?

Capitalism

Just as we have seen with regard to the institution of slavery, human societies have similarly harbored markets, understood as geographical sites of periodic exchange, since time immemorial, with evidence of long-distance trade going back no less than 300,000 years.³⁷ But, as the Hungarian political economist Karl Polanyi (1886-1964) observed towards the end of World War II, the brave new world of early modern Europe first saw “societies with markets” give way to veritable “market societies,” or what earlier observers had called “commercial societies.”³⁸ Adam Smith's 1776 *Wealth of Nations* famously theorized “commercial society” as the presumed final era of his “four

³⁴ Marcus Rediker, *The Slave Ship: A Human History*, New York: Penguin Books, 2007, p. 5.

³⁵ Andrés Reséndez, *The Other Slavery*, Boston: Mariner Books, 2016, pp. 1, 5, 324.

³⁶ And certainly offers an important yet neglected backdrop to Jeffrey G. Williamson, *Trade and Poverty: When the Third World Fell Behind*, Cambridge, MA: MIT Press, 2013.

³⁷ To take just one example, evidence of long-distance trade in the territory currently known as Kenya dates back at least 320,000 years. See Alison S. Brooks *et al.*, “Long-Distance Stone Transport and Pigment Use in the Earliest Middle Stone Age,” *Science* 360 (2018), pp. 90-94; Alan L. Deino *et al.*, “Chronology of the Acheulean to Middle Stone Age Transition in Eastern Africa,” *Science* 360 (2018), pp. 95-98.

³⁸ On this transition see still Karl Polanyi, *The Great Transformation: The Political and Economic Origins of Our Time*, ed. Fred Block with an introduction by Joseph E. Stiglitz, Boston: Beacon Press, 2001, on which see Fred Block and Margaret R. Somers, *The Power of Market Fundamentalism: Karl Polanyi's Critique*, Cambridge, MA: Harvard University Press, 2014. On the simultaneously Promethean and dislocating consequences of this “market principle” for traditional societies, see Steven L. Kaplan, *Provisioning Paris: Merchants and Millers in the Grain and Flour Trade during the Eighteenth Century*, Ithaca: Cornell University Press, 1984, p. 25 and *passim*.

stages” of history, charting mankind’s progression through eras defined on the basis of its primary means of subsistence—from hunting and gathering through pastoralism to agriculture and finally commerce, in which, as he put it, “every man thus lives by exchanging, or becomes in some measure a merchant, and the society itself grows to be what is properly a commercial society.”³⁹ In this, he followed the French Physiocrat François Quesnay, who earlier had argued on the authoritative pages of the *Éncyclopédie* that “No man who lives in society provides for all of his needs with his own labor; rather, he obtains what he lacks through the sale of the produce of his labor. *Thus everything becomes tradeable, everything becomes wealth through a mutual traffic between men.*”⁴⁰ It is hard to imagine a more existential definition of capitalism, here conceptualized primarily in terms of the marketization of social relations and the subsequent form of subsistence and surplus not on the basis of individual autonomy, as in earlier stages, but rather through the division of labor: an immensely more productive but also, in other ways, still fragile system.⁴¹

In practical terms, of course, Quesnay’s marketization remains a Weberian ideal type, for societies at all times and in all places have excluded a dynamic selection of things and activities from the sphere of what was considered tradeable—“market-inalienable” things in the terminology of Margaret Jane Radin—whether as a matter of active regulation, religious observance, or simple custom.⁴² As Polanyi saw it, there was a constant tug of war between “the market” and “society,” according to which expansions of the former would trigger backlashes from the latter as institutions were established with the explicit aim of “interfering with the laws of supply and

³⁹ Adam Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations*, 2 vols., ed. Edwin Cannan, Chicago: University of Chicago Press, 1976, vol. I, p. 26. For an earlier expression of this theory, see his 1762-1763 Glasgow lectures in *Lectures on Jurisprudence*, eds. Ronald E. Meek, D. D. Raphael, and P. G. Stein, Oxford: Oxford University Press, 1976, p. 14. On the four-stages theory see still Ronald L. Meek, *Social Science and The Ignoble Savage*, Cambridge: Cambridge University Press, 1976 and, for the Scottish theory of commercial society and its origins, Istvan Hont, “The Language of Sociability and Commerce: Samuel Pufendorf and the Theoretical Foundations of the ‘Four Stages’ Theory,” in id., *Jealousy of Trade*, pp. 159-184; Christopher J. Berry, *The Idea of Commercial Society in the Scottish Enlightenment*, Edinburgh: Edinburgh University Press, 2013; and Hont, *Politics in Commercial Society*.

⁴⁰ François Quesnay, “Grains [1757],” in id., *Œuvres économiques complètes et autres textes*, 2 vols., eds. Christine Théré, Loïc Charles, and Jean-Claude Perrot, Paris: INED, 2005, vol. I, 161-212, p. 208. On Smith’s torn relationship with the Physiocrats, see Hont, *Jealousy of Trade*, pp. 361-376. See, for a more recent version of this argument, Richard Posner, *Economic Analysis of Law*, 7th ed, New York: Aspen Publishers, 2007, pp. 29– 33.

⁴¹ Reinert, *Academy of Fisticuffs*, pp. 13-14, 424f65.

⁴² Margaret Jane Radin, “Market-Inalienability,” *Harvard Law Review*, vol. 100, no. 8, June 1987, pp. 1849-1937. Though see, for some quite striking examples of what *can* be bought, Michael J. Sandel, *What Money Can’t Buy: The Moral Limits of Markets*, New York: Farrar, Straus and Giroux, 2012.

demand” for the purpose of “removing” certain things from “the orbit of the market.”⁴³ This has included everything from child labor and certain drugs to Kinder Eggs, the colorant Yellow #6 (also known as $C_{10}H_{10}N_2Na_2O_7S_2$), prostitution, and, of course, human beings, an array which is related to—but expands far beyond—Alvin E. Roth’s notion of “repugnant markets.”⁴⁴

That such exceptions to Quesnay’s “everything” exist does of course not void the very real but hard to formalize qualitative difference between a market society and a society with markets. For the idea was not merely that a lot of trade took place in a commercial society; rather, it was that the very sociology of the polity had become commercialized, with people depending on *each other* for their survival through a capitalized division of labor and engaging socially in, and *on*, mercantile terms. As such, commercial societies revolved around what Thomas Carlyle and Karl Marx eventually would describe as “the cash nexus,” through which disparate goods were rendered commensurate by the abstractions inherent to monetized exchange, increasingly replacing other relationship vectors such as friendship and honor. As Carlyle put it, “*Cash Payment*” had eventually “grown to be the universal *sole* nexus of man to man.”⁴⁵ Needless to say, this definition of commercial society too has never existed outside of the confines of dystopian science fiction, and the very survival of alternative nexi are what everywhere ensure the inalienability of certain goods and the Polanyian tug-of-war between society and market.

But in the formulations of many Enlightenment thinkers, from Smith and David Hume to Beccaria and his Milanese friends gathered in the ironically named Academy of Fisticuffs, this process nonetheless fostered civic virtues as well. “Commerce and manufactures,” Smith wrote emblematically, “gradually introduced order and good government, and with them, the liberty and security of individuals, among the inhabitants of the country, who had before lived almost in a

⁴³ Polanyi, *The Great Transformation*, p. 186.

⁴⁴ Alvin E. Roth, “Repugnance as a Constraint on Markets,” *Journal of Economic Perspectives*, vol. 21, no. 3, 2007, 37-58, p. 39.

⁴⁵ Thomas Carlyle, *Chartism*, Boston: C.C. Little and J. Brown, 1840, p. 58, emphasis added. For Marx’ famous engagement with the question, see his 1844 “Excerpts from James Mill’s *Elements of Political Economy*,” in id., *Early Writings*, ed. Lucio Colletti, translated by Rodney Livingstone and Gregor Benton, London: Penguin, 1992, 259-278, p. 266. For an eminently readable meditation on the term, see Niall Ferguson, *The Cash Nexus: Money and Power in the Modern World, 1700-2000*, New York: Basic Books, 2001. For earlier cash exchanges embedded on a broader array of nexi, see N.S. B. Gras, “What is Capitalism in Light of History?” *Bulletin of the Business Historical Society*, vol. 21, no. 4, 1947, 79-120, p. 94; Paul D. McLean and John F. Padgett, “Commerce and Credit in Renaissance Florence,” in William Caferro (ed.), *The Routledge History of the Renaissance*, Milton Park: Routledge, pp. 337-357.

continual state of war with their neighbours, *and of servile dependency upon their superiors.*"⁴⁶ Far from simply supporting the "wealth" of a nation, trade and industry were therefore active sources of social and moral order, of good government, political empowerment, civic equality, human dignity as well as agency and, under certain circumstances, even world peace.⁴⁷ A commercial society thus understood was the very inverse of a slave society, and these invested hopes largely remained intact through the process by which the term "commercial society" eventually was subsumed by "capitalism," the etymology of which originated in the Latin *capitale*, from which the English words "cattle" and "chattel" both also ultimately derived.⁴⁸ Beccaria himself, who once was criticized with the neologism "socialist" for his project to set up a secular commercial society, used that other great neologism of the eighteenth century, "capitalists," to identify people "who employ their money in trade."⁴⁹ In the second half of the nineteenth century, the systemic analysis of these dynamics eventually gave way to the word "capitalism" to describe the expanding world-wide system of trade and production organized by wage-labor and free enterprise based in legally protected property rights. Scholars have of course disagreed vehemently over where and when such "capitalism" truly came into being in practice, and it remains valuable to quote Herbert Butterfield's caveat that "we are in error if we imagine that we have found the origin of liberty when we have merely discovered the first man who talked about it."⁵⁰ Things *can* exist before humans name them (beginning, say, with elements of the periodic table), no matter how magical the words in question.

⁴⁶ Smith, *Wealth of Nations*, vol. I, p. 433, emphasis added, drawing on David Hume, "On Commerce [1752]" and "Of Refinement in the Arts [1752]," both in id., *Political Essays*, ed. Knud Haakonsen, Cambridge: Cambridge University Press, 1994, pp. 93-104 and 105-114 respectively. See on these issues also Hont, *Politics in Commercial Society*, p. 3 As Jerry Z. Muller succinctly put it, Smith's ideals were "intended to make men better, not just better off," see id., *The Mind and the Market: Capitalism in Western Thought*, New York: Anchor Books, 2002, p. 52.

⁴⁷ Again, the classical work on this tradition of interpretation remains Hirschman, *The Passions and the Interests*, as well as the earlier Norman Angell, *Europe's Optical Illusion*, London: Simpkin, Marshall, Hamilton, Kent & Co., 1909. The literature on trade and peace is ever-growing, but see, for caveats, among others Katherine Barbieri, *The Liberal Illusion: Does Trade Promote Peace?*, Ann Arbor: University of Michigan Press, 2005 and, for a rather more optimistic take at the level of individuals, Gordon Mathews, *Ghetto at the Center of the World: Chungking Mansions, Hong Kong*, Chicago: University of Chicago Press, 2011, p. 213.

⁴⁸ For the etymology, see Émile Benveniste, *Dictionary of Indo-European Concepts and Society*, trans. Elizabeth Palmer, Chicago: HAU Books, 2016, p. 38. For a discussion of the remarkably modern understanding of capital in Medieval Europe, see Amleto Spicciati, *Capitale e interesse tra mercatura e povertà nei teologi e canonisti dei secoli XIII-XV*, Rome: Jouvence, 1990.

⁴⁹ Cesare Beccaria, "Attività del Dipartimento III nel 1786 [31 March 1787]," in Luigi Firpo and Gianni Francioni (eds.), *Edizione Nazionale delle Opere di Cesare Beccaria*, 16 vols. in 17, Milan: Mediobanca, 1984-2015, vol. IX, 223-267, pp. 242, 244.

⁵⁰ Herbert Butterfield, *The Whig Interpretation of History*, New York: W.W. Norton & Co., 1965, p. 43.

Many—including yours truly—have traced the phenomenon of capitalism back to before Polanyi himself first located his notion of commercial society in the late eighteenth century, to the city-states of Medieval and Renaissance Italy where mercantile republics established international networks of manufacturing, trade, and finance with the help of sophisticated innovations such as insurance and double entry bookkeeping.⁵¹ And what we used to call the “commercial revolution” made Italy, as Braudel once argued, an economic and cultural hegemon, not entirely unlike the United States in the second half of the twentieth century, exporting cultural goods and commercial practices alike to the rest of Europe and beyond, allowing the economic center of gravity to shift from the Eastern Mediterranean to Northwestern Europe and ultimately to England and America and now perhaps to China.⁵²

It is, in this context, worth noting that slavery played a relatively diminutive role in Italian society throughout the Medieval and Early Modern Periods, and that enslaved people seem to have played no part at all in the productive economy of the Italian city-states at the time.⁵³ Others have located its triumph in the Dutch Republic during the so-called Golden Age, or, more recently, in the Metropolitan London or the United States of the later nineteenth century.⁵⁴ Much, of course, depends on precisely how one defines the term capitalism and the forms of labor on which it

⁵¹ See, for the classic example, Werner Sombart, *Der moderne Kapitalismus. Historisch-systematische Darstellung des gesamteuropäischen Wirtschaftslebens von seinen Anfängen bis zur Gegenwart*, 3 vols., Berlin: Duncker & Humblot, 1969 [1919], and more recently on Italy “leading the way” Bruce Scott, *Capitalism: Its Origins and Evolution as a System of Governance*, Berlin: Springer, 2011, p. 155 and passim; John F. Padgett, “The Emergence of Corporate Merchant-Banks in Dugento Tuscany,” in John F. Padgett and Walter W. Powell (eds.), *The Emergence of Organizations and Markets*, Princeton: Princeton University Press, pp. 121-167; and Robert Fredona and Sophus A. Reinert, “Merchants and the Origins of Capitalism,” in Christina Lubinski et al., eds., *The Routledge Companion to Global Business*, Abingdon and New York: Routledge, 2019, pp. 171-88. On its embeddedness see among others Dennis Romano, *Markets and Marketplaces in Medieval Italy, c. 1100 to c. 1440*, New Haven: Yale University Press, 2015, pp. 221-227. On the Eurasian context, see Ronald Findlay and Kevin O’Rourke, *Power and Plenty: Trade, War, and the World Economy in the Second Millennium*, Princeton: Princeton University Press, 2007, p. 45 and passim.

⁵² Robert Sabatino Lopez, *The Commercial Revolution of the Middle Ages, 950-1350* (Cambridge, 1976); Fernand Braudel, *Out of Italy: Two Centuries of World Domination and Demise*, trans. Siân Reynolds (New York: Europa, 2019 [original 1989]); Giovanni Arrighi, *The Long Twentieth Century: Money, Power, and the Origins of Our Times* (New York and London: Verso, 1994).

⁵³ Steven A. Epstein, *Speaking of Slavery: Color, Ethnicity, & Human Bondage in Italy*, Ithaca: Cornell University Press, 2001, p. 316; Sally McKee, “Domestic Slavery in Renaissance Italy,” *Slavery and Abolition*, vol. 29, no. 3, 2008, 305-326, p. 316. But see, for Europe as a whole, still Charles Verlinden, *L’esclavage dans l’Europe médiévale*, 2 vols., Bruges and Ghent: De Tempel and Rijksuniversiteit de Gent, 1955-1977.

⁵⁴ Jan de Vries and Ad van der Woude, *The First Modern Economy: Success, Failure, and Perseverance of the Dutch Republic, 1500-1815*, Cambridge: Cambridge University Press, 1997; Donald Sassoon, *The Anxious Triumph: A Global History of Capitalism, 1860-1914*, London: Penguin, 2019; Michal Zakim and Gary J. Kornblith, “Introduction: An American Revolutionary Tradition,” in id. (eds.), *Capitalism Takes Command: The Social Transformation of Nineteenth-Century America*, Chicago: University of Chicago Press, 2012, 1-12, p. 4.

historically has depended. As the *Encyclopaedia Britannica* tellingly put it in 1929, “there is no satisfactory definition of the term, though nothing is more evident than the thing.”⁵⁵ Similarly, the Venetianist Frederic C. Lane long ago observed that “as a social system... capitalism is a matter of degree: it is hard to find a society 100 percent capitalistic or 0 percent capitalistic.”⁵⁶

Unless one wants to fall back on an earlier focus on simple “growth” as the real subject of inquiry, much suggests that the early modern notion of commercial society indeed can serve as a useful shorthand for what we *tend* to mean by capitalism as a socio-economic system: in other words a Polanyian market society *broadly* based on private property rights and the division of labor regulated by laws as well as changing notions of moral economy, of which endless forms, varieties, and constellations of course have existed and will exist.⁵⁷ Indeed, accepting the necessarily conglomerated nature of human society, which, no matter how ascendant some nexi may be remains affected by numerous competing ones, and in which *everything* is never commodified at the same time, the territorialization of commercial society becomes a question of a qualitative degrees. And on the basis of experiences in contemporary emerging markets as well as detailed work on the ledgers of a branch of the Medici family of Florence, I have previously observed that *capitalists* do not require being embedded in systemic *capitalism* to flourish, and that the former long predated the later.⁵⁸

Price mechanisms coordinating demand and supply are often considered part and parcel of capitalism, and though in some sense primordial, it remains that the ubiquity and very broad range of so-called “market failures” observable in the historical record (not to mention around us every day and everywhere), and the all-important role of context for questions of political economy, mean that no specific arrangement of institutions, regulations, and interventions affecting the operation of market actors usefully *can* be included in any definition of capitalism or for that matter of commercial society.⁵⁹ The “invisible hand” may be a Platonic “noble lie” for some, but it

⁵⁵ J. L. Garvin, “Capitalism,” *The Encyclopædia Britannica*, 14th ed., 24 vols., London: Encyclopaedia Britannica International, 1929, vol. 4

⁵⁶ Frederic C. Lane, “Meanings of Capitalism,” in id., *Profits from Power: Readings in Protection Rent and Violence-Controlling Enterprises*, Albany: State University of New York Press, 1979, 66-71, p. 70.

⁵⁷ See, for a discussion, Robert Fredona and Sophus A. Reinert, “Italy and the Origins of Capitalism,” *Business History Review*, vol. 94, no. 1, 2020, 5-38, p. 7.

⁵⁸ Fredona and Reinert, “Italy and the Origins of Capitalism.”

⁵⁹ As Michael Sonenscher has argued, “it is almost impossible to associate capitalism with a necessary configuration of production processes, products, markets, or legal and political institutions.” See his *Work and Wages: Natural Law*,

emphatically cannot be part of any taxonomical definition of capitalism which encompasses Renaissance Florence, Reconstruction-era America, and twenty-first century Singapore. As with many similar concepts, there is a risk that by interrogating it too deeply, or formalizing it too robustly, it simply ceases to be what Bruce R. Scott called “an operational concept with a clear meaning.”⁶⁰ So for our present purposes—not to mention everyday speech—I would suggest that conceptualizing capitalism in terms of commercial society, realized in Europe centuries before it got a name, allows us to have meaningful conversations about the phenomenon at hand.

Magic Words

But how might this conception of capitalism relate to slavery in particular? As Orlando Patterson has demonstrated, throughout much of history and across large parts of the world the antithesis of “slavery” was not “free labour” but rather “freedom” and “belonging,” meaning full participation in social life. The rendering of a human subject into a commodified object was, in short, not merely an economic translation or transformation, but importantly also a social and political one.⁶¹ But, following in the footsteps of Smith and later Karl Marx, who particularly emphasized the importance of wage-labor as a cardinal institution of capitalism, many have nonetheless emphasized the degree to which capitalism and slavery were two entirely separate “economic systems” on the basis of their respective commodifications of labor and people.⁶² More recently, however, scholars have cast doubt on the usefulness of strict divisions between slavery and *de facto* coerced work, also because many examples have existed through the ages and worldwide of abolition resulting in few tangible changes for the people involved.⁶³ After all, economists long

Politics and the Eighteenth-Century French Trades, with a new preface, Cambridge: Cambridge University Press, 2011, p. 375.

⁶⁰ See, for example, Bruce Scott, *Capitalism: Its Origins and Evolution as a System of Government*, New York: Springer, 2011, p. xii.

⁶¹ Orlando Patterson, *Slavery and Social Death: A Comparative Study*, Cambridge: Harvard University Press, 2018; Brion Davis, *Slavery and Human Progress*, pp. 15-16.

⁶² See, influentially, Eugene Genovese, *The Political Economy of Slavery*, New York: Vintage, 1965, p. 17; Eugene Genovese and Elisabeth Fox Genovese, “The Slave Economies in Political Perspective,” *Journal of American History*, vol. 66, no. 1, 1972, 7-23, p. 22.

⁶³ See, for example, Dale W. Tomich, “Capitalism, Slavery, and World Economy: Historical Theory and Theoretical History,” in id., *Through the Prism of Slavery: Labor, Capital, and World Economy*, Lanham: Rowman & Littlefield, 2004, pp. 3-31; Eric Allina, *Slavery by Any Other Name: African Life under Company Rule in Colonial Mozambique*, Charlottesville: University of Virginia Press, 2012; Peter Kolchin, *Unfree Labor: American Slavery and Russian Serfdom*, Cambridge: Harvard University Press, 1987, p. 375; Sabine Damir-Geilsdorf, Ulrike Lindner, Gesine Müller,

accepted the existence of an “iron law of wages,” derived from David Ricardo’s forlorn and now perverse argument that “the natural price of labour” was the minimum required “to subsist.”⁶⁴ Abandoning a focus on wage-work in favor of a broader notion of “commodified labor” including also “slavery,” the labor historian Marcel van Linden concludes that “the first fully capitalist society” was the imperial plantation-complex of “Barbados,” because “the production and consumption process” there “was almost totally commodified.”⁶⁵ As Seymour Drescher observed long before the current resurgence of scholarship on the topic of slavery and capitalism:

Capitalism was supremely agnostic and pluralistic in its ability to coexist, and to thrive, with a whole range of labour systems right through the abolitionist century after 1780: with slavery; with indentured servitude; with sharecropping; with penal labour; with seasonal contract labour and with day labour; with penally constrained or unconstrained free labour. In the longer run, we can see more clearly than [Eric] Williams’s generation that the “rise of free labour” during the conventional age of industrialization was, in some respects, a myth.⁶⁶

Indeed capitalism continues to thrive with labor that is unfree to varying degrees, including varieties of literal slavery; not to mention that in the United States of the 21st century an ever-growing part of the workforce work increasingly precarious jobs in the post-Union landscape and the emerging “gig economy.”⁶⁷

Though capitalism as such can be seen to be remarkably protean, the boundary between practical and metaphorical “slavery” nonetheless remains contested, and it may be worth

Oliver Tappe, and Michael Zeuske (eds.), *Bonded Labour: Global and Comparative Perspectives (18th-21st Century)*, Bielefeld: transcript Verlag, 2016.

⁶⁴ David Ricardo, *Principles of Political Economy and Taxation*, London: John Murray, 1817, p. 90. On the popularity of this sentiment, see, among others, Werner Stark, *The History of Economics in Relation to Social Development*, London: Kegan Paul, Trench, Trubner & Co., 1944, pp. 43-44.

⁶⁵ Marcel van Linden, “Caribbean Radicals, a New Italian Saint and a Feminist Challenge,” in id. (ed.), *Global Labour History: Two Essays*, Delhi: V.V. Giri National Labour Institute, 2017, 1-12, p. 11.

⁶⁶ Seymour Drescher, “Capitalism and Slavery after Fifty Years,” *Slavery and Abolition*, vol. 18, no. 3, 1997, 212-227, pp. 220-21.

⁶⁷ Rebecca Dixon, “The Gig is Up on 21st-Century Exploitation,” *TechCrunch*, 29 April, 2021, https://techcrunch.com/2021/04/29/the-gig-is-up-on-21st-century-exploitation/?guccounter=1&guce_referrer=aHR0cHM6Ly93d3cuZ29vZ2xlMmNvbS8&guce_referrer_sig=AQAA AIK-Y5bXE5Zw5_2UZvxjnpHdre992je2wAl3exfF1mykrVG4exIdH6CCNVn0ztMJC1iGInot_tR0VH8v7E-a9IVKYnoPXnYEm4E_s1EdFtVj0iSJzxMnpTioC_Jb8U-NOGzjdeuMN4kFLMuxQTpWKjtfhv2hoeN8UIAvQO2znIi

remembering that already the self-freed slave and abolitionist Frederick Douglass warned that there was “no more similarity between slavery” and the oppressive conditions of the “labouring population” in nineteenth-century England than “there was between light and darkness.”⁶⁸ Accepting Douglass’ caveat that there indeed *is* a difference between slavery and less formal forms of oppression, one can juxtapose Finley’s and Polanyi’s respective distinctions to draw a simple matrix of possible socio-economic arrangements, ranging from non-market, non-slave societies to the fully commercialized slave-societies of the early modern Atlantic world.⁶⁹ Market-Slave societies may, in fact, be understood as the most extreme case of marketization possible, in which even the architects, regulators, and participants in the market themselves may be commodified—to the point, as Jennifer L. Morgan harrowingly has shown, where the sphere of the market comes to encompass even the wombs of women.⁷⁰ In such a scheme, most abolitionists have historically sought to shift society from quadrant C3 to either A3 in the case of most reformers like Beccaria, or A2 for many champions of greater social embeddedness of economic life in the spirit of Polanyi and David Graeber, all the way to A1 in the case of revolutionaries like Che Guevara and B2 for the likes of Xi Jinping.

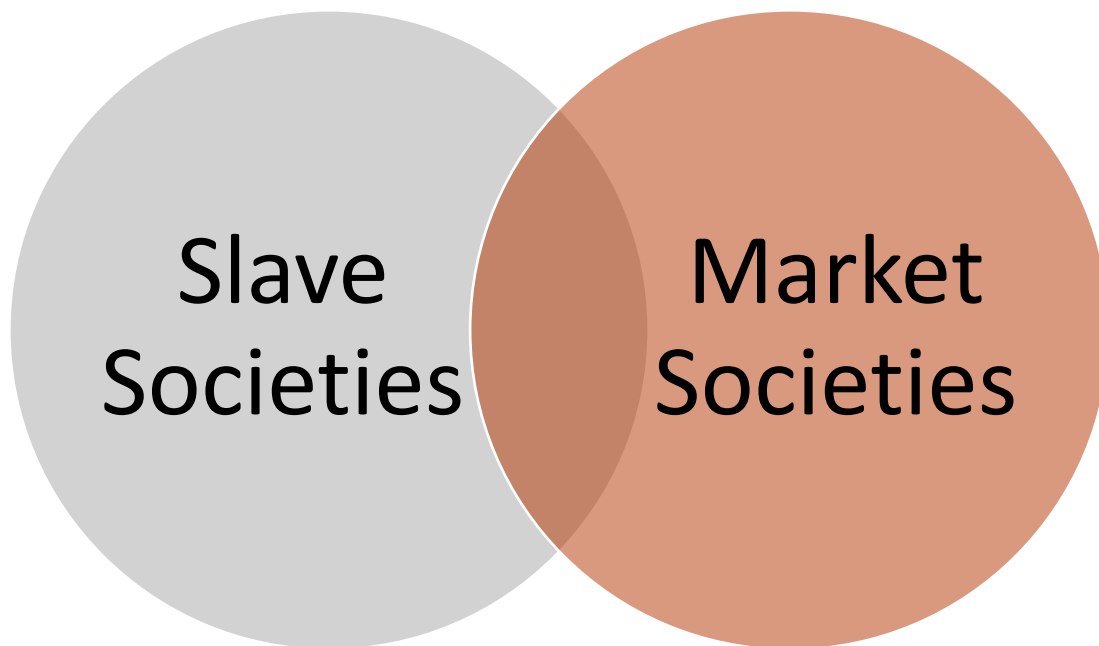
	Non-Market Society	Society with Markets	Market Society
Non-Slave Society	A1	A2	A3
Society with Slaves	B1	B2	B3
Slave Society	C1	C2	C3

⁶⁸ Davis, *The Problem Slavery in the Age of Emancipation*, p. 309.

⁶⁹ It is not surprising that their schema were similar. Though they disagreed on the nature of the Ancient Economy, Finley was Polanyi’s research assistant at Columbia and followed his famous seminar there. See, for context, several of the essays in Danie Jew, Robin Osborne, and Michael Scott (eds.), *M.I. Finley: An Ancient Historian and his Impact*, Cambridge: Cambridge University Press, 2016 and Daniel P. Thompkins, “Weber, Polanyi, and Finley,” *History and Theory*, vol. 47, no. 1, 2008, pp. 123-136.

⁷⁰ Jennifer L. Morgan, *Reckoning with Slavery: Gender, Kinship, and Capitalim in the Early Black Atlantic*, Durham: Duke University Press, 2021, p. 222 and *passim*.

Given the reality of conditions in the early modern world, however, the abolitionist move may more straightforwardly be visualized through a simple Venn Diagram, where the intersection \cap between the two spheres can be seen to encompass the Atlantic plantation economies of the time: societies that did not just happen to include markets or some enslaved people, a description that aptly would describe most of the historical record, but which instead simultaneously were sociologically commercialized *and* dependent on the commodification of human beings—what Sven Beckert and Seth Rockman have dubbed “slavery’s capitalism.”⁷¹



The question of the importance of such capitalist slavery for economic development has long divided scholars, not least because of the difficulties of historical national economic accounting.⁷² The famous late seventeenth-century Bristol merchant and economic writer John Cary, who hailed from a veritable hub of the Atlantic slave trade, was one of England’s foremost proponents of industrialization yet considered the “traffick” of “Negroes” the “best” branch of the country’s trade, and compared ideas to limit it to the King of Spain deciding to “shut up his mines, lest he

⁷¹ Sven Beckert and Seth Rockman, “Introduction: Slavery’s Capitalism,” in id (eds.), *Slavery’s Capitalism: A New History of American Economic Development*, Philadelphia: University of Pennsylvania Press, 2016, 1-27, p. 27.

⁷² See, among others, Kent Deng and Patrick O’Brien, “Establishing Statistical Foundations of a Chronology for the Great Divergence: A Survey and Critique of the Primary Sources for the Construction of Relative Wage Levels for Ming-Qing China,” *Economic History Review*, vol. 69, no. 4, 2016, pp. 1057-1082.

should fill his Kingdom too full of silver.”⁷³ Yet, scholars have long agreed that there was a difference between *profitability* and what later would be considered *development*. According to this view, slavery resolutely hindered the economic development of slave societies, purposefully limiting the growth of human capital, fossilizing entrepreneurial impulses, and slowing industrialization.⁷⁴ This view that slavery was economically moribund was challenged by economists Robert Fogel and Stanley Engerman in their 1974 *Time on the Cross*, which tried to show that the Southern slave economy had been “capitalist” and efficient, that it had led to greater *per capita* wealth, and that it had grown faster than the economy of the Northern states in the two decades leading up to the Civil War.⁷⁵

The debate continued, however, with critical voices pointing out that measurements suggesting the greater wealth of Southern society depended on the enormous value of the slaves themselves, and that the North in effect had remained far wealthier in *per capita* terms if one considered humans and capital as separate things.⁷⁶ High concentrations of wealth in a society were, from this perspective, not necessarily indicators of broader development. More controversial than Fogel and Engerman’s thesis about the efficiency of slavery was their claim that slaves had, as rational economic actors in whom the “Protestant work ethic” had been imbued by their owners, reciprocally benefitted from the system, responded to owners’ pecuniary incentives by working harder, and in the final analysis been treated comparatively well and allowed to live in relatively stable family structures. Critics responded by attacking the assumptions of the work, arguing, for example, that it was absurd to speak of incentives and benefits when slaves lived and worked under the threat of physical violence; and by attacking its methodology, what was then called *cliometrics*,

⁷³ John Cary, *An Essay on the State of England*, Bristol: Bonney, 1695, pp. 74-78; Sophus A. Reinert, *Translating Empire: Emulation and the Origins of Political Economy*, Cambridge, MA: Harvard University Press, 2011, pp. 91-92.

⁷⁴ See, for a classic statement, Eugene Genovese, *The Political Economy of Slavery*, New York: Random House, 1967, p. 23. For a more recent expression, see Majewski, “Why Did Northerners Oppose the Expansion of Slavery?”

⁷⁵ Fogel and Engerman, *Time on the Cross*, pp. 67-78 and *passim*, on which see Eric Hilt, “Revisiting Time on the Cross After 45 Years: The Slavery Debates the New Economic History,” *Capitalism: A Journal of History and Economics*, vol. 1, no. 2, 2010, pp. 456-483. See also Robert Fogel, *Without Consent or Contract: The Rise and Fall of American Slavery*, New York: W. W. Norton, 1989, p. 36.

⁷⁶ Gavin Wright, *Slavery and American Economic Development*, Baton Rouge: Louisiana State University Press, 2006, p. 61 and *passim*.

for using bad math and incomplete data. Ultimately, it was argued, *Time on the Cross* sought to “blame the victim.”⁷⁷

Still, research continues to interrogate the question, often with quantitative methods. Estimates now suggest that profits from the slave trade and the plantation-islands represented 4-5% of Gross Domestic Product (GDP) in Great Britain in the 1780s.⁷⁸ According to other estimates, at the height of the slave trade it “accounted for less than 1.5 percent of British ships, and less than 3 percent of British shipping tonnage,” while the slavery complex of the sugar islands themselves represented “less than 2.5% of British national income.”⁷⁹ In 1805, the contribution of plantation sugar-production to British GDP hovered around 2%.⁸⁰ Though such numbers seem small, they are thought to have contributed to driving the more dynamic aspects of British international trade at the time, and therefore to economic development on a grander but less quantifiable scale, as well as to increase the accumulation of capital necessary to finance further investments.⁸¹ Another estimate suggests that “the British part of the Triangular Trade alone” represented around 5% of British GDP by the end of the eighteenth century, rising to 11% if one considers all activities in the American plantation complex and dependent industries in Britain.⁸² Comparable numbers have been reached for the Dutch Republic, where it is believed that the Atlantic slave trade represented 5.2% of GDP in 1770, and 10.36% in its wealthiest province Holland. All in all, an estimated “40

⁷⁷ Among the earliest and most stringent critics was Herbert G. Gutman, *Slavery and the Numbers Game: A Critique of Time on the Cross*, Champagne-Urbana: University of Illinois Press, 1975, with the reference to “blame the victim” on p. 176. Fogel, for his part, continued to defend his thesis and protested that he nonetheless understood slavery as a deeply immoral (even if efficient) system; see, e.g., Fogel, *Without Consent or Contract: The Rise and Fall of American Slavery*, New York: W.W. Norton, 1989, vol. 1, 388-417. On the ideological underpinnings of Fogel and Engerman, see the discussion of this “defining moment” in the historiography of cliometrics in Francesco Boldizzoni, *The Poverty of Clio: Resurrecting Economic History*, Princeton: Princeton University Press, 2011, 15-16, where it is suggested that *Time on the Cross* drew its essential insights into slave and owner motivations more from a neoclassical microeconomics textbook than from reality.

⁷⁸ Thomas Piketty, *Capital and Ideology*, trans. Arthur Goldhammer, Cambridge, MA: Harvard University Press, 2020, p. 277.

⁷⁹ David Eltis and Stanley L. Engerman, “The Importance of Slavery and the Slave Trade to Industrializing Britain,” *The Journal of Economic History*, vol. 60, no. 1, 2000, 123-144, pp. 129, 132.

⁸⁰ David Eltis and Stanley L. Engerman, “The Importance of Slavery,” table 1.

⁸¹ Patrick O’Brien and Stanley Engerman, “Exports and the Growth of the British Economy from the Glorious Revolution to the Peace of Amiens,” in Barbara Solow (ed.), *Slavery and the Rise of the Atlantic System*, Cambridge: Cambridge University Press, 1991, 117-210, p. 178 and *passim*; Joseph E. Inikori, *Africans and the Industrial Revolution in England: A Study of International Trade and Economic Development*, Cambridge: Cambridge University Press, 2002.

⁸² Rönnbäck, “On the Economic Importance of the Slave Plantation Complex,” p. 327.

per cent of all of Holland's growth in the decades around 1770" could "be traced back to slavery."⁸³ By comparison, the iconic automobile industry represented 5% of German GDP in 2019.⁸⁴ Debate nonetheless continues over slavery's role in the Industrial Revolution, around which, as Klas Rönnbäck quite correctly admits, "no consensus has so far been reached."⁸⁵ It is doubtful whether it ever will.

A similar debate exists for the nineteenth century, where the focus shifts to the contributions of slavery to industrial development in Britain and the United States. As Sven Beckert rightly observes, "it was on the back of cotton, and thus on the backs of slaves, that the U.S. economy ascended in the world."⁸⁶ By the 1840s, enslaved people in Louisiana alone harvested 25% of the world's total supply of sugarcane, making it the second wealthiest state in the nation on a per capita basis.⁸⁷ By the 1860s, the cotton enslaved people picked comprised more than 60% of all exports from the United States, accounting for 77% of the cotton imported by Great Britain, the largest manufacturer of cotton goods.⁸⁸ Edward E. Baptist goes further. Noting that the U.S. cotton crop in 1836 was valued at about \$77 million, or 5% of GDP, he adds to this the value of what he calls "second-order" and "third-order" effects, ranging from inputs to production through "the revenues yielded by investments made with the profits of merchants" and the value of land and slaves sold to "the value of foreign goods imported on credit sustained by the opposite flow of cotton" to conclude that "all told, more than \$600 million, or almost half of the economic activity of the United States in 1836, derived directly or indirectly from cotton produced by the million-odd slaves—6 percent of the total US population—who in that year toiled in labor camps on slavery's frontier."⁸⁹ Though Baptist succeeds in depicting the centrality of slavery to the American economy at the time, Alan L. Olmstead and Paul W. Rhode have correctly dismissed such

⁸³ Pepijn Brandon and Ulbe Bosma, "De betekenis van de Atlantische slavernij voor de Nederlandse economie in de tweede helft van de achttiende eeuw," *The Low Countries Journal of Social and Economic History*, vol. 16, no. 2, 2019, pp. 5-46, for a summary of which see id., "The Importance of Atlantic Slavery for the 18th Century Dutch Economy," August 20, 2019, <https://blogs.lse.ac.uk/africaatlse/2019/08/20/atlantic-slavery-history-dutch-economy/>

⁸⁴ Guy Chazan, "Car Industry Woes Weigh on Germany's Prospects," *The Financial Times*, 1 August, 2019, <https://www.ft.com/content/0e477fae-b383-11e9-8cb2-799a3a8cf37b>

⁸⁵ Klas Rönnbäck, "On the Economic Importance of the Slave Plantation Complex to the British Economy During the Eighteenth Century: A Value-Added Approach," *Journal of Global History*, vol. 12, 2018, 309-327, p. 31.

⁸⁶ Sven Beckert, *The Empire of Cotton: A Global History*, New York: Knopf, 2014, p. 119.

⁸⁷ Khalil Gibran Muhammad, "The Barbaric History of Sugar in America," *New York Times*, 14 August, 2019, <https://www.nytimes.com/interactive/2019/08/14/magazine/sugar-slave-trade-slavery.html>

⁸⁸ Sven Beckert, "Empire of Cotton," *The Atlantic*, December 12, 2014. Accessed August 22, 2020. <https://www.theatlantic.com/business/archive/2014/12/empire-of-cotton/383660/>

⁸⁹ Baptist, *The Half Has Never Been Told*, pp. 321-322.

calculation of GDP as “atrocious” from a technical perspective.⁹⁰ Analogous discussions nonetheless rage over what percentage of U.S. wealth was embodied in enslaved people at the time, from Baptist’s suggestion that they represented “one-fifth of the nation’s wealth and almost equal to the entire gross national product” in 1850 to more conservative estimates that the real number amounted to “14.1 percent of total wealth.”⁹¹ To capture the economic magnitude of slavery another way, Gerald Gunderson estimates that in 1860, in the 11 states that would form the Confederacy, 38% of the population was enslaved, and 23% of income for white citizens was generated by slavery, regardless of whether they themselves owned slaves.⁹² But what ought one make of such numbers, and what do they ultimately suggest about the relationships between slavery, capitalism, and racism?

Racial Capitalism

Historian and first prime minister of Trinidad and Tobago Eric Williams pioneered the study of slavery’s role in modern economic growth in his 1944 classic *Slavery and Capitalism*.⁹³ Williams’ argument was picked up by his countryman Oliver Cromwell Cox in 1959: “it should not be forgotten that, above all else, the slave was a worker whose labor was exploited in production for profit in a capitalist market. It is this fundamental fact which identifies the Negro problem in the United States with the problem of all workers regardless of color.”⁹⁴ As a political and intellectual position, Cox followed Friedrich Engels rather than Douglass in highlighting the cardinal importance of class, rather than degrees of intersectionality, as the principal area of struggle for

⁹⁰ Alan L. Olmstead and Paul W. Rhode, “Cotton, Slavery, and the New History of Capitalism,” *Explorations in Economic History*, vol. 67, 2018, 1-17, p. 13.

⁹¹ Baptist, *The Half has Never Been Told*, p. 352; Olmstead and Rhode, “Cotton, Slavery, and the New History of Capitalism,” p. 13.

⁹² Gerald Gunderson, “The Origin of the American Civil War,” *The Journal of American History* 34, No. 4 (December 1974): 922.

⁹³ Eric Eustace Williams, *Capitalism and Slavery*, with an introduction by Colin A. Palmer, Chapel Hill: University of North Carolina Press, 1994, on which see, among others, Barbara Lewis Solow and Stanley L. Engerman (eds.), *British Capitalism and Caribbean Slavery: The Legacy of Eric Williams*, Cambridge: Cambridge University Press, 1987 and Colin A. Palmer, *Eric Williams and the Making of the Modern Caribbean*, Chapel Hill: University of North Carolina Press, 2006.

⁹⁴ Oliver Cromwell Cox, *Caste, Class and Race: A Study of Social Dynamics*, New York: Monthly Review Press, 1959, p. xxxii, on which see Christopher A. McAuley, *The Mind of Oliver C. Cox*, Notre Dame: University of Notre Dame Press, 2004 and Cedric J. Robinson, “Oliver Cromwell Cox and the Historiography of the West,” in id., *Cedric J. Robinson on Racial Capitalism, Black Internationalism, and Cultures of Resistance*, ed. H.L.T. Quan, London: Pluto Books, 2019, pp. 75-86.

dignity and equality.⁹⁵ As *The Condition of the Working Class in England* had put it, already in 1845,

The only difference as compared with the old, outspoken slavery is this, that the worker of today seems to be free because he is not sold once for all, but piecemeal by the day, the week, the year, and because no one owner sells him to another, but he is forced to sell himself in this way instead, being the slave of no particular person, but of the whole property-holding class.⁹⁶

Inspired by this tradition, the prominent Guyanese historian Walter Rodney penned his *How Europe Underdeveloped Africa* in 1971, arguing that the exploitation of capitalist and imperialist West durably had held the African continent back on the track of development, not only by fomenting conflict to generate slaves for overseas plantations but also by forbidding colonies to industrialize and forcing them to specialize in the production of raw materials for metropolitan markets.⁹⁷ Manning Marable followed suit about a decade later with his *How Capitalism Underdeveloped Black America*, focusing on the continuing “exploitation” of “Black America” and the intertwined challenges of race and class in the United States in the wake of the abolition of both slavery and segregation; two levelings which had been “in name only.”⁹⁸ Indeed, what followed the end of slavery was a nadir of race relations in the era of lynching and Jim Crow.⁹⁹

Building explicitly on such work, the activist scholar Cedric J. Robinson argued in his 1982 *Black Marxism* that, since a “racial sensibility” had permeated Western civilization since the Middle Ages, if not earlier, it had come to profoundly inflect capitalism’s emergence from its feudal fetters. He had originally encountered the term “racial capitalism” in London among intellectuals analyzing South Africa’s contemporary apartheid regime, but recast it to embrace

⁹⁵ For recent echo of such a position, see Bruce A. Dixon, “Intersectionality is a Hole. Afro-Pessimism is a Shovel. We Need to Stop Digging,” *Black Agenda Report*, 25 January, 2018, <https://www.blackagendareport.com/intersectionality-hole-afro-pessimism-shovel-we-need-stop-digging-part-1-3>

⁹⁶ Friedrich Engels, *The Condition of the Working Class in England*, ed. David McClellan, Oxford: Oxford University Press, 2009, p. 91.

⁹⁷ Walter Rodney, *How Europe Underdeveloped Africa*, with a foreword by Angela Davis, London: Verso, 2018.

⁹⁸ Manning Marable, *How Capitalism Underdeveloped Black America: Problems in Race, Political Economy, and Society*, with a new introduction by Leith Mullings, Chicago: Haymarket Books, 2015; C. Vann Woodward, *The Strange Career of Jim Crow*, Oxford: Oxford University Press, 2002, p. 220.

⁹⁹ See, for an overview, Janice H. Hammond, A. Kamau Massey, and Mayra G. Garza, “African American Inequality in the United States,” *Harvard Business School Background Note 620-046*, revised June 2020.

global capitalism in its entirety.¹⁰⁰ Robinson identified the fusion of slavery and capitalism, in the concept of “racial capitalism,” by which he described the process through which economic value was extracted from people of different racial identities according to hierarchical relations of power. Not only was individual inequality part and parcel of capitalism, but, more importantly, so were inequalities *among* racial groups, without which he posited that capitalist capital accumulation could not exist.¹⁰¹ This tradition of interpretation is today spearheaded, in an admittedly simplified manner, by Kendi and others.

Not everyone agrees, of course, and there are ways in which the very category of race itself can be seen as a product rather than a cause of capitalist social relations. The first black people who arrived on the shores of Virginia in 1619, captured from the Ndongo district of present-day Angola by Imbangala warlords and delivered to the port of Luanda for transport across the Atlantic, were not slaves but indentured servants. Several earned their freedom and even prospered. Anthony (né Antonio) Johnson, a black man born in Africa, arrived in Virginia in 1621 as a captive, earned his freedom a decade-and-a-half later, and subsequently became a wealthy planter and slave-owner himself. “Englishmen and Africans could interact with one another on terms of relative equality for two generations” after the arrival of the first black captives in Virginia, recounted Johnson’s biographers.¹⁰² Only beginning in the 1660s and 1670s did laws governing the Virginia colony formally sanction the permanent ownership of one human being by another.¹⁰³ And novel racial ideas and ideologies scaffolded the emerging practice of chattel slavery.¹⁰⁴ As enslavers imported ever-larger numbers of African captives to toil on Southern plantations, American colonists increasingly came to see black people as inferior—legally predestined for a life of permanent enslavement. As Williams wrote in *Slavery and Capitalism*, “Slavery was not born of racism; rather,

¹⁰⁰ Robin D. Kelley, “What did Cedric Robinson Mean by Racial Capitalism?,” *Boston Review*, January 12, 2017, <http://bostonreview.net/race/robin-d-g-kelley-what-did-cedric-robinson-mean-racial-capitalism>

¹⁰¹ Cedric J. Robinson, *Black Marxism: The Making of the Black Radical Tradition*, 3rd ed., Chapel Hill: The University of North Carolina Press, 2020 [1983], pp. 2-3, 26-28, 307.

¹⁰² T.H. Breen and Stephen Innes, “Myne Owne Ground”: Race and Freedom on Virginia’s Eastern Shore, 1640-1676, New York: Oxford University Press, 2004.

¹⁰³ For the earliest articulation of this position see James Curtis Ballagh, *A History of Slavery in Virginia*, Baltimore: The Johns Hopkins Press, 1902; see also Oscar Handlin and Mary F. Handlin, “Origins of the Southern Labor System,” *William and Mary Quarterly*, vol. 3, no. 7, 1950, pp. 199-222; for a review of the so-called “Origins Debate” see Alden T. Vaughan, “The Origins Debate: Slavery and Racism in Seventeenth-Century Virginia,” *The Virginia Magazine of History and Biography*, vol. 97, no. 3 1989, pp. 311-354.

¹⁰⁴ See Winthrop Jordan, *White Over Black: American Attitudes Toward the Negro, 1550-1812*, Chapel Hill: University of North Carolina Press, 1968.

racism was the consequence of slavery.”¹⁰⁵ Nowhere was that more apparent than in Johnson’s story. The black slave-owner died a free man in 1670. But ownership of his plantation was passed to a white colonist rather than his children after a judge ruled he was not a citizen of the colony by virtue of his race.¹⁰⁶

Whatever perspective one adopts, and without suggesting any optimality in outcome, it remains that slavery *contributed* to the economic development of Europe and the United States and, indeed, to the Industrial Revolution and humanity’s escape from the Malthusian Trap.¹⁰⁷ And given their tortuous histories, it is not difficult to appreciate why the idea of racial capitalism might have taken hold in Apartheid South Africa and in the Western Hemisphere. But this seems quite different from suggesting that it had been *necessary*, or that capitalism in all places and at all times is *intrinsically* racist. As economist Eric Hilt notes, “Historians of capitalism wish to highlight the tragedy of American slavery by claiming it was essential for industrialization. I would argue that it is more tragic that slavery may not actually have been necessary.”¹⁰⁸ One might, in short, imagine a different trajectory of development which achieved modern rates of economic growth without reliance on enslaved labor, a counterfactual narrative in which free yeoman farmers had picked the cotton fuel of the Industrial Revolution—the way they of course did, and with higher growth rates, in the wake of abolition.¹⁰⁹ In imagining such a counterfactual path, the calculation of Dutch economic historian Peer Vries that between 1840 and 1896 the number of “steam slaves” (or mechanical human male laborer equivalents) per inhabitant in Britain grew from about 1:1 to nearly 12:1 might be useful.¹¹⁰ Walter Johnson’s retort to such thought experiments is that “however else industrial capitalism *might* have developed in the absence of slave-produced cotton

¹⁰⁵ Williams, *Slavery and Capitalism*, 7. See, for a similar argument about the sources of the “degradation of black life,” Berlin, *Many Thousands Gone*, p. 96.

¹⁰⁶ Gates, *The African Americans: Many Rivers Crossed*, Carlsbad: SmileyBooks, 2014, pp. 65-66.

¹⁰⁷ See, broadly, also Manning, *Slavery and African Life*, pp. 169-170.

¹⁰⁸ Eric Hilt, “Economic History, Historical Analysis, and the ‘New History of Capitalism’,” *The Journal of Economic History*, vo. 77, no. 2, 2017, 511-536, p. 530.

¹⁰⁹ Angus Maddison, *Contours of the World Economy 1-2030: Essays in Macro-Economic History*, Oxford: Oxford University Press, 2007, p. 71.

¹¹⁰ Peer Vries, *Escaping Poverty: The Origins of Modern Economic Growth*, Vienna: Vienna University Press, 2013, p. 292; violence and exploitation-centered views of capitalism tend to overlook the Schumpeterian dynamics of capitalism at work at the same time, i.e., the role of “innovations”: new techniques and technologies, new organizational forms, new markets, new products, new needs and desires. See, on the importance of value-added productivity in this lens, Erik S. Reinert, *How Rich Nations Got Rich... And Why Poor Countries Stay Poor*, London: Constable & Robinson, 2007.

and Southern capital markets, it did not develop that way.”¹¹¹ Needless to say, this, too, is an expression of *contingent* rather than *necessary* truth.

To be clear though, there can be no doubt that the racial historical hierarchies legally mandated by the Atlantic slave trade continue to haunt the twenty-first century. As Ta-Nehisi Coates observed in his 2014 article “The Case for Reparations,” “plunder in the past made plunder in the present efficient.”¹¹² In 2019, the median and mean wealth of white families in the U.S. were \$188,200 and \$929,800, respectively, compared to \$24,100 and \$142,500 for black families and \$36,100 and \$165,500 for Hispanic ones.¹¹³ Numerous other indicators tell similar stories about continuing, even worsening racial inequality in the country.¹¹⁴ In 2017, the median net worth of African Americans in Boston was \$8.¹¹⁵ I raise these deeply troubling figures to highlight both the very real long-term economic consequences of racism and the urgency of addressing the issue. But, to return to where we began, we must ask to which extent this is an American story (albeit similar stories undoubtedly can be told about Brazil and other former capitalist slave societies, or C3 societies in the above matrix), and to which extent is it categorically emergent from the axioms of commercial society? I would suggest that, from the perspective of the global history of capitalism, slavery’s capitalism and correlated visions of racial capitalism and identity capitalism are varieties, forms, and not some foundational expressions of the phenomenon.¹¹⁶

As such, from a broader historical and geographical perspective the Atlantic plantation complex was not a case of capitalism being slavery’s as much as the other way around. Capitalism *has* of course flourished in conjunction with the institution of slavery, and it is impossible to map the history of American economic development without the fateful intersection of the Venn diagram

¹¹¹ Johnson, *River of Dark Dreams*, p. 254.

¹¹² Ta-Nehisi Coates, “The Case for Reparations,” *The Atlantic*, June 2014, <https://www.theatlantic.com/magazine/archive/2014/06/the-case-for-reparations/361631/>

¹¹³ Neil Bhutta, Andrew C. Chang, Lisa J. Dettling, and Joanne W. Hsu with the assistance of Julia Hewitt, “Disparities in Wealth by Race and Ethnicity in the 2019 Survey of Consumer Finances,” *Federal Reserve*, September 28, 2020, <https://www.federalreserve.gov/econres/notes/feds-notes/disparities-in-wealth-by-race-and-ethnicity-in-the-2019-survey-of-consumer-finances-20200928.htm>; Kriston McIntosh, Emily Moss, Ryan Nunn, and Jay Shambaugh, “Examining the Black-White Wealth Gap,” *Brookings*, 27 February, 2020, <https://www.brookings.edu/blog/up-front/2020/02/27/examining-the-black-white-wealth-gap/>

¹¹⁴ Hedwig Lee, Michael Esposito, Frank Edwards, Yung Chun, and Michal Grinstein-Weiss, “The Demographics of Racial Inequality in the United States,” *Brookings*, July 27, 2020, <https://www.brookings.edu/blog/up-front/2020/07/27/the-demographics-of-racial-inequality-in-the-united-states/>

¹¹⁵ Akilah Johnson, “Boston. Racism. Image. Reality,” *The Boston Globe*, December 10, 2017, <https://apps.bostonglobe.com/spotlight/boston-racism-image-reality/series/image/>

¹¹⁶ See, more broadly on this, Peter A. Hall and David Soskice (eds.), *Varieties of Capitalism: The Institutional Foundations of Comparative Advantage*, Oxford: Oxford University Press, 2001.

above. But to suggest that the most basic institutions of capitalism (say wage-labor, book-keeping, insurance, and so on) unconditionally emerged out of slavery and racialized inequalities or concomitantly with them is to read the past through a rather partial lens, not unlike maintaining that something called “the economy” first came into being in the United States of the nineteenth century.¹¹⁷

Conceptually speaking, it is equally important to emphasize that what was new about the intersection of the Venn Diagram was not that slavery birthed a new order but that a new order—which originated elsewhere—was able to capitalize on a pre-existing and, to us, far more retrograde institution. Thorstein Veblen once saw the horrors of the Great War result from the technological appropriation of the Industrial Revolution by more traditional and war-mongering Prussian institutions, and something similar may perhaps be said of the marriage of slavery and capitalism.¹¹⁸ I would argue that Italian history, and Beccaria’s work in particular, can shed useful light on the problem we are facing.

Beccarianomics

Unlike in Great Britain, France, and even Denmark, the abolitionist movement on the Italian peninsula gained force in a context largely divorced from the reality of the Atlantic plantation complex; what Alessandro Tuccillo has called “abolitionism without colonies.”¹¹⁹ Much like the academic discipline of political economy itself, this movement was pioneered in Italy by the work of Antonio Genovesi in Naples, a writer whose influence on the Italian Enlightenment is hard to overestimate. Put bluntly, this abolitionism was the necessary corollary of the theory of intrinsic human rights—held *against* society rather than endowed by it—championed by reformers in the tradition of Genovesi and Gaetano Filangieri, not to mention by Beccaria himself. The very same distance from the experience of contemporary slavery, however, meant that the signification of slavery on the peninsula often was broader than for many ultramontane contemporaries, addressing not only the abusive systems of the Western Hemisphere

¹¹⁷ Michal Zakim and Gary J. Kornblith, “Introduction: An American Revolutionary Tradition,” in id. (eds.), *Capitalism Takes Command: The Social Transformation of Nineteenth-Century America*, Chicago: University of Chicago Press, 2012, 1-12, p. 4.

¹¹⁸ Thorstein Veblen, *Imperial Germany and the Industrial Revolution*, New York: Macmillan, 1915.

¹¹⁹ Alessandro Tuccillo, *Il commercio infame: Antischiavismo e diritti dell'uomo nel Settecento italiano*, Naples: ClioPress, 2013, p. 306 and *passim*.

but, importantly, frequently the memory and legacy of Greco-Roman antiquity. The persistence of indentured forms of labor and, particularly in the south, of “feudal” structures also fed into this vocabulary for hierarchical social relations.¹²⁰ Depending on the context, “slavery” and “servitude” could equally well be descriptively empirical terms in Enlightenment Italy, categories of legal and political philosophy inherited from Roman law and history, and, like everywhere in Europe, widely utilized metaphors for subjection in everything from caprice and unrequited love to international trade.¹²¹ At times, the word “slavery” was a mixture of some the above categories, as when the Milanese political economist Francesco Mengotti proclaimed that, in the second great period of Roman history between the First Punic War and the Battle of Actium, “a single citizen was sovereign, and all the others remained slaves.”¹²² Or, as the Neapolitan jurist Michele de Jorio lamented, mixing them differently, “in the history of commerce, among the ancients as among our contemporaries, humans too appear among the number of things that are traded.”¹²³

Variations of enslavement—often related to the idiom of “giving” and “receiving the law” from others—were a prevalent metaphor for economic subjugation and dependence in early modern Europe, even absent formal colonial relations, and such language was frequently deployed to describe even countries that primarily exported raw materials in exchange for manufactured goods. Beccaria and the Academy of Fisticuffs were no exceptions. Though they were equally critical of the literal as the metaphorical meanings of the term, it is hard to ignore that they used the former far less frequently than the latter.¹²⁴ That is, the group mostly used the word “slavery” *not* to intend contemporary practices across the Atlantic. This, in turn, ought to inflect how we read their writings on the matter. Needless to say they were not unique in this, and it is worth remembering that a British reviewer of Beccaria’s *On Crimes and Punishments* too marveled at the fact that such a book had been published in a country “enslaved by civil and ecclesiastical

¹²⁰ See, still, the classic Anna Maria Rao, *L’“amaro della feudalità”: la devoluzione di Arnone e la questione feudale a Napoli alla fine del ‘700*, Naples: Guida, 1984, 2nd ed., Naples: Luciano Editore, 1997 and more recently John Robertson, “Political Economy and the ‘Feudal System’ in Enlightenment Naples: Outline of a Problem,” in Richard Butterwick and Simon Davies (eds.), *Peripheries of Enlightenment*, Oxford: Voltaire Foundation, 2008, pp. 65-86.

¹²¹ See, for a telling example, Domenico di Gennaro Cantalupo, *Annona o sia piano economico di pubblica sussistenza*, 2nd ed., Nice: Società tipografica, 1785, p. 52: “schiavi del capriccio.”

¹²² Francesco Mengotti, *Del commercio de’ Romani dalla prima guerra punica a Costantino: Dissertazione*, Padova: nella stamperia del seminario, 1787, p. ii.

¹²³ Michele de Jorio, *La giurisprudenza del commercio*, 4 vols., Naples: Stamperia simoniana, 1799, vol. I, p. 330.

¹²⁴ I have discussed this at length in Reinert, *Translating Empire*, pp. 21-27, 141, and *passim*; Reinert, *Academy of Fisticuffs*, p. 323 and *passim*.

authority.”¹²⁵ At times, the group even used the term in purposefully paradoxical ways. The eldest member of the Academy of Fisticuffs, for example, the political economist and statesman Gianrinaldo Carli, argued in a passage on the importance of the division of labor that that “a country of only wealthy people, nobles, and landowners would become *a country of slaves*, and would fall into anarchy.”¹²⁶ A topsy turvy world if there ever was one. And the pugilists’ satellite member Henry Lloyd, a marauding Welsh Major-General, railed against “the *odious distinction of master and slave*,” but similarly warned that excessive luxuries—hardly a prospect for most people at the time—would “*enslave a rich and free nation*.”¹²⁷ In both cases, the rhetorical point was that excesses of slavery’s opposite paradoxically might lead back to it. It is therefore relevant that the group often relied on the language of slavery to simply describe demeaning conditions. The group’s undisputed leader Verri, for example, maintained that his military service as an officer during the Seven Years War had been tantamount to “*slavery*,”¹²⁸ and, following his dramatic falling out with Beccaria, was not above labeling his new nemesis a “*crestfallen and pusillanimous slave*.”¹²⁹

Beccaria’s uses of the term were no more technical or, for that matter, consistent, but, for our present purposes, they are worth exploring at greater length. Like other members of the Academy of Fisticuffs, he utilized a broad vocabulary for discussing states of subjection and dependence, both within polities and, crucially, between them. In terms of his *On Crimes and Punishments* specifically, “slavery” and “servitude” were his go-to phrases for penal bondage and forced labor, sometimes juxtaposed with “imprisonment” or “incarceration,” seemingly signifying the more modern notion of “serving time.” Beccaria is nonetheless clear in differentiating between such imprisonment and “corporal punishment,” resolutely holding the latter to be worse than the former in the hierarchies of human suffering and legal retribution alike. Nonetheless, the first time

¹²⁵ *The Monthly Review*, vol. 36, London: Griffiths, 1767, 298-299, p. 298, emphasis added.

¹²⁶ Gianrinaldo Carli, “Ragionamento sopra i Bilanci Economici,” in *Delle opere del signor commendatore don Gianrinaldo conte Carli*, 19 vols., Milan: nell’Imperial monistero di s. Ambrogio Maggiore, 1784, vol. I, 49-98, p. 98 emphasis added.

¹²⁷ Henry Lloyd, *An Essay on the Theory of Money*, London: No publisher, 1771, pp. iv-viii, emphasis added; Henry Lloyd, *An Essay on the English Constitution*, London: Printed for the author, 1770, pp. 26-27, emphasis added.

¹²⁸ Pietro Verri, “Memorie sincere del modo col quale servii nel militare e dei miei primi progressi nel servizio politico (ca. 1764-1775),” in *Edizione nazionale delle opere di Pietro Verri*, 8 vols. in 10, ed. Carlo Capra et al., Rome: Edizioni di storia e letteratura, 2003-2014, vol. V, pp. 36-37, emphasis added.

¹²⁹ Pietro Verri to Alessandro Verri, 24 August, 1793, in *Edizione nazionale delle opere di Pietro Verri*, vol. III, 453-456, p. 453, emphasis added.

he uses the related term “slavery” in his *On Crimes and Punishments* is, in a Patersonian manner, to celebrate communal coherence and the empowering participation of individuals in society:

opinion, which is perhaps the only cement holding society together, may impose a restraint on force and passions, and so that the people may say ‘we are not slaves, and we are protected’—a sentiment that inspires courage and is worth as much as a tax to a sovereign who knows his own true interest.¹³⁰

Far from the *quid pro quo* of subjugation to receive protection in the tradition of Natural Law exemplified by Thomas Hobbes, Beccaria here suggested that public opinion might serve to restrain humanity’s natural propensity to transgress and secure the welfare of a society. In short, he here equated the status of enslavement with one of arbitrary danger and absence of societal coherence. In effect, returning to the stadial theories of his age, Beccaria frequently presented slavery as a retrograde social category in his writings. In delineating the vector of historical progress he saw point toward a more clement and sophisticated society, for example, Beccaria connected how Roman legislators established that “the use of torture was to be limited to slaves, who were denied the status of persons” to the much later reforms of Frederick II, who ensured that his “subjects” were “equal and free under the laws, which is the only equality and liberty that reasonable men can demand in the present state of affairs.”¹³¹ In unfinished fragments he would similarly delineate humanity’s progress out of a dark past thrall to “the law of fear and slavery.”¹³² Slavery was here a byword for political and economic aberration in Beccaria’s vocabulary, a symbol and remnant of a brutal past that was in the process of being overcome by enlightenment or, as the case may be, sublimated. He similarly used the term “enslaved men” not to refer to literal chattel slaves working on plantations but rather people who lived “afraid” in an arbitrary society not based on laws, the opposite of “free men” not in that they were *owned* but that they did not live safely under the tutelage of laws; such “enslaved men,” Beccaria maintained, hardened by their political and social system, regressed toward the conditions of a darker past, becoming

¹³⁰ Beccaria, *Dei delitti e delle pene*, pp. 35-36.

¹³¹ Beccaria, *Dei delitti e delle pene*, p. 42. See, on this, Theodor Mommsen, *Römisches Strafrecht*, Leipzig: Duncker & Humblot, 1899, 405-18

¹³² See, for example, Cesare Beccaria, “Pensieri sopra la barbarie e coltura delle nazioni e su lo stato selvaggio dell’uomo,” in *Edizione nazionale delle opere di Cesare Beccaria*, 16 vols. In 17, ed. Luigi Firpo and Gianni Francioni, Milan: Mediobanca, 1984-2015, 284-292, pp. 289, 291.

more sensual, more debauched, and crueller than free men... [and] seek amid the din of debauchery a distraction from the ruin in which they find themselves. Accustomed to uncertainty in the outcome of everything, the outcome of their crimes becomes doubtful to them, and thereby reinforces the passions that prompted them... If it befalls a courageous and strong nation, uncertainty will be removed in the end, although only after causing many fluctuations from liberty to slavery and from slavery to liberty.¹³³

Again, “slavery” was here a social and political state more than an individual condition, and a symptom of atavistic, “ferocious” times:

The countries and ages in which punishments have been the most atrocious have always been those of the bloodiest and most inhumane actions, because the same ferocious spirit that guided the hand of the legislator also governed the hand of the parricide and the assassin. *From the throne, the same ferocious spirit dictated ironclad laws for the atrocious souls of slaves, who obeyed.*¹³⁴

So did Beccaria in effect value the rights to property higher than those to liberty, as American scholars have argued? Given the history and legacy of capitalist chattel slavery in the United States, this charge is particularly fraught. But though slavery was a polyvalent term in his work, this specific critique can only be said to rest on a profound misreading of his work. Not only was Beccaria personally ridiculed at the time of his writing for suggesting that “the right of property” was “a *terrible and perhaps unnecessary right*,” and thus not at all an inviolable human right, but as he explained in a chapter on “Violent Crimes” in *On Crimes and Punishments*,

Some crimes are assaults against the person; others are offences against property. The former should always be punished with corporeal punishments: the rich and powerful should not be able to make amends for assaults against the weak and the poor by naming a price; otherwise, wealth, which is the reward of industry under the tutelage of the laws, becomes fodder for tyranny. There is no liberty whenever the laws permit a man in some cases to cease to be a *person* and to become a *thing*: then you will see the efforts of the powerful dedicated entirely to eliciting from the mass of civil relations those in which the law is to his advantage. This discovery is the magic secret that transforms citizens into beasts of burden [animali di *servigio*—notice the terminology] and that, in the hands of the strong, is the chain that fetters the actions of the incautious and the weak.¹³⁵

¹³³ Beccaria, *Dei delitti e delle pene*, p. 97.

¹³⁴ Beccaria, *Dei delitti e delle pene*, p. 60, emphasis added.

¹³⁵ Beccaria, *Dei delitti e delle pene*, pp. 49-50 and, for the terrible right, p. 52.

As Peter Garnsey has pointed out, the central passage here echoes the binary tradition of Roman Law, according to which one is either free or a slave, and enslavement meant someone was no longer a full person but a *thing* (*res*).¹³⁶ In practice, of course, labor in the Roman World reflected the much more nuanced greyscale of subjections experienced everywhere throughout human history.¹³⁷ But these themes nonetheless come together in Beccaria's subsequent chapter on "Theft," where he argues that

Thefts committed without the use of violence should receive pecuniary punishments. Whoever seeks to enrich himself at the expense of others should be deprived of his own wealth. But since this is generally a crime born of poverty and desperation, a crime of that unhappy segment of men for whom the right of property (a terrible and perhaps unnecessary right) has left them nothing but a bare existence, and since pecuniary punishments increase the number of criminals beyond the number of crimes and take bread from the innocent when taking it from the wicked, *the most fitting punishment shall be the only sort of slavery that can be called just: the temporary enslavement of the labour and person of the criminal to society*, so that through his complete personal subordination he may make amends to the unjust despotism he has exercised against the social pact. But when the theft involves violence as well, punishment should be likewise a combination of corporal and servile punishments.¹³⁸

Humans and property were, simply put, entirely separate things to Beccaria, who lamented "the absurd equation between a great sum of money and the life of a man." In effect, the "*only sort of slavery that can be called just*," he emphasized, was "*temporary enslavement of the labour and person of the criminal to society*"—that is subjection to some sort of societal control. If anything, Beccaria only further emphasized this point as time went by. As he elaborated in later editions of *On Crimes and Punishments*:

Commerce and the ownership of goods are not the goal of the social pact, but they may be a means of achieving that end. To expose members of society to the evils to which so many circumstances give rise, would be to subordinate the ends to the means—a paralogism in all of the sciences, especially in the science of politics. I fell into this error in earlier editions, in which I said that the innocent bankrupt should be

¹³⁶ Garnsey, *Against the Death Penalty*, p. 155.

¹³⁷ Peter Garnsey, "Non-Slave Labour in the Roman World," in id., *Cities, Peasants and Food in Classical Antiquity: Essays in Social and Economic History*, Cambridge: Cambridge University Press, 1998, 134-150, p. 134.

¹³⁸ Beccaria, *Dei delitti e delle pene*, p. 52.

imprisoned as a pledge of his debts or made to work like a slave for his creditors. I am ashamed of having written in this way. I have been accused of irreligion and did not deserve it. I have been accused of sedition and I did not deserve it. I have offended against the rights of humanity, and yet no one has admonished me for it.¹³⁹

Beccaria evidently did not put the right to property higher than those to life and liberty, which was precisely why he became infamous for suggesting substituting prison and forced labor for torture and capital punishment. But he *did* use variations of the terms “slavery” and “servitude” to describe his proposal. The question is what he meant by them. One particular passage of *On Crimes and Punishments* is often highlighted to emphasize Beccaria’s foundational contributions to penal servitude and carceral capitalism, and is worth unpacking at some length:

But a man who sees a great number of years ahead of him, or even the rest of his life, to be spent in slavery and suffering in the sight of his fellow citizens with whom he lives freely and sociably, *a slave to those laws by which he was protected*, will make a useful comparison between all of this, the uncertain outcome of his crimes, and the brief time during which he would be able to enjoy the fruits. The continuous example of those whom he actually sees as victims of their own imprudence makes a much stronger impression on him than the spectacle of punishment that hardens more than it reforms him.¹⁴⁰

As Beccaria saw it, forced labor, described as slavery, was simultaneously a punishment worse than death *and* more respectful of the inherent rights of man. The reason for this seemingly paradoxical stance was that, as the social contractarian that he was, he envisioned individuals in the state of nature having sacrificed some of their natural liberties in order to empower the Leviathan state to protect their remaining ones—particularly those to physical security and liberty within the laws—but that this had not included the right to life itself. As such, only in the most extreme cases where society’s very existence was at stake, in what essentially was a state of war, could a Leviathan take the life of one of its’s constitutive citizens.¹⁴¹ So far so good, but what did he mean by “slavery” in this context, and particularly the idea that criminals became “slaves” of the laws which had used to protect them?

¹³⁹ Beccaria, *Dei delitti e delle pene*, p. f86.

¹⁴⁰ Beccaria, *Dei delitti e delle pene*, pp. 66-67.

¹⁴¹ Reinert, *Academy of Fisticuffs*, pp. 129-144.

As we have seen, Steven A. Epstein was certainly right that the “language of slavery” survived the historical institution of slavery in Italy.¹⁴² Indeed, its terminologies were inflected to diverse ends, and retained, as in the case of the Academy of Fisticuffs, both literal and metaphorical meanings. Some of the confusion regarding Beccaria’s writings on the subject derive from this lexicographical ambiguity; he simply operated with overlapping and at times indefinite definitions. First of all, though the venerable form of chattel-slavery still undergirding the Atlantic plantation complex had no equivalent on the Italian peninsula, Beccaria was well aware and deeply critical of its continuation in the modern world as well as of the continuation of related—but still dramatically different—institutions like indentured servitude in agriculture. He was adamant that human beings should not be made “things” to be privately bought, sold, and owned. Beyond this literal meaning, however, Beccaria also used slavery as a metaphor in social and political affairs, which, as we have seen, he unequivocally relied on as a shorthand for a cruel and dehumanizing past or for retrograde politics he deemed antithetical to modern freedom understood as civic liberty under the rule of law. As such, his preoccupation was less with individual slaves in an otherwise free society than of enslaved societies in their entirety. The third, most complicated kind of case is when, as in the above quotation, Beccaria used this language of slavery, understood as some degree of limitations to the freedom of law-abiding citizens, to describe legal punishments in free societies. But, as Peter Garnsey has demonstrated, he was hardly “the father” of any such thinking.¹⁴³

Indeed, a venerable tradition in Italy—traceable at least as far back as Ancient Rome—had used the language of slavery to define real political freedom outside of the state of nature. We are “slaves [*servi*] of the laws,” Cicero famously put it, “in order that we may be free.” Given our present impasse, it is telling that the 1927 edition published in the Loeb Classical Library translated the relevant passage as “all of us in short—obey the law to the end that we may be free.”¹⁴⁴ This correct translation was less loaded and thus more palatable for modern American audiences, but it remains that eighteenth-century Italians understood Cicero to have equated a free citizen with a

¹⁴² Epstein, *Speaking of Slavery*.

¹⁴³ Peter Garnsey, *Against the Death Penalty: Writings from the First Abolitionists—Giuseppe Pelli and Cesare Beccaria*, Princeton: Princeton University Press, 2020, p. 162.

¹⁴⁴ Cicero, *Pro Cluentio*, 146: “Legum ministri magistratus, legum interpretes iudices, legum denique idcirco omnes servi sumus ut liberi esse possimus,” in Cicero, *Orations: Pro Lege Manilia. Pro Caecina. Pro Cluentio. Pro Rabirio Perduellionis Reo*, trans. H. Grose Hodge, *Loeb Classical Library*, Cambridge, MA: Harvard University Press, 1927, 222-441, pp. 378-379

“*schiaivo della legge*”—literally a “slave of the law,” precisely the terminology utilized by Beccaria.¹⁴⁵ A slave of the law, or of the state or of society for Beccaria, had very little to do with the experiences and imaginary tragically woven in the early modern Atlantic, and a great deal to do with the older Roman binary differentiating between free citizens and slaves. When Beccaria wrote of incarceration and reform, he drew on the millennial language of slavery in Italy to describe curtailments of freedom as punishment for crimes he conceptualized as assaults on society, not on the horrors of contemporary Barbados or Saint-Domingue, and he certainly never intended any restrictions on rights to be hereditary as the case was with chattel slavery, or to in any way entail human commodification.¹⁴⁶

Echoes from antiquity also colored the language for framing the *consequences* of transgressing the law. Jurists in Enlightenment Italy frequently recalled that a criminal condemned to death or enslavement was classified as a “*servus poenae*” according to Roman Law, or a “slave of the punishment.”¹⁴⁷ As the Tuscan canon Filippo Attilio Mori Ubaldini explained in a 1780 discussion of a rescript of Antoninus Pius (*Digest* 34.8.3 pr.), “slave of the punishment is said of he who, so to say, has no other master but the punishment [*castigo*].”¹⁴⁸ Along a parallel track, a similar vocabulary had been deployed in religious terms in Paul’s epistles to the Romans, where one could be either a “slave to sin” or a “slave” to “obedience, which leads to righteousness.” Italian translations at the time conveyed the latter conditions as being “*schiaivo della legge del peccato*,” or “slave to the law of sin.” Salvation instead awaited slaves subject to the law of God.¹⁴⁹ These two tangents, the Ciceronian and the Christian, at times even overlapped, as suggested by the Lombard Jansenist Pietro Tamburini as well as later nineteenth-century works of political theology in Italy:

¹⁴⁵ See, for example, Carlo Melchionna, *Dissertazione istorica, politica, legale sulle novelle leggi*, Naples: Fratelli Raimondi, 1775, pp. 43-44.

¹⁴⁶ See, for a recent micro-history of one such site, Paul Cheney, *Cul-de-Sac: Patrimony, Capitalism, and Slavery in French Saint-Domingue*, Chicago: University of Chicago Press, 2017.

¹⁴⁷ On this tradition, see particularly Aglaia McClintock, *Servi della pena: Condannati a morte nella Roma imperiale*, Naples: Edizioni Scientifiche Italiane, 2010. I was led to this wonderful book by Garnsey, *Against the Death Penalty*, pp. 155, 162, 186f4. For telling examples of the survival of this language in eighteenth-century Italy, see Gaetano Filangieri, *La scienza della legislazione*, 8 vols., Naples: Raimondi, 1780-1788, vol. IV, pp. 229-230; Marco Ferro, *Dizionario del diritto comune, e veneto...* 2nd ed., 10 vols., Venice: Pietro Savioni, 1785, vol. VII, p. 265.

¹⁴⁸ Filippo Attilio Mori Ubaldini, *I fondamenti legali ovvero Le istituzioni di Giustiniano...*, 2nd ed., 2 vols., Florence: Allegrini, vo. I, p. 77.

¹⁴⁹ Romans 7:15-17, 23, for a popular eighteenth-century example of which see Cesare Taviani Franchini, *Parafrasi delle lettere di S. Paolo apostolo*, Lucca: Francesco Antonio Berchielli, 1764, pp. 37-38.

Today liberty means being slave of the law, free intellect means being slave to truth, free will means being slave to virtue, if you remove the law, force will take its place, cut the truth and error presents itself, chase away virtue and vice resurges; and thus man, while he thinks himself emancipated, is slave to sin, to the passions, for there is no middle way separating the vice from the virtue; he cannot escape from one or the other dominion.¹⁵⁰

In this metaphorical sense informed by historical experience, slavery to the laws and to the Church was tantamount not only to freedom but to salvation, a way of thinking which, ultimately, facilitated the most oppressive absolutism. Their fellow traveler Ignazio Costa della Torre (1789-1872), a Piedmontese senator fined for insisting on the constitution's subjection to the Church, could thus complain, in the wake of the 1848 revolutions, that governments nurturing notions of individual rights and social equality had become "slaves of the *Enlightenment* [*schiavi dell'illuminismo*]." ¹⁵¹ At the time, Beccaria was thought of as one of the foremost exponents of precisely such enlightenment, one who had metaphorically helped enslave society to emancipation. Yet, here we are with Beccaria the racial-carceralist gun person who wanted private property to lord over liberty. Returning to Verri's point about the importance of defining contentious terms of political philosophy, we are evidently faced with a problem of denotational drift, and it may well be that the Loeb Classical Library was on to something.

Immoral Equivalences

Beccaria made clear that condemned criminals "temporarily" become "enslaved... to society" or "slaves of the law," not of individuals or even rulers, and manifestly not commodified and alienable "things" under private personal jurisdiction. Slaves of society were *never* property understood as commodified goods within the orbit of a Polanyian market society, and Beccaria himself *never* made property rights the goal or even the glue of the social contract. Crucially, condemned people remained in possession of certain inalienable rights, including those *to* life and *against* torture (though not, for certain crimes, against corporal punishment). As such, Beccaria's convicted criminals may have been slaves in eighteenth-century parlance, but manifestly *not*

¹⁵⁰ Pietro Tamburini, *Continuazione del Prospetto di un corso di filosofia morale, e dei diritti dell'uomo, e delle società del citt. Abb. Pietro Tamburini*, Pavia: Eredi di Pietro Galeazzi, 1803, p. 46; Stefano Longo, *Il parlamento italiano e Luigi de Sanctis ed il protestantesimo presente o ateismo nascosto*, Catania: Eugenio Coco, 1864, p. 349.

¹⁵¹ Ignazio Costa della Torre, *Discorsi pronunciati nella Camera dei deputati contro la legge di soppressione di comunità religiose e stabilimenti ecclesiastici e relativi provvedimenti*, Turin: De Agostini, 1855, p. 154.

according to the previously cited definition of “slave” currently given by the *Oxford English Dictionary* as one “completely divested of freedom and personal rights.”¹⁵²

Slavery in that sense stands entirely outside the conceptual limits of justice in Beccaria’s work, working almost as an anti-concept around which his justice took shape. As a good Ciceronian, Beccaria defined freedom in the state of society as being a slave of the laws, but it seems to me like an immoral equivalence to equate this—as some scholars today insist—with Atlantic chattel slavery or, for that matter, racialized mass incarceration in the contemporary United States. Beccaria’s choice of terminology may have made sense given his historical context, but it aligns poorly with the languages and ideas of ongoing debates about New World slavery and its legacy, confusing more than it elucidates. Let us address it as a problem of language. The old Roman binary distinction between free citizens and slaves is appealing in its simplicity yet appalling in how it collapses vastly different human experiences in dangerous ways. What differentiated Beccaria in his own time was his conscious choice to steer discourses and practices in a more humane, more just, *less* punitive direction. This is not to suggest that forced labor in eighteenth-century Italy was particularly humane by *our* current standards, whether “slaves of the punishment” were “made useful to the state” by building roads or by rowing in the galleys, and there are good reasons why prisoners’ slang for the Devil’s Island penal colony in French Guyana even in the early twentieth century was “the Dry Guillotine.”¹⁵³ But in his own time, Beccaria’s proposals were understood to be far *more* humane than the Old Regime *status quo*, not only in terms of the proportionality and indeed leniency of punishments but also of human dignity and equality. The Palermitan noble and jurist Tommaso Natale, who agreed with *On Crimes and Punishments* on numerous points, criticized Beccaria,

¹⁵² <https://www-oed-com.ezp-prod1.hul.harvard.edu/view/Entry/181477#eid22495739>; see, for example, Colleen Theron, “Modern Slavery and Transparency in Supply Chains: The Role of Business,” in Gary Craig *et al.* (eds.), *The Modern Slavery Agenda: Policy, Politics and Practice in the UK*, Bristol: Policy Press, 2019, 187-218, p. 190.

¹⁵³ Reinert, *Academy of Fisticuffs*, p. 333; René Belbenoit, *Dry Guillotine: Fifteen Years Among the Living Dead*, trans. Preston Rambo, New York: E.P. Dutton, 1938.

[he] grounds the entire foundation of his system on a certain principle of excessive equality, which at first sight looks beautiful, and beneficial, when one considers things in the abstract; but which is certainly not compatible with the long praxis, and with the diligent experience of human society.¹⁵⁴

The idea that differences in status and not human equality should direct the administration of justice formed a millennial tradition in the west, a tradition against which Beccaria positioned himself. However much Beccaria sought to avoid being revolutionary, his ideas were very much understood to be just that. That he today is seen to herald the precise opposite of what he believed and was understood to mean reflects a curiously ahistorical view of the world, a deeply unproductive and regressive anachronism. To be blunt, the actual alternative to Beccaria at the time was torture and the wheel and unequal justice disproportionately directed at the poor, not utopia: not a utopian past of mercy and *noblesse oblige* nor a utopian future without police and punishment, neither precapitalist reverie nor postcapitalist possibility. As Bernard Harcourt recently reminded us, critical engagements demand reflexivity and must perforce be situational—but this should not only condition how we approach our own actions, it ought also foster a more nuanced view of past ones.¹⁵⁵

The question of penal slavery is even more puzzling, for here we remain faced with the eternal definitional problem of conceptualizing degrees of freedom. There is certainly a great deal to be said about the survival of *de facto* slavery in the United States through the 13th Amendment, which, very much in the vein of Beccaria, proclaimed “Neither slavery nor involuntary servitude, except as punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.” As scholars have highlighted in recent years, through this loophole many incarcerated American Blacks suffered *worse* conditions after abolition than they did under formal slavery.¹⁵⁶ But, again, how universal is this story, and what might this suggest to us about the relationship between language and experience? A contemporary example may help shed light on the problem. Current critics of the American carceral state often

¹⁵⁴ Tommaso Natale, *Riflessioni politiche intorno all'efficacia, e necessità delle pene*, Palermo: Gaetano M. Bentivenga, 1772, p. viiif.

¹⁵⁵ Bernard Harcourt, *Critique & Praxis*, New York: Columbia University Press, 2020, pp. 534-535.

¹⁵⁶ Garnsey, *Against the Death Penalty*, pp. 154, 161; Douglas A. Blackmoon, *Slavery by Another Name: The Re-Enslavement of Black Americans from the Civil War to World War II*, New York: Doubleday, 2008; Dennis Childs, *Slaves of the State: Black Incarceration from the Chain Gang to the Penitentiary*, Minneapolis: University of Minnesota Press, 2015.

look to Norway, my home country, for inspiration. The country has no death penalty, and, generally speaking, enjoys an incredibly lenient and humane legal system focused, as Beccaria envisioned more than two and a half centuries ago, on rehabilitation rather than retribution.¹⁵⁷ Indeed, as Victor L. Shammaas has observed, in the second half of the twentieth century “crime was viewed as a pathology whose causes were largely social in origin” in Norway, and “was to be combated indirectly by building a more just social order.” Very much mirroring the Academy of Fisticuffs’ approach to penal reform within a broader vision of political economy, in Norway “macroeconomic policies were criminal justice policies in disguise.”¹⁵⁸ It was in the name of rehabilitation inside a far from perfect but relatively just social and economic order that some of my friends from childhood spent summers on a prison island in the Oslo Fjord cultivating carrots, cutting trees, and nailing pallets together as punishment for drunk driving. For the record, they are successful and happily functioning members of society today. A recent *Forbes* article observed that there are no armed guards and that inmates are free to wander the prison island as they please. Devil’s Island it is not. “The only firm rules are that prisoners are required to work in exchange for a stipend that can be spent in the prison shop and that all inmates must check-in several times per day.”¹⁵⁹ There are of course ways in which my friends were “slaves of the punishment,” in the Roman sense, and that they suffered the “penal servitude” of “forced labor”—these days often called “modern slavery”—but no matter how many carrots they may have been forced against their will to grow under the warm Norwegian sun it seems like another immoral equivalence to argue that their condition had much in common at all with the Atlantic plantation complex.¹⁶⁰ This is not to suggest that penal servitude in Beccaria’s Italy or contemporary America is like penal servitude in Norway, nor that prisons around the world are not places of routine and dehumanizing abuse in need of desperate reform, nor indeed that Norwegian justice has produced an idyll, only that the

¹⁵⁷ Cesare Beccaria, “Cada di correzione di Milano: Revizione delle gazzette [26 July 1790],” in *Edizione Nazionale delle opere di Cesare Beccaria*, vol. XII, p. 412, discussed in Reinert, *Academy of Fisticuffs*, pp. 330-331; “How Norway Turns Criminals into Good Neighbours,” *BBC News*, 7 July, 2019, <https://www.bbc.com/news/stories-48885846>

¹⁵⁸ Victor L. Shammaas, “Prisons of Labor: Social Democracy and the Triple Transformation of the Politics of Punishment in Norway, 1900-2014,” in Peter Schaff Smith and Thomas Ugelvik (eds.), *Scandinavian Penal History, Culture and Prison Practice: Embraced by the Welfare State?*, Cham: Palgrave Macmillan, 2017, 57-89, p. 66.

¹⁵⁹ David Nickel, “Bastøy: Norway’s Island Prison Where Inmates Work, Ski and Watch TV,” *Forbes*, 1 July, 2020, <https://www.forbes.com/sites/davidnikel/2020/07/01/basty-norways-island-prison-where-inmates-work-ski-and-watch-tv/?sh=2d53fa7bbabe>

¹⁶⁰ See, for only one of many examples, Kevin Rashid Johnson, “Prison Labor is Modern Slavery,” *The Guardian*, 23 August, 2018, <https://www.theguardian.com/commentisfree/2018/aug/23/prisoner-speak-out-american-slave-labor-strike>

same words and concepts often conceal more than they reveal about the realities they describe and produce.

One more example should suffice to get the point across. The very same day I returned to Norway after my first “START program” or orientation for new faculty at Harvard Business School, June 22, 2011, the white supremacist Anders Behring Breivik violently murdered 77 people—mostly teenagers—as part of a killing spree, an act of long-premeditated and deeply ideological political violence meant to undermine the Norwegian Labor Party’s multicultural platform.¹⁶¹ A bright young girl who used to summer where I grew up was shot 11 times and will never have a normal life. As Breivik put it in a manifesto he wrote before his attack, he felt compelled to act against “the brutal living legacy of jihad slavery,” and he was obsessed with the history and possible new future of enslavement.¹⁶² He is currently serving a 21-year sentence, prolongable if he is still deemed a threat to society, in solitary confinement and under a light censorship policy meant to restrict his ability to further spread his ideas. Alone and censored, he is supposedly not able to build a white supremacist network while in prison, though nonetheless still able to freely send off his ideological diatribes by mail as a matter of free speech.¹⁶³ There is no doubt that Breivik is a “slave of the punishment” in the sense described above. At the same time, he has three rooms at his disposal, including a fully equipped gym as well as a study with a typewriter, books, and fresh newspapers; he eats well, and spends most of his time playing PlayStation, pumping iron, and harassing survivors of his rampage. He murdered scores of children, and his punishment is to live better and more safely than most entities in the history of organic compounds. Is this, as he repeatedly contends, a violation of his “human rights”? A terrible example of the sort of “penal servitude” Beccaria supposedly fathered?¹⁶⁴ Or is it, as many maintain, history’s most humane treatment of a mass-murdering terrorist? Whatever one’s answer to that particular question is, it seems clear that the word “slave” (the same word Breivik used for different purposes) here connotes a condition *very* different from most if not all past examples of

¹⁶¹ See, for an excellent study of Breivik and the massacre, Aage Storm Borchgrevink, *En norsk tragedie: Anders Behring Breivik og veiene til Utøya*, Oslo: Gyldendal, 2012.

¹⁶² Andrew Berwick [Anders Behring Breivik], *2083—A European Declaration of Independence*, manuscript posted online, 2011, p. 129.

¹⁶³ Madeleine Hatlo, “Fikk Breivik-brev: —rystende,” *Dagbladet*, 25 November, 2021, <https://www.dagbladet.no/nyheter/fikk-breivik-brev---rystende/74719653>

¹⁶⁴ “European Court of Human Rights Rejects Appeal of Anders Breivik,” *Deutsche Welle*, 21 June, 2018, <https://www.dw.com/en/european-court-of-human-rights-rejects-appeal-of-anders-breivik/a-44328533>

it, and that we perhaps—more than obsessing over words themselves—ought to pay greater attention to the actual intentions and experiences they are both meant and taken to represent.

Conclusions

As a historian, I am concerned about arguments that Beccaria originated this or that tradition which evidently predated him by centuries if not millennia, or whose creation and direct intellectual genealogy long postdates his death, certainly so when the point is to demonize him for our own sins. And our own timidity in the face of structural injustice, a timidity Beccaria himself in his flamboyant way categorically did not show. Beccaria's observation that clear and existential threats to society might have to be punished with death (a caveat he kept entirely theoretical, as an almost abstract possibility beyond imagining) was used to straightforwardly justify the Terror during the French Revolution, and a loophole in the 13th Amendment certainly allowed for the aggravation of conditions for many former slaves in America. But to lay the blame at Beccaria's feet for these later events, against his explicit intentions and in ways contrary to how his thought and activities were received in his own time, is to read history backwards. Not to read it against the grain or from below or between the lines, but to read it wrong: a profound misprision of Beccaria's legacy. It is true that he believed in prison labor and corporal punishment, but in his own age (and surely even by the vicious standards of today's mainstream defenders of structural violence) he was very far from some elite champion of vested interests and the *status quo*, or cold-hearted architect of a loophole for mass executions or slavery's continuation in carceral terms. Contrary to what now is being suggested in the secondary literature, after more than a decade of engaging in the most meticulous and scrupulous way with Beccaria's minutest writings I have yet to come across anything suggesting a racial dimension to his work or thoughts. If anything, he was a sentimental reformer incessantly advocating the rights of "humanity" within what he called "the present state of affairs." Needless to say, though, his state of affairs is not ours. Ultimately, we need to resolve our own problems and, as Quentin Skinner once put it, do some of our "thinking for ourselves."¹⁶⁵ This is not to say that intellectual history cannot help us in the endeavor, but, depending on our goals, our energies may be better spent moving forward than building historical

¹⁶⁵ Quentin Skinner, "Meaning and Understanding in the History of Ideas," *History and Theory*, vol. 8, 1969, 3-53, p. 52, on which see among others Melissa Lane, "Doing Our Own Thinking for Ourselves: On Quentin Skinner's Genealogical Turn," *The Journal of the History of Ideas*, vol. 73, no. 1, 2012, pp. 71-82.

straw men. We have enough challenges in the present, and they are made of far more robust and far more resilient materials.

At the end of the day, I will make two broader observations in response to the current moment in which Beccaria has been made a principal architect of the racialized capitalist carceral state. *One*, commercial societies are of a much more recent vintage than slavery, and have, from a bird's eye perspective, largely *not* depended on formally enslaved labor. The medieval Italian experience of capitalism predated the Atlantic slavery complex, the Industrial Revolution, and modern racialized hierarchies by centuries, and—though far from our current expectations—performed better in terms of human welfare and development (life expectancy at birth, gross domestic product per capita, literacy, human development, etc.) than any known place on earth up to that point.¹⁶⁶ And it cannot be ignored that Beccaria, at an early age, formalized a project to resolutely pull Finley's and Polanyi's spheres apart for the purpose of creating a secular commercial society grounded in intrinsic individual rights that were not granted *by* society but rather held *against* it. With the inherited rhetoric of the Roman concept of a “slave of the law,” Beccaria sought to move society to quadrant B3 in our above matrix, a market society with a very particular category of slaves; but by the less metaphorical definition of “slave” offered by the *Oxford English Dictionary* he resolutely favored A3, or a market society without *any* slaves, in which *nobody*—even someone like Breivik—was bereft of intrinsic human rights and dignity. Depending on how rigorously one takes his Pufendorffian insistence on justice as sociability, and the cardinal place he therefore places on societal concerns over economic efficiency, one might even take him to occupy A2, a non-slave society with markets.

This leads me to my *second* point, namely that the influential Roman theoretical predilection for collapsing societal encroachments on human agency into the category of “slave” may not be all that helpful in taxonomical terms these days. If one really accepts this definition, we are faced with the fact that no known society has ever entered the As in our matrix. Indeed, if one accepts the historiographical tradition according to which wage labor itself is a variation of slavery, humanity has never even left the Cs.¹⁶⁷ The Norwegian econometrician Ragnar Frisch, the world's

¹⁶⁶ Fredona and Reinert, “Italy and the Origins of Capitalism.”

¹⁶⁷ See, for a brilliant discussion of the rise of wage labor engaging with this question, Maria Luisa Pesante, *Come servi: Figure del lavoro salariato dal diritto naturale all'economia politica*, Milan: FrancoAngeli, 2013. For an English version of the first chapter, see id., “Slaves, Servants and Wage Earners: Free and Unfree Labour, from Grotius to Blackstone,” *History of European Ideas*, vol. 35, 2009, pp. 289-320.

first Nobel Laureate in Economics, once lamented that “saving for individuals and for society as a whole are two entirely different things. The two should really not be described by the same word; it is only confusing.”¹⁶⁸ Something similar may be said of the terms “slavery” and “penal servitude.” The necessity of differentiating between Roman servants, devout Christians, enslaved plantation-workers, eighteenth-century galley-slaves, salaried employees, and my drunk-driving friends seems quite pressing at our current juncture.¹⁶⁹ So in this case at least, by reading the past through the semiotics of our present crises we risk obfuscating very real differences of historical meaning and intent. And we risk misunderstanding the deep genealogies of the ideas that have shaped modernity, precisely when more accurate genealogies could better serve us in formulating critiques of the prison-industrial complex, the racism of the penal state, and even capitalism.

The Academy of Fisticuffs itself was of course aware of this linguistic challenge. Verri’s late definitions, in his “Way to End Disputes,” are indicative of this. “*Liberty*,” for example, he understood not as some Platonic absolute but as a concept with different degrees:

The security of enjoying of physical and moral faculties, and of property, as far as the laws do not prohibit it. Civil liberty consists in this, but full liberty includes the security that the law prohibits only actions which violate the liberty of others.¹⁷⁰

And just as Verri identified degrees of liberty, so he saw gradations of “Slavery,” the first stage being the “violation of property,” the second censorship and “the violation of the freedom of thought” and of the private sphere, and the third being the arbitrary “loss of the property of one’s own person.”¹⁷¹ His definition of “*Democracy*,” however, may in the end be the most telling with regard to the Academy of Fisticuffs’ pragmatic approach to the problems I have been discussing:

Democracy. Is the government of everyone, that is in which every man governs and is governed. Considered in a precise manner, *such a government has never existed*, because in every union or assembly someone always excels over others, and obtains and purloins the consent of the docile and uncertain multitude. In some way in very small states one can find that democracy which allows the vote to everyone in the halls of public resolutions; but in every

¹⁶⁸ Ragnar Frisch, *Noen trekk av konjunkturlæren*, Oslo: Aschehoug, 1947, pp. 41-42.

¹⁶⁹ See, for an excellent discussion of this challenge, Peter Garnsey, *Ideas of Slavery from Aristotle to Augustine*, Cambridge: Cambridge University Press, 1996, p. 242 and *passim*.

¹⁷⁰ Verri, “Way to End Disputes,” p. 840.

¹⁷¹ Verri, “Way to End Disputes,” p. 843-844.

other place the government will always be a permanent or temporary aristocracy, nothing remaining for the *Popolo* to do in this case but to elect the *ottimati*.¹⁷²

There was a danger, in short, in confusing theoretical ideals with practical realities. Such a frank assessment of the often-vague alignment between political philosophy and political practice may be maddening from an academic standpoint, but one cannot ignore that it certainly helped the Academy of Fisticuffs get its work done. In Rawlsian terms, Verri, Beccaria, and their fellow travelers were “realistically utopian... probing the limits of practicable political possibility.”¹⁷³ Or, to borrow the economic sociologist Richard Swedberg’s terminology, their reforms were driven by “realistic” rather than “utopian hope.”¹⁷⁴ This is, of course, not the only nor necessarily the best approach to worldly melioration, but as an approach to the history and practice of political economy it does offer a safe harbor against the cerebral maelstrom—and moral void—in which Beccaria is best worth remembering for his defense of human rights *abuses* rather than his once almost universally celebrated lifelong devotion to ending them.

More broadly I have argued that though racism, slavery, and capitalism frequently have interacted in baleful ways, they ought not necessarily be collapsed into one. Not everyone agrees, of course. Arguing the precise opposite, Destin Jenkins and Justin Leroy have recently argued, in an excellent anthology of essays on the phenomenon, that

Racial capitalism is not one of capitalism’s varieties. It does not stand alongside merchant, industrial, and financial as a permutation, phase or stage in the history of capitalism writ large. Rather, from the beginnings of the Atlantic slave trade and the colonization of the Americas onward, all capitalism, in material profitability and ideological coherence, is constitutive of racial capitalism. In other words, we reverse the basic assumption that racial subjugation is a particular manifestation of a more universal capitalist system.¹⁷⁵

¹⁷² Verri, “Way to End Disputes,” p. 842, emphasis added.

¹⁷³ John Rawls, *Lectures on the History of Political Philosophy*, ed. Samuel Freeman, Cambridge, MA: Harvard University Press, 2007, pp. 10-11; Reinert, *Academy of Fisticuffs*, p. 337.

¹⁷⁴ Richard Swedberg, “A Sociological Approach to Hope in the Economy,” in Hirokazu Miyazaki and Richard Swedberg (eds.), *The Economy of Hope*, Philadelphia: University of Pennsylvania Press, 2017, 37-50, p. 40.

¹⁷⁵ Destin Jenkins and Justin Leroy, “Introduction: The Old History of Capitalism,” in id. (eds.), *Histories of Racial Capitalism*, New York: Columbia University Press, 2021, 1-26, p. 1.

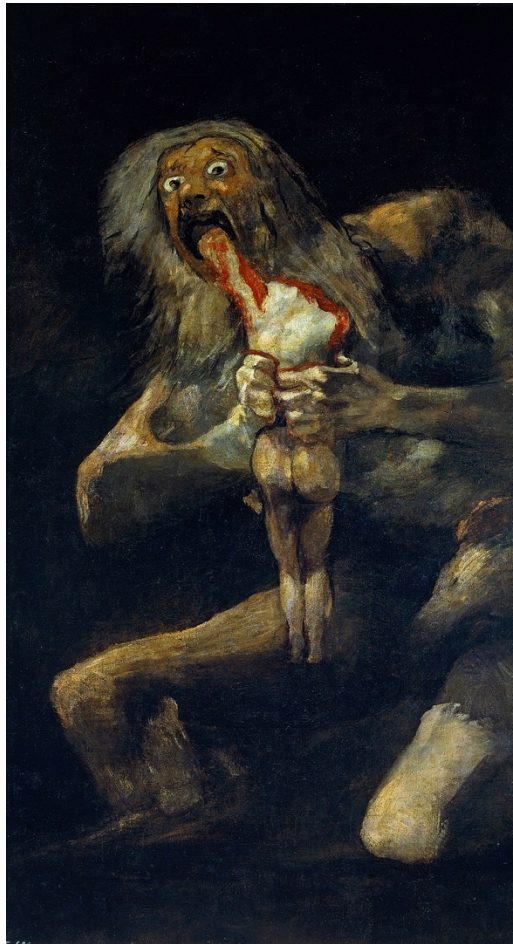
In response, I would argue that capitalism is not a single coherent ideology at all, but a variety of overlapping historical and contemporary processes, practices, and concepts that may demand a polythetic approach. As a category of critique and analysis, capitalism has been understood in radically different and often equally productive ways, cohering around class (Marx), innovation (Schumpeter), monopoly profits (Braudel), and so on. There is not one capitalism in the Platonic realm of forms. Read back into premodern history, capitalism can be a heuristic for understanding the “family resemblances” among otherwise disparate sets of practices and ideas and/or a weapon of critique and protest—indeed from its inception in the nineteenth century it has been both. “Racial capitalism” is also both, but though it is painfully pertinent for the reality and understanding of numerous centuries and geographies worldwide, and though it is an important form of critical thinking, it is not exhaustive of historical experience. As historians, we must always be asking ourselves what we lose by imposing analytical conformity on the messy multiplicity of historical experience and what we gain. Since so many others are now making compelling, urgent, and morally necessary arguments for what we gain, I here stress what we lose, historically and even ethically, by taking such a monothetic if not procrustean view of things that even Beccaria becomes an enemy of humanity. This is all the more the case given how much, and how urgently, work still needs to be done in the quest for justice. Along Beccaria’s path.

Abolition had been called “the greatest landmark of willed moral progress in human history.”¹⁷⁶ Yet, even beyond the question of crimes, punishments, and penal slavery, not to mention carceral capitalism and rampant inequality within and between countries, the struggle for abolition remains incomplete. Legal chattel slavery finally disappeared from the Americas when Brazil abolished slavery in 1888, but it long survived elsewhere. Enslaved people were used as “living traveller’s cheques” during pilgrimages to the Middle East even in the second half of the twentieth century, and chattel slavery was only globally condemned by the United Nations in 1962.¹⁷⁷ Yet *de facto* slavery itself has not yet come to an end. Depending on which method one uses to measure its extent, anything from 38 to 46 million human beings remained enslaved in one way or another in early 2021, whether through forced labor, domestic service, or permanent sexual exploitation. And where an enslaved person in 1850 might be sold for the modern equivalent of \$40,000 in the US.

¹⁷⁶ David Brion Davis, *The Problem of Slavery in the Age of Emancipation*, New York: Vintage, 2014, p. 333.

¹⁷⁷ A 1960 diplomatic report quoted in Brion Davis, *Slavery and Human Progress*, p. 317, and for the UN ban see p. 315.

South, the average cost worldwide in 2021 is \$90.¹⁷⁸ We have more than enough to grapple with, and past and current events ought to remind us of how high the stakes are for our fragile experiment in liberal humanism. To return to Goya, the example of Saturn eating his sons always looms large when we speak of movement for reform and revolution, but there are risks to indiscriminately eating our ancestors as well; eating them not, like good endocannibals, to secure our connection to them, but to denounce and disown them.¹⁷⁹ In spite of recent work to the contrary, in short, I maintain that Beccaria's legacy underwrites rather than undermines the cause of a more just society.



¹⁷⁸ "Slavery Today," *Free the Slaves*, <https://www.freetheslaves.net/our-model-for-freedom/slavery-today/>; E. Benjamin Skinner, *A Crime So Monstrous: Face-to-Face with Modern-Day Slavery*, New York: Free Press, 2009.

¹⁷⁹ Peggy Reeves Sanday, *Divine Hunger: Cannibalism as a Cultural System*, Cambridge: Cambridge University Press, 1986, pp. 7, 99 and *passim*.