

## Roundtable on the Future of Justice Policy

Examining Violence in the United States: Implications for Justice Policy and Practice

Co-hosted by Damon J. Keith Center for Civil Rights at Wayne Law and the Justice Lab at Columbia University  
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**Abstract:** American history is characterized by its exceptional levels of violence. It was founded by colonial occupation, and then sustained by an economy of enslaved people who were emancipated by a Civil War with casualties rivaling those in all of nineteenth-century Western Europe. Collective violence continued against African Americans following Reconstruction, and then high levels of lethal violence emerged in American cities in the postwar period of the 20th century. What explains America's violent exceptionalism? How has structural violence become ingrained in American culture and society? How has it been codified by law, or supported politically? Can we rectify and heal from our violent past?

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*"The Slave is not, theoretically, considered as a Person; he is only a Thing, as so much as an axe or a spade; accordingly, he is wholly subject to his master, and has no Rights—which are an attribute of Persons only, not of Things. All that he enjoys therefore is but a privilege. He may be damaged but not wronged.... The relation of master and slave begins in violence; it must be sustained by violence—the systematic violence of general laws, or the irregular violence of individual caprice. There is no other mode of conquering and subjugating a man." --Theodore Parker*

*"Our white brethren cannot understand us unless we speak to them in their own language; they recognize only the philosophy of force." --James McCune Smith*

We benchmark history with violence. Consider the pinpoints along a historical timeline. So often the watershed moments of historical record are draped in violence. Classes are taught from conquest to slavery and from slavery to the Civil War, from the Civil War to the Iraq War, or from WWI to WWII. We teach on Vietnam and the Cold War. We have classes for the time "in between the wars." We teach colonialism and post-colonial classes which often become nothing more than a study on the uses, consequences, and lessons of violence. We not only study wars between two countries, but wars declared on poverty, drugs, and crime. Even when we teach about the Civil Rights Movement, we are not necessarily teaching about nonviolence, but an orchestrated response to violence. Violence at the voting booth. Violence at the lunch counter. Violence that bombed churches with four little girls. Violence that left a bloated boy in an open casket. Violence that left a husband and father murdered in his driveway.

In America, the relationship between black people and white supremacy is the story of violence. Violence was committed against black people's ability to accumulate wealth. Violence was enacted against black neighborhoods and environments. The attempt to perfect women's reproductive health was developed

in violence. The attempt to integrate schools was met with violence.<sup>1</sup> In black America, we measure our oppression and even our progress with violence. Indeed, violence has become the fluid that propels us along from moments to movements, from funerals to fury.

In America, white supremacy and violence is its own form of patriotism. We can wax poetic about football, baseball, and apple pie, but these are superficial aspects of our nationalism. When our founding fathers fought for independence, violence was the clarion call. Phrases such as “Live free or die,” “Give me liberty or give me death,” and “He who would be free must strike the first blow,” echoed throughout the nation. Force and violence has always been a weapon to defend liberty, because—as John Adams once said in reference to the colonists’ treatment by the British—“We won’t be their Negroes.” White supremacy fears subjugation more than eradication. It hates losing more than it loves winning. How do you overturn a system that believes to the point of death, that black people are a “Thing?” Or in the words of white abolitionist Theodore Parker, a thing that “may be damaged, but not wronged.”

Ours is a bloodied history, particularly during political campaigns. Indeed, the Civil War began during an election year. By the time of Abraham Lincoln’s inauguration, seven states had seceded from the Union, and the war that would ultimately cost more than 620,000 Americans their lives would soon follow. This essay is an attempt to create meaningful discussion around how we ought to think about violence and its utility in the path to freedom and progress, both in the past and in the present. For black Americans, outside of the Haitian Revolution, the American Civil War was revolutionary. Through radical violence, black abolitionists prophesied the war, prepared for the war, and eventually fought in the war that freed millions. Though many abolitionists preached nonviolence and nonresistance for decades, force and violence became the most successful responses to combatting the institution of slavery. This paper poses ideas about how Americans today might also dismantle racism, violence, and white supremacy.

## **Black Abolitionists and Violence**

In the history of the movement to abolish slavery, scholars have given little attention to the shift toward violence among black abolitionists and the rising influence of this perspective in the abolitionist movement. But black resistance, and in particular, violent resistance, was central to emancipation. My recently published book, *Force and Freedom: Black Abolitionists and the Politics of Violence*, actively examines one of the perennial questions in political thought: is violence a valid means of producing social change? Specifically, I address how black abolitionists in the decades before the Civil War answered this question. Too often, historians have minimized or neglected altogether the role that violence played in the coming of the war. At some level, this is because Americans do not like to imagine that the war’s moral compass—abolitionists—could have embraced violence as a necessary and arguably justified means toward their goals. At another level, too, there is a propensity among Americans to privilege the performance of nonviolence and deny the possibility and utility of violence as the great accelerator in American emancipation. Reflecting this disinclination, scholars have largely examined the abolitionist movement in the U.S. as a nonviolent moral endeavor.

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<sup>1</sup> Mehrsa Baradaran, *The Color of Money: Black Banks and the Racial Wealth Gap* (Cambridge: Belknap Press, 2017); Richard Rothstein, *The Color of Law: A Forgotten History of How Our Government Segregated America* (New York: Liveright, 2018); Deirdre Cooper Owens, *Medical Bondage: Race, Gender, and the Origins of American Gynecology* (Athens: University of Georgia Press, 2017).

Throughout history there is an unfair expectation that white men can employ violence to “defend democracy,” but black Americans, people of color, and women should always be nonviolent. Many historians discuss the Underground Railroad solely in terms of heroic acts of escape; but fleeing often required fighting. Not talking about the embrace of force by black abolitionists can feel dishonest. It can make it seem like the Civil War was a spontaneous and unfortunate outcome. But human bondage is warfare. The enslaved have been at war ever since they were placed in bondage. I hope the field will explore the agonizing decisions and strategies of those charged with the grueling task of creating political and social reform without an official (or recognized) political voice. A retreat from engaging in a complex understanding of the political purposes of violence limits both how we see and make use of the past.

The question remains: How should oppressed people respond to their oppression? During the antebellum period, black abolitionists believed violence was required to overthrow slavery. Black abolitionist, physician, dentist, and lawyer, James McCune Smith remarked, “Our white brethren cannot understand us unless we speak to them in their own language; they recognize only the philosophy of force.” By their actions and their rhetoric, they accelerated sectional tensions between the North and the South. Black abolitionist leaders embraced violence as the only means of shocking Northerners out of their apathy and instigating an antislavery war. Through rousing public speeches, the burgeoning black press, and the formation of militia groups, black abolitionist leaders mobilized their communities, compelled national action, and drew international attention. African American abolitionists used violence as a political language and a means of provoking social change. Through tactical violence, I argue that black abolitionist leaders accomplished what white nonviolent abolitionists could not: they created the conditions that necessitated the Civil War.

I have always believed that how black abolitionists utilized violence deserves a more sustained and nuanced analysis. I contend Frederick Douglass was right when he argued that “The American public...discovered and accepted more truth in our four years of Civil War than they learned in forty years of peace.” The truth held in violence is an invaluable lesson, one that black people have learned many times over.

## **Racism as Violence**

Black abolitionist leaders offered more than just a strategy for eradicating slavery. In 1837, activist Joshua Easton declared that “Abolitionists may attack slaveholding, but there is a danger still that the spirit of slavery will survive, in the form of prejudice, after the system is overturned.” Easton appealed to all Americans, stating, “our warfare ought not to be against slavery alone, but against the spirit which makes color a mark of degradation.” Black abolitionists were committed to the two-fold mission of emancipation and equality. Freedom meant little if you could not obtain citizenship, the vote, or access public facilities and services.

Today, Easton’s words feel timely. Too many Americans are content to offer freedom without equality. As we face another election, tensions over access to the ballot will only increase. When traditional avenues for change such as the ballot are blocked, history shows us that violence becomes a political language, both a way of communicating grievances and as a way of casting a ballot. However, we are no longer combatting slavery, but the spirit which makes color a mark of degradation. In the nineteenth century black abolitionists understood that slavery was violence. In the twentieth century, black activists understood that Jim Crow segregation was violence. In the twenty-first century, the Black Lives Matter Movement understands that anti-blackness is violence. Easton was right. The spirit of slavery persists, in the form of

anti-blackness. And until the system of prejudice is overturned, we will all be caught in a violent political, social, and economic wheelhouse.

Not a single era of U.S. political history has gone by without violence employed to maintain the status quo. The past has shown us repeatedly that both in slavery and freedom, violence is a form of social, political, and economic control. In the 1870s, after Reconstruction, white Democrats used vigilante militia groups to suppress and terrorize black Republican voters. Historian Rayford Logan called the early 20th century “the nadir” of American race relations. For about 30 years, two black people were lynched per week as part of a wave of political and economic violence. In 1919, post-World War I tensions over labor and housing set off riots in cities across the country. In Chicago, “Red Summer” followed the death of a young black boy at a segregated swimming area on the shores of Lake Michigan. The riots killed 38 people; but the true cause of the unrest was Industrialists use of black workers to undermine efforts of white labor to unionize factories. In Elaine, Arkansas, more than 100 people were killed in one of the most violent riots in U.S. history, when black sharecroppers attempted to negotiate for better pay and working conditions. In 1921, the prosperous black community in Tulsa, Oklahoma, known as “Black Wall Street” was destroyed through violence and arson by mobs of white Americans. After World War II, black veterans returned from fighting only to be met again by violence from white people who had to compete with them for jobs and housing.

In many ways, the 1960s mirrored the unrest of the 1920s. The civil rights movement brought images of black bodies being belted with fire hoses, attacked by dogs, murdered by the Klan, and yes, carried out on stretchers to America’s television screens and harkened back to the days of the nadir. 1968 was an especially tumultuous year for political violence: between April and August of 1968, Martin Luther King Jr.’s assassination ignited riots in over 100 cities; Senator Robert Kennedy’s assassination took place moments after he won the California primary; and anti-war demonstrations at the Democratic National Convention were broadcast live as 10,000 protestors collided with over 23,000 police in Chicago. This list is far from exhaustive.

However, too often we forget that violence is a conversant language. It is not just from the powerful to the weak that violence is conferred. The oppressed can respond fluently with violence to powerful entities. History is filled with acts of violent resistance to oppression. During the American Revolution, George Washington refused to let black men enlist to fight in the colonists’ efforts. However, the British believed employing black American troops and promising freedom was a strategic tactic to end the war. In 1775, John Murray, 4<sup>th</sup> Earl of Dunmore, actively recruited escaped slaves to enlist into what was known as Dunmore’s “Ethiopian Regiment.” That same year, George Washington wrote, “if that man [Dunmore] is not crushed before spring he will become the most formidable enemy America has.” He believed that his strength would increase like a rolling snowball. For Washington, success of the war would be dependent upon who could arm black men the fastest. Historically, black men’s enlistment in military engagements were significant turning points.<sup>2</sup> Armed black men played transformative roles in shaping and accelerating individual and collective emancipation.

In 1811, Charles Deslondes led the largest slave rebellion in U.S. History. Deslondes, a former overseer and a free mulatto from Saint-Domingue, led hundreds of slaves living in the German Coast (a

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<sup>2</sup> Benjamin Quarles, *The Negro in the American Revolution* (Chapel Hill: University of North Carolina Press, 1996); William R. Ryan, *The World of Thomas Jeremiah: Charles Town on the Eve of the American Revolution* (New York: Oxford University Press, 2010), 18.

region located north of New Orleans and on the east side of the Mississippi River) to revolt in one of the largest slave rebellions in American history. Donning their planter's military uniforms, leaders of the rebellion mounted horses and marched militia-style to convey authority. It is estimated that between two hundred and five hundred slaves were involved in the German Coast rebellion.<sup>3</sup> Though unsuccessful, their actions were clear.

During the Civil War, more than 250,000 black soldiers fought courageously and president Abraham Lincoln credited their service with changing the tide of the war into a Union victory. Post Reconstruction, when rampant violence and lynchings took place, black men and women continued to fight back and defend their communities. In 1887, a white man named Manse Waldrop raped and assaulted an 11-year-old black girl named Lula Sherman. Shortly after the assault, Lula died as a result of her injuries. Her community was outraged and planned to do something about it. When the all black town discovered the white man who committed the crime, they lynched Waldrop without apology.<sup>4</sup> In 1919, during Chicago's infamous race riot, black soldiers returning from WWI did not stand by idly as white mobs terrorized their communities. Black veterans raided the city's armory and gathered as many arms possible to fight back. By their efforts, the mob was quelled.<sup>5</sup> And later in the twentieth century, the Deacons of Self Defense also protected their communities with armed resistance.<sup>6</sup> In 1965, the Deacons for Defense protected civil rights groups facing violence and intimidation from the Klan. When angry white protesters confronted black activists, the Deacons intervened and defended them when the mob refused to relent. On one occasion, Deacon Henry Austin pulled out his gun and shot a white man who was threatening black children. Immediately, the crowd dispersed. While no one died that day, including the white man who was shot, Austin proved a valuable point: protective violence worked in the face of a mob. When the Klan realized their own lives could be at risk when terrorizing black communities, racial violence came to a halt.<sup>7</sup>

## Black Americans and the Gun

I am never surprised by black Americans' relationship to the second Amendment. The history of black Americans and the gun is old and powerful. From the origins of this country, black people have taken up arms in self-defense and collective defense of their communities. Virtually every American war has had black participation. In the nineteenth century black abolitionists such as William Parker, Lewis Hayden, Robert Purvis, and even Frederick Douglass armed themselves with pistols from slave catchers or anyone who sought to harm them. In the twentieth century, journalist Ida B. Wells, activist Fannie Lou Hamer, and even Rosa Parks owned guns to protect themselves from the Klan. Martin Luther King Jr.'s home was referred to as "an arsenal" for the number of guns he kept to protect his family. Nonviolence and self-defense were not mutually exclusive.

Recalling her experience during the Civil Rights movement, former field secretary of the Student Nonviolent Coordinating Committee Cynthia Washington claimed, "I never was a true believer in

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<sup>3</sup> Junius Rodriguez, "Rebellion on the River Road: The Ideology and Influence of Louisiana's German Coast Slave Insurrection of 1811" in John McKivigan and Stanley Harrold, eds., *Antislavery Violence: Sectional, Racial, and Cultural Conflict in Antebellum America* (Knoxville: University of Tennessee Press, 1999), 65–88.

<sup>4</sup> Bruce E. Baker, *This Mob Will Surely Take My Life: Lynchings in the Carolinas, 1871-1947* (London: Continuum Press, 2008), 71-92.

<sup>5</sup> Timuel Black, *Sacred Ground: The Chicago Streets of Timuel Black* (Evanston: Northwestern University Press, 2019).

<sup>6</sup> Lance Hill, *The Deacons for Defense: Armed Resistance and the Civil Rights Movement* (Chapel Hill: University of North Carolina Press, 2004).

<sup>7</sup> Kellie Carter Jackson, "The Danger of Denying Black Americans Political Rights," *Washington Post*, March 26, 2019.

nonviolence, but was willing to go along [with it] for the sake of the strategy and goals.” She explained that the deaths of the three civil rights workers—James Chaney, Andrew Goodman, and Michael Schwerner—was a turning point for her, especially when she heard that Chaney had been brutally beaten before he was shot to death. Washington acknowledged, “The thought of being beaten to death without being able to fight back put the fear of God in me.” She also explained that she was her mother’s only child and that it would be an “unforgivable sin” for her to be endangered by white supremacists and go down without a fight. From then on, Washington carried a handgun in her handbag. And though she never fired it, she made it clear that she was willing to do so. Even in her advanced age, she expressed the willingness to protect her son, his wife, and her grandson if necessary.<sup>8</sup>

On a personal note, I can remember cleaning out my grandmother’s apartment after she died. We found a pistol in her nightstand. She was in her late seventies. Raised on a farm in Louisiana, I have no doubt she would have been unafraid to use it. Additionally, when I married my husband and we moved into our first house in North Dakota we had a gun safe; it held numerous rifles. My husband was in the military, but he’s also an avid hunter. Too often we only associate African Americans and the gun with gang violence or nefarious purposes. Few have ever considered that gun ownership for black Americans throughout the nineteenth and twentieth centuries was for two principle reasons: provision and protection. Provision meant supplying additional food sources through hunting and protection was intended primarily from the terrorism of white supremacy.

Protective violence played an integral role in winning political and social gains for the Long Freedom Struggle of the 20th century. Scholar Lance Hill contended that groups like the Deacons for Defense and others laid bare “the myth of nonviolence.” And Charles Cobb, author of *This Nonviolent Stuff’ll Get You Killed*, argued quite convincingly that gun ownerships in the black community made the Civil Rights Movement possible. By illustrating the crucial role of defensive violence, we can see several prominent cases in which the federal government was compelled to intervene against the Klan. Violence or even the visibility of violence by black people produced effective social and legislative change.

Consider this: today, the National Rifle Association leads the charge in protecting the Second Amendment, but during the 1960s when the Black Panther Party used the right to gun ownership as part of their own platform, the NRA changed its tune. Thad Morgan argued, “In contrast to the NRA’s rigid opposition to gun control in today’s America, the organization fought alongside the government for stricter gun regulations in the 1960s. This was part of an effort to keep guns out of the hands of African-Americans as racial tensions in the nation grew.” Many would argue that the NRA is specifically, if not solely, interested in protecting the rights of white people to gun ownership. When the Black Panthers carried weapons in public spaces it was entirely legal in the state of California. However, with the help of the NRA, California passed some of the most restrictive gun laws in the country. It is nearly impossible to untether gun ownership and race in America. Gun ownership was intended to protect the interests, well-being, property, and sanctity of white supremacy. For many white Americans, guns in the hands of black people was not necessarily about the ability to do harm, but about the ability to obtain power. Gun ownership was an extension of power.

Thus, returning to my original question, I myself remain at a quandary: how should oppressed people respond to their own oppression? The paradox is that while protective violence is effective it is also a racial taboo. How can we have honest conversations and plans of action going forward if we are too timid to face

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<sup>8</sup> Cynthia Washington, quoted in Charles E. Cobb Jr., *This Nonviolent Stuff’ll Get You Killed: How Guns Made the Civil Rights Movement Possible* (Durham, NC: Duke University Press, 2014), vii.

the fact that racism is violence? How do we reconcile the historical precedents that illustrate and require a forceful and even violent protective measure to suppress such oppression?

### Contemporary Problems and Uneasy Solutions

Fast forward to 2008, another election year. Americans were facing the rise of a Barack Obama Presidency. During the campaign, violent political rhetoric dominated national conversations. Vice presidential candidate Sarah Palin rallied her supporters with bumper sticker slogans such as “Don’t retreat, reload!” Even during the Obama presidency, Palin referred to the controversial statement again and continually used gun metaphors to describe the stance the Republican Party should take.<sup>9</sup> Moreover, during Obama’s presidency, gun sales were at all-time highs, as white conservatives feared the first order of business would be to take their second amendment rights away. Race, violence, gun ownership, and white supremacy have always made interesting bedfellows.

In subsequent elections, the rhetorical violence became actual violence. In the summer of 2015, a 21-year-old white supremacist named Dylan Roof entered a weeknight prayer service at the historic Emanuel African Methodist Episcopal Church, affectionately known as Mother Emanuel to the community. Roof opened fire and shot and killed nine black parishioners including the senior pastor, Clementa C. Pinckney. 26-year-old Tywanza Sanders, tried to talk Roof down and asked him why he wanted to kill them. Roof responded, “I have to do it. You rape our women and you’re taking over our country. And you have to go.”<sup>10</sup> Roof expressed no remorse and reloaded his weapon five times while shouting racial epithets.

In 2016, during Donald Trump’s campaign, his rallies often spurred violence among attendees. In early February of 2016, a protester was thrown out of a rally in Cedar Rapids, IA. Trump responded by saying, “If you see somebody with a tomato, knock the crap out of them.”<sup>11</sup> About three weeks later at a Monday night rally, the eve of the Nevada caucuses, another protester was thrown out. In response, Trump began reminiscing about the good old days from the podium. “I love the old days,” he said at a rally in Las Vegas, “You know what they used to do to guys like that when they were in a place like this? They’d be carried out in a stretcher, folks.” The crowd went wild. “I’d like to punch him in the face,” the candidate declared. Since then, of course, several supporters have taken up his desires, and videos of Trump rallies erupting in physical violence became a centerpiece of coverage of the 2016 election.

In August of 2017, the nation was gripped by images out of Charlottesville, VA, when thousands of white nationalists gathered in the streets for the “Unite the Right” rally. Twenty-year-old James Alex Fields Jr., who espoused neo-Nazi white supremacist beliefs, deliberately drove his vehicle into a crowd of peaceful protestors who were opposing the racist rally. As Fields plowed through the crowd, he killed 32-year-old Heather Heyer and wounded twenty-eight other people.

In August of 2019, two mass shootings took place within thirteen hours in Texas and Ohio, both of which were allegedly racially motivated. Twenty-one people were killed in El Paso, Texas, and nine people were killed in Dayton, Ohio. At a Walmart in El Paso, a white male shooter unloaded his weapon at shoppers that he believed were of Hispanic descent. Witnesses claimed the shooter was upset about Hispanic people, who he believed were “invading” the country. In Dayton, the motivations are less clear, but the white male

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<sup>9</sup> James Oliphant, “Sarah Palin on Debt Ceiling: ‘Reload,’ Don’t ‘Retreat’ *Los Angeles Times*, July 14, 2011.

<sup>10</sup> Jeremy Borden; Sari Horowitz; Jerry Markon, “Officials: Suspect in Church Slayings Unrepentant Amid Outcry over Racial Hatred” *The Washington Post*, June 19, 2015.

<sup>11</sup> Daniel White, *Time.com*, February 1, 2016 <https://time.com/4203094/donald-trump-hecklers/>

shooter armed himself with body armor and over 100 rounds of ammunition. These examples of racially motivated violence are far from exhaustive as well.

For black Americans, a worthy response to such violence is required, but not one that is based on vengeance, but protection and justice. Accordingly, I return to black abolitionists and their ability to achieve reform. Throughout the nineteenth century, the enslaved and free black Americans raised their fists and their finances to make themselves seen and heard. They employed both the pen and the pistol to accelerate the road to abolition. They used fear and intimidation in their speeches. They stole themselves away or aided and abetted the stealing of others. They defended themselves and each other. They utilized all necessary means and discarded what failed. They fled and fought and continued to fight. In short, black Americans have always had to force their own freedoms, and forcing freedom is what they will continue to do until white resistance to black humanity ceases. The lessons of the lingering spirit of slavery have not been learned. We have continually underestimated both black resistance to oppression and perhaps more importantly, white resistance to equality and enfranchisement.

Ideologically, it is easy to see how slavery is problematic morally, politically, socially, and economically. Contemporary audiences can readily concede that slavery was wrong. They can even concede that violence would have been necessary to overthrow the institution. But it remains difficult for white Americans to separate it from the institutional advantages of anti-blackness. Opposing the slaveholding South and white supremacy nationally, was not just difficult, it was deadly. In overthrowing the spirit of slavery, it is not violence that is required, but sacrifice. Advantage and inequality cannot share the same space. Likewise, one cannot end inequality without sacrifice. The larger lessons of abolitionism must include the commitment to emancipation and enfranchisement. Frederick Douglass contended, “Until it is safe to leave the lamb in the hold of the lion, the laborer in the power of the capitalist, the poor in the hands of the rich, it will not be safe to leave a newly emancipated people completely in the power of their former masters, especially when such masters have ceased to be such not from enlightened moral convictions but irresistible force.”<sup>12</sup> It is impossible to bring about change and transformation without the forfeiture of power. The real bondage was not the chains of the enslaved, but the political, economic, social, and psychological stronghold of white supremacy. Today many white Americans romanticize the Civil War era and even the Civil Rights movement, for its leaders’ radical ideas regarding nonviolence. However, until America reckons with the disturbing fact that freedom for black Americans has been largely achieved through violence, these invaluable lessons will remain largely untaught and wholly unlearned.

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<sup>12</sup> Manisha Sinha, *The Slave’s Cause: A History of Abolitionism* (New Haven, Yale University Press, 2017), 589–590.