



Civil Death in Early Modern England

Ross Lerner

Occidental College

ABSTRACT

The article explores the political, theological, and literary significance of civil death (*mors civilis*) in early modern England and claims the relevance of this doctrine for our thinking about incarceration today. Civil death makes explicit the state's capacity to render a criminal inanimate before the law, stripping him of not only rights and possessions but also the capacity to will. Civil death's seventeenth-century theorists claim that civil death does not only come after a crime as punishment, however; it also precedes it as cause, the criminal's will having been rendered dead by sin in order for the crime to have been committed in the first place. After exploring the genealogy of civil death, I analyze how this doctrine affected the literary representation of imprisonment and revolt in John Milton's oeuvre, especially *Samson Agonistes* (1671). Milton's play both diagrams the imprisoned Samson's experience of civil death and illustrates how it can be transformed it into an instrument of revolutionary resistance. I conclude with a brief demonstration of how the dehumanizing effects and revolutionary possibilities of civil death persist today.

KEYWORDS

civil death; *mors civilis*;
punishment; captivity; will;
Milton; *Samson Agonistes*

The criminal, John Locke wrote in an influential passage in his *Second Treatise on Civil Government* ([1689] 1980), has “renounced reason, the common rule and measure God hath given to mankind ... declared war against all mankind, and therefore may be destroyed as a *lion or tyger*, one of those wild savage beasts, with whom men can have no society nor security” (Locke 1980, II.11). Locke speaks in this instance of murder, but generalizes his proposal a few paragraphs later, when he describes every criminal as a potential murderer. In an early iteration of stand-your-ground laws, Locke argues that anyone is justified in killing a thief even if he has not harmed anyone, since the thief may very well “take away every thing else” — including, if he wishes, his victim's life (II.18). For Locke, anyone who commits an act deemed criminal abandons the law of reason and thereby becomes less than human, like a “wild savage beast” that threatens not only specific individuals but humanity in general. The criminal implicitly “declare[s] war against all mankind,” and humankind has the right to wage war back. Locke presents one of the most famous instances of early liberal political theory's dehumanization of those it considers to be criminal. Likewise, his justification of militarism as a defense against problems supposedly produced by individual pathologies rather than social structures remains all too familiar. In our age of mass incarceration and pervasive police violence, we are perhaps less than surprised that a theorist of the liberal state would represent

criminals as beasts with which all (reasonable) humans are at war. The racialized assumptions of this representation can be seen both in Locke's own support of colonialism and slavery and in the influence Locke would have on the English jurist William Blackstone, who (in an era that increasingly racialized black people) updates Locke's theory of the criminal's war against humankind in his own racialized theory of attainder: "For when it is now clear beyond all dispute, that the criminal is no longer fit to live upon the earth, but is to be exterminated as a monster and a bane to society, the law sets a note of infamy upon him, puts him out of its protection, and takes no further care of him barely to see him executed. He is then called attaint, *attinctus*, stained or blackened" (Blackstone 1769, IV.29).¹

Declaring them savage beasts, or racially marking them as "blackened" by infamy, are not the only strategies for dehumanizing criminalized persons that we find in early modern Europe. This article focuses on a lesser known but no less influential form of this phenomenon: *mors civilis* or "civil death," a legal doctrine used not to render the criminalized as animals but instead to depict them — and legally constitute them — as undead. My analysis of early modern civil death makes two conceptual interventions in our understanding of the relationship between law, literature, and society. It reveals how criminalization and dehumanization emerge not only in states of exception that suspend law but also through our past and current juridical frameworks. It also provides an unexpected genealogy for a revolutionary transvaluation of legal self-unmaking for liberatory ends.

Scholars of the early United States have recently resurrected the concept of civil death to study one specific legal mechanism for the American project, indebted to Locke's liberal thought, of casting certain groups and individuals as less-than-human. By exploring how European and American law has produced strategies for rendering criminals among the dead even while they still have life, these scholars have transformed our understanding of the emergence of the modern penitentiary and revised Michel Foucault's (1995) influential study of the birth of the prison as a site of surveillance and subject production. Caleb Smith and Colin Dayan, for example, have shown that early American theorists of punishment used the doctrine of civil death to conceptualize prisoners as slaves of the state (Smith 2011, 29–41; Dayan 2011, 39–70). Dayan describes civil death as a "ritual" that "came into prominence in the United States as slavery was abolished, [and] resurfaced as a literal and legal *via negativa*" meant to render the prisoner "outside the boundary of human empathy: no longer recognized as a social, political, or individual entity" (Dayan 2011, 55). The idea of prisoners as the living dead shaped and was shaped by sentimental and gothic literary genres, which respectively solicited and blocked the empathy that civil death, according to Dayan, was invented to make impossible (see Smith 2011, 29).

Most explicitly, the Virginia Supreme Court Justice Thomas Ruffin declared in his 1871 decision, *Ruffin v. Commonwealth*, that the ontology of the prisoner is one of civil death:

For the time being, during his term of service in the penitentiary, he is in a state of penal servitude to the State. He has, as a consequence of his crime, not only forfeited his liberty, but all his personal rights except those which the law in its humanity accords to him. He is for the time being the slave of the State. He is *civiliter mortuus*; and his estate, if he has any, is administered like that of a dead man. (*Ruffin v. Commonwealth* 1871, 795)

Ruffin's claim does not so much make an argument as it gathers justifications for the state's violent deprivations. The prisoner "forfeit[s] his liberty," as though the prisoner

is the agent of his bondage; the law, “in its humanity,” can take away the humanity of the prisoner. This translates to a kind of slavery a decade after Emancipation: bondage not to a private master but to the state itself. (Slavery as punishment remains as a possibility enshrined in the thirteenth amendment of the US Constitution, signed into existence only a few years before Ruffin’s writing in 1865 [*U.S. Constitution*, Amend. XIII, Sec. 1].) State slavery coincides with civil death; the anaphora that connects Ruffin’s last two sentences obscures whether the condition of slave is equivalent to civil death or whether slavery produces civil death, which is here defined in economic terms, with a potential estate being “administered like that of a dead man.” Ruffin juridically literalizes the fantasy of a prisoner’s ritual death-through-incarceration and resurrection-through-release that had structured many early American imaginings of the penitentiary, most notably in the writings of Benjamin Rush (Smith 2011, ch. 1–2; Rush 1806, 136–3).

The doctrine of civil death does not come out of nowhere as a way to preserve elements of slavery under a new carceral regime in the United States; it precedes the end of slavery and the rise of the penitentiary. Though Americanists and legal scholars who have recently studied civil death often refer to it as an ancient or medieval doctrine, more precision in its genealogy can help us better understand its complex history and consequences. As Brigitte Borgmann has shown, civil death emerges in the commentaries of the legal glossators of twelfth-century Italy, especially in the writings of Pillius of Medicina and Azo of Bologna, where it is first used exclusively to describe *deportatio* or banishment. Soon after, the meaning of *mors civilis* becomes a broader “genus” with two main “species”: *deportatio* and monastic life (Borgmann 1972, 88–95).² The former punishment makes one dead *in* the law, while the latter is an ostensibly voluntary withdrawal from life that allows Christians to be dead *to* the law (*nomōi apethanon* [Gal. 2:19]). But both kinds of civil death treat individuals in some sense as though they are dead — unable to hold or inherit property and barred from any rights of citizenship — even though still biologically living.

Civil death is regularly defined in tandem with “*mors naturalis*,” a natural or biological death. In the thirteenth century, Henry of Bracton references civil death in his *De Legibus et Consuetudinibus Angliae* (written and revised by Bracton and others from the 1220s through the 1250s), once where the distinction between “*mors civilis et mors naturalis*” exclusively designates the difference between life inside and outside of the monastery, and once where he refers to “*mors civilis in servo in servitute sub potestate domini*,” a villein rendered civilly dead simply by being in the service of the lord who claims total power over him (Bracton 1922, III.370, IV.311). The early modern English jurist Edward Coke cites Bracton’s definition when, in his 1628 discussion of villenage, he claims that “there is a ciuill death or a death in Law, *Mors civilis* and *mors naturalis*,” adding more generally that any civilly dead criminal is “*extra legem positus*,” placed to some measure outside of the law and thereby “disabled to bring any action” with respect to the law (Coke 1628, 132, 130).³ *Mors civilis*, as Elizabeth Fowler has demonstrated, also bears a relation to coverture, which suspends, in Blackstone’s words, “the very being or legal existence of the woman” in marriage (Fowler 1995, 760–92).⁴

Between the original medieval invention of the *genus of mors civilis*, in its double punitive and monastic senses, and the nineteenth-century resurrection of the concept to imagine prisoners as the state’s slaves, civil death plays a crucial and under-examined role in a complex economic, legal, and theological history of punishment.

The use of the concept to theorize guilt and punishment in early modern England has been largely neglected, with one significant exception. Molly Murray, in her illuminating study of habeas corpus in seventeenth-century England, uncovers an important reference to civil death in a 1628 Parliamentary proceeding, where MP William Hakewill claims that arbitrary imprisonment is “civil death” (*Proceedings in Parliament 1628* 1983, II.190).⁵ Building on this testimony, Murray asserts that early modern English legal thinkers and poets focus on civil death to consider the consequences of punishment without due process protections, which produces a condition of “resignation and retreat from active engagement in the world” (Murray 2014, 159). As important as Murray’s excavation of civil death’s relationship to the debates about the writ of habeas corpus is, a focus on prisoners’ rights can obscure the more expansive and unexpected seventeenth-century exegeses of civil death that attach it not only to the condition of not having “a clear statement of the cause” of imprisonment but to incarceration and subjection more broadly conceived (Murray 2014, 159).⁶ Such exegeses provide a more general and more uncanny theory of the awful effects and the radical possibilities that inhere in civil death.

No one has yet explored how early modern legal or theological thinkers conceived of civil death in a rigorous way — perhaps in part because the term is used so variously in the period.⁷ In this article, I propose that civil death reemerges as a much more complex and wide-ranging concept in seventeenth-century England than it had been in medieval Europe, well before it was formalized as law during the birth of the modern transatlantic prison. Civil death’s role in this moment, when liberal political philosophy becomes entrenched in (but also rhetorically disavows) colonialism and transatlantic slavery, illuminates early modern England’s social investment in strategies for the unmaking of personhood, strategies that were meant to ensure that the wretchedness of some became the condition of possibility for others to enjoy their self-possession. In the first section of this article, I take the theory of civil death articulated by a collective of Reformed theologians to be especially significant, and demonstrate how it attunes us to the theological and legal complexity of the doctrine. In the second and third sections, I read John Milton’s literary representations of punishment and incarceration — especially *Samson Agonistes* ([1671] 2006) — as both inflected by and critical of the concept of civil death. If Milton’s depiction of the Hebrew Judge Samson allows him to diagnose the embodied and psychological violence that civil death inflicts on a prisoner, it also provides an alternative for thinking about prisoners’ resistance that remains irreducible to liberal projects to codify or reform prisoners’ rights. A fuller understanding of civil death allows us to comprehend Samson’s description of himself as living “a life half dead, a living death” as more than metaphor, and calls into question the scholarly tendency to describe Samson’s final violence as a product of his physical or spiritual regeneration. Instead, I suggest a continuity — illuminated by the doctrine of civil death — between Samson’s experience of incarceration and spiritual abandonment, on the one hand, and his final violence against the Philistines and himself, on the other.

1. “Reckon yee your selves dead”

“Civil death” is often used interchangeably with Orlando Patterson’s controversial concept of “social death,” one of the most significant developments in the study of slavery.

Even scholars careful to differentiate these concepts have nonetheless emphasized the obvious resemblance between social death (designating the condition of enslavement) and civil death (designating a condition of imprisonment) (see Dayan 2011, 42–5). But a clear sense of the differences between the two is instructive. Social death is a sociological abstraction used to describe the characteristics of slavery in any time or place: powerlessness, natal alienation, and generalized dishonor (Patterson 1982, 5).⁸ By contrast, civil death is a specific historical term of art. In his 1670 law dictionary, *Nomo-lexikon*, Thomas Blount defines civil death as a particular kind of interdiction, a “legitimum exilium” or banishment for a crime that results in the civilly dead being banned from all houses and denied “Fire and Water, (the two necessary elements of life)” (Blount 1670, s. v., “Interdiction of Water and Fire”). This emphasis on civil death as an exile from the necessary “elements of life” connects it in Blount’s thinking to a “Corruption of Blood (*Corruptio Sanguinis*)”:

... an Infection growing to the State of a Man (attained of Felony or Treason,) and to his Issue: For, as he loseth all to the Prince, or other Lord of the Fee, as his case is; so his issue cannot be heirs to him, or to any other Ancestor by him. And if he were Noble, or a Gentleman before, he and his children are thereby ignobled and ungentiled. (s.v., “Corruption of Blood”)

Blount’s commentary here is narrowly legal and economic, limited to a person “attained of Felony or Treason” and “his Issue.” The temporality of the infection is unclear. It might begin with his commission of a crime, but more likely it is an effect of a legal decision. Once “attained,” a criminal loses the capacity to own anything, even himself, and that incapacity instantiates civil death. This incapacity is an effect of an infection, so the economic loss is caused by contagion, one that the criminal passes on to potential inheritors; all the descendants of a criminal are “ignobled” and “ungentiled” by civil death. Blount’s accounts of civil death and corruption of blood, of course, apply primarily to citizens who own things in the first place, and have been accorded nobility and self-possession that were, at one point, theirs to lose.

Yet what Blount conceals, though it is perhaps hidden in plain sight behind the language of infection, is how such legal and economic definitions of civil death are entangled with the theology of sin. While jurists are primarily concerned with how the civilly dead are “disabled” from accessing rights and legal processes that would have been available to them as “living” citizens, another genre of early modern writing that explored civil death, Protestant sermons, invokes the concept less for its relevance to rights and legal processes than for the ontological and psychological consequences of the doctrine for the sinners who are categorized under it. While sermons may not have direct bearing on legal reasoning, their explication of civil death can reveal the larger theological underpinnings of the legal concept in Reformed England.

I draw my example from the widely popular (and many times reissued) volume of sermons titled *Threñoikos: The House of Mourning*, first published in 1640 and put together by the Calvinist Daniel Featley along with other “Reverend Divines.”⁹ In a sermon titled “The Death of Sin; and the Life of Grace,” containing the epigraph “Likewise reckon ye also your selves to bee dead unto sinne, but alive unto God, through Iesus Christ our Lord” (Romans 6.11), we find the following account of civil death:

So one that lives naturally, may bee dead civilly; so one that is under the subjection and power of another, such a one is dead civilly. The civill Law accounts any one that is under subjection to be *Civiliter mortuus* as they speake; that is, he is in that sence not accounted among living men, hee is one dead, because hee is not animated, and acted by his owne will, but by the will of him that rules him: *so reckon yee your selves dead*, saith the Apostle. Make account that when you are in Christ, sinne is no more to be ruler, and commander, to act, and animate, and quicken you to obey its lusts, that you should be acted, and animated by it, that as soone as sinne tempts, you should obey presently: make account in this sence you are dead to sinne, that is, sinne is dead in you civilly, it hath not a ruling power; it comes not now as one that hath power to sway all before it: that is it the Apostle saith in this Chapter, *sinne shall not have dominion*; You have a new Master, a new Lord, you are no more under the rule and dominion of sinne. (Featley et al. 1640, 733–4)

The unfolding of this passage is perplexing. Coming immediately after a lengthier explication of “juridical death,” in which one becomes “a thing dead in sentence” (being sentenced to death by a judge), it begins by characterizing civil death as a specific punishment meted out by the “civill Law”: the civilly dead — implicitly a prisoner or slave — loses his will (“is not animated, and acted by his owne will”) because he is ruled by another. The passage ends by enjoining the reader to “make account” that “sinne is dead in you civilly,” articulating a fairly common Protestant division of humanity into those ruled by sin and those ruled by Christ. Thus beginning with civil death as a kind of punishment, the sermon concludes with civil death as one of two spiritual conditions of subjection, one sinful and one saintly, but both characterized by inanimation.

What is the relation between the legal and the theological definitions of civil death in this passage? They could be analogical: the legal definition might be a convenient metaphor to enjoin its audience to move from a condition of sinfulness — figured as legal subjection — to one in which Christ is “Master.” The analogy is not clearly marked, though; the citation of Romans 6:11, “*so reckon yee your selves dead*, saith the Apostle,” takes the place of any kind of explicit transition. And the larger context of the sermon suggests that the legal and the theological are not discrete categories across which one can analogize, but rather interrelated ways to think about the soul, sin, freedom, and punishment. As an analogy, it also has its limits: while the definition of legal subjection presupposes a previous time when the person captured or incarcerated was animated and could will, the theological discussion forecloses the possibility of animation and free will, since there is no time before being ruled. The question is only whether you are ruled by sin (dead in sin — unanimated and unable to will because sin directs you) or ruled by Christ (dead to sin — unanimated and unable to will because Christ directs you).

The temporality of the first part of the passage seems clear: the civil law “accounts” a person civilly dead once they are arrested (“under subjection”), not before. But the unmarked slide from the legal to the theological suggests that one must be ruled by sin (civilly dead, with sin as one’s master) to commit a crime in the first place. This shifts the emergence of civil death’s temporally backward from where it seemed to occur in the first part of the passage: civil death exists not once one has been imprisoned and thus lost one’s ability to will freely but is rather the anterior condition of sinfulness that causes the crime. In stark contrast to the Augustinian argument that sin and crime are products of an evil will, this passage posits an inability to will caused by sin, which it names civil death (“*Civiliter mortuus*”), as transgression’s cause.¹⁰ In its abrupt and unexplained shift, the

sermon thus provocatively conflates two temporalities: on the one hand, the civil death that occurs as a consequence of captivity and a loss of will, and on the other hand, the civil death that in some sense causes the crime because it renders one civilly dead in sin, overtaken by sin's own agency.

This rendering of civil death's temporality as a kind of Möbius strip, without clear beginning or end, is the most revelatory early modern theological inflection of the medieval economic and legal doctrine that I have found. While the sermon itself is not attempting an intervention into legal theory, it shows us what more explicitly legal definitions of civil death obscure: it retrospectively maps an ontology of criminality onto a description of civil death as a punishment. Civil death strips the criminal not only of his rights and possessions once he is "under the subjection and power of another" (the jailer, the state), but also marks his supposed incapacity to will, to act of his own embodied accord, as something that comes before the crime (because he is already under the "ruling power" of sin), which in turn triggers a justification for the civil death caused by imprisonment. One civil death (being ruled by sin) is doubled by another (state capture). The post facto naming of civil death doubles as a retroactive projection of the cause of criminality, positing an undead, inanimate doer driven by sin behind the deed that then calls forth the legal ascription of the criminal as civilly dead.

Civil death's spiraling of causality and temporality resembles what Jeff Dolven has referred to in Dante's *Inferno* and the fifth book of Edmund Spenser's *Faerie Queene* as "poetic justice," a form of penalty in which a supposed criminal is "punished in a manner that symbolically invokes the nature of his crime" (Dolven 2007, 213). In an exemplary Spenserian case, a knight who decapitates a lady has to wear her head around his neck. Dolven demonstrates how for both poets, poetic justice ensures the legibility of criminality on the body ("the criminal is made to mean his crime"), providing evidence of a world in which punishment's effects are epistemologically secure: "By what ought perhaps to be a troubling short-circuit, it is as though the *punishment* itself could now be entered into the *evidence* for the judgment, looping back to the beginning of the process to assure us, and assure any spectators, that we have the right man" (213).¹¹ The *Thrēnoikos* meditation on civil death also functions by such a "short-circuit," projecting causality backward to find the type of the criminal already unanimated by sin's rule, but its effects are more baroque. Poetic justice declares: the criminal's perfectly apt punishment reveals that he really was guilty. (The knight clearly cut off that woman's head because he now wears her head around his neck.) Civil death declares: we have made the criminal civilly dead, unable to will anything, through incarceration — but that destruction of the will actually already happened in the past due to the bondage of sin. Physical incarceration is only an externalization of what was already an internal condition. The criminal is not so much stripped of his will as he is exposed as never having will in the first place.

Where Dolven's theory of poetic justice explains a penal commitment to punishment's legibility as evidence of a crime committed, the *Thrēnoikos* conception of civil death produces something like a necro-ontology: the criminal whose will is made civilly dead by incarceration is classified as already civilly dead in the past. The state of incarceration as civil death merely matches his inner state; it does not try to make a specific crime legible on a criminal's body but rather projects backward a determination about criminal type (though typology may, of course, be associated with physical appearances — the

racialization of civil death is already incubating here). Civil death shrouds itself within the myth that it simply names or matches a prior condition.

Thrēnoikos's equivocation over the temporality of civil death is further complicated by the solution it proposes to being dead in and ruled by sin: making sin itself civilly dead — not so that the sinner can become a free, autonomous subject (and have “*property* in his own *person*,” as Locke would say),¹² but so that he can find a “new Master,” “dead to sin” and therefore ruled by God. One kind of civil death is traded for another, thus suggesting that the question of free will and possession, posed in the first part of the sermon's discussion of civil death as a punishment, was misguided to begin with, though ostensibly needed to posit civil death first as a legal punishment rather than a spiritual condition, and then to render that spiritual condition as the necessary cause of the punishment. By the end, though, it becomes clear that the only way not to be ruled by sin (and warrant being rendered civilly dead by law) is to become unanimated differently by being in Christ, the “new Master” whose subjection will make you “dead to sinne.” Only then is sin “dead in you civilly.”

2. “To live a life half dead, a living death”

The *Thrēnoikos* definition of the soul's civil death, which divides people into those who are dead in sin versus those who, through Christ, are dead to sin, might seem so expansive that it could barely be said to relate to the sermon's earlier discussion of legal criminality. And yet the surprising parataxis of this passage in the sermon, whereby the two definitions of civil death are placed next to each other without any clear transition or subordination — the “so” in “*so reckon yee your selves dead*” only makes the lack of straightforward analogical relationship more jarring — also clearly resonates with the long legal history of producing pathological criminal types.¹³ It also uncannily maps onto the many meditations on imprisonment and sin that stretch across the career of John Milton, a figure whose work scholars have only recently begun to connect to modern understandings of criminality.¹⁴ I turn now to Milton to show how he was acutely attentive both to the suffering created by the experience of civil death and to the capacity of civil death to become an instrument for a political revolt. *Samson Agonistes*, in particular, looks starkly different in the context of civil death, revealing a politicization of the suggestion in *Thrēnoikos* that it is not regeneration but yet another kind of civil death (being ruled by God) that may be the solution to the carceral inhabitation of sinful civil death.

Civil death as such is never named in Milton's work, but the most obvious analogue is “living death,” which is likewise an experience of being rendered phenomenally or legally undead while still being biologically alive. The phrase haunts several significant moments in Milton's works: Samson's description of his penal experience and his blindness in Milton's final play; Adam's desperate wondering at what happens after the Fall in *Paradise Lost* ([1667/1674]); and Milton's taxonomy of types of death in the posthumously discovered theological treatise, *De Doctrina Christiana* (1825). Emily Wilson has suggested that the echoes of “living death” across Milton's oeuvre register a concern with the condition of “overliving” — where tragedy lies not in dying too soon but in living too long — that he inherited from ancient tragic figures such as Sophocles' Oedipus (Wilson 2004, 145–206). Milton transforms this ancient inheritance through a refraction of the

doctrine of civil death. Murray has recently suggested in passing that civil death might be a useful metaphor to explain Samson's sense of himself as a "moving grave," and the more specific, twofold understanding of civil death that I have enumerated — encompassing both death in sin and death to sin — enables a more extended analysis of civil death's significance for *Samson Agonistes* (Murray 2014, 159).

"Living death" makes its first literary appearance in Milton after the fall in *Paradise Lost*, when Adam considers different possibilities for what "death" is, and why he is still alive even after eating from the fatal tree of knowledge. "Living death" is not the same as "overliv[ing]," which Adam describes as the condition of being "lengthened out" (Milton [1667/1674] 2006, 10.773–4) after the moment God had decreed that he would, if fallen, die. "Living death" emerges as a possibility in Adam's mind after he voices his desire to die:

Yet one doubt

Pursues me still, lest all I cannot die,
Lest that pure breath of life, the spirit of man
Which God inspired, cannot together perish
With this corporeal clod; then in the grave,
Or in some other dismal place, who knows
But I shall die a living death? (10.782–8)

Adam flees from this claustrophobic condition of living death quickly, but his phrase registers the possibility of a specific kind of punishment. Adam's body, "this corporeal clod," might die, but his spirit, inspired by God, live on, disembodied in the grave.

If Adam had in hand a copy of Milton's *De Doctrina Christiana*, he might have gotten some clarity on what death in general — and "living death" in particular — actually is. There, Milton describes four different types of death: bodily death, eternal damnation, the death caused by guilt, and spiritual death. Guilt and spiritual death are the two shades of "living death." Guilt ("Reatus") is an "an incipient death or a kind of opening flourish of death" ("inchoata mors seu mortis quoddam exordium") that exists within us from the instant of the Fall (Milton 2012, 430–1). "Mors spiritualis" is "the privation of divine grace and ingrafted righteousness, by which man in the beginning lived for God" ("privatio nimirum gratiae divinae et iustitiae insitae qua homo in principio vivebat Deo"), which also took effect at the Fall and requires rebirth, what Milton later in the treatise, bending Romans 11:17 to a commentary on ontology rather than *ecclesia*, will call "regeneration and ingrafting into Christ" ("regeneratio et insitio in Christum") (432–3, 558–9). Both of these deaths are, as Tzachi Zamir calls them, "constitutional": they describe a deathliness that exists in — or actually constitutes — life after the Fall (Zamir 2017, 68–9). In that sense, they are similar to the description of civil death found in *Thrēnoikos*, which suggests the state of a person — of all people who are not civilly dead in Christ — as cause of his crime. The consequences of these constitutional forms of living death in *De Doctrina Christiana* also demonstrate its proximity to civil death; Milton claims that guilt makes us "bound fast to punishment and judgment . . . as if by a kind of knot" ("quo quasi nexu quodam ad iudicium et poenam obstringimur"); spiritual death, in turn, produces an "annihilation of righteousness and of freedom to act well, and . . . slavery under sin and the devil, which is as it were the death of the will" ("extinctione iustitiae ac libertatis ad bene agendum, et

servitute sub peccato et diabolo, quae voluntatis quasi mors est”) (Milton 2012, 430–1, 432–3). Both civil death and living death create a condition in which the will is dead and one becomes bound to the will of another (here, sin and the devil).

Yet Milton’s Latin introduces a subtle qualification here that also illustrates a significant distinction between the *Thrēnoikos* meditation on civil death and Milton’s living death. In particular, Milton says that spiritual death makes the will “quasi mors,” as if dead. This points to something characteristically Miltonic — the desire to hold on to the freedom of the will even when outlining how will and reason have been placed into bondage by guilt and spiritual death.¹⁵ And indeed, Milton’s doctrine of regeneration promises the possibility that one can experience rebirth from these conditions of living death. If the description of civil death in *Thrēnoikos* suggests that the only way to save oneself from the civil death created by will-canceling sin is to be made civilly dead in Christ, then Milton’s definition of regeneration tries to strike a balance between the will’s recuperation and the self’s merging with Christ. Spiritual regeneration “ingraft[s] [a person] into Christ” (“insitio in Christum”) without a total loss of will:

Supernaturalis renovationis ratio, non solum naturales hominis facultates recte nimirum intelligendi libereque volendi plenius adhuc restituit, sed etiam internum praesertim hominem quasi novum creat, novasque etiam facultates supernaturales renovatorum mentibus divinitus infundit.

The manner of supernatural renewal not only restores man’s natural faculties — obviously, those of understanding rightly and willing freely — more fully than before, but also, outstandingly, creates the inward man anew as it were, and further yet it infuses the minds of the renewed by divine means with new supernatural faculties. (Milton 2012, 558–9)

Libere volendi, willing freely: this is what regeneration returns to a person, thereby saving them from living death (supernatural faculties are a nice bonus, too). This regeneration from living death maps neatly onto the ending of *Paradise Lost*, where Adam and Eve, after experiencing living death, are reborn and regenerated through the “paradise within” them, which constitutes their ingrafting into Christ and the return of their capacity to reason and will freely (Milton [1667/1674] 2006, 12.575–87). The unfolding of *Samson Agonistes*, however, offers a darker depiction of the possible solution to living death. This play appears to conform more closely to the model of civil death seen in *Thrēnoikos*, by which only another kind of civil death — another death of the will — provides the way out of the living death of sin and incarceration.

3. “Myself, my sepulchre, a moving grave”

Published a few years before his death, *Samson Agonistes* is Milton’s retelling of the story of the Hebrew judge Samson, focused on the final day of Samson’s life. After his wife, Dalilah, shears his hair, the Philistines blind and imprison Samson and force him to work as their penal slave, grinding at a mill. The punishment of labor functions as a kind of poetic justice from the perspective of the Philistines: as Richard Halpern has compellingly argued, his strength had threatened their continued political domination of the Jews, but now his strength literally sustains their state (Halpern 2017, 159–80). On the day we see Samson in Milton’s story, though, his labors at the mill are suspended. It is a festival day

for the Philistines, and Samson sits in prison reflecting on his past and his current condition.

The first full monologue concerning his incarceration and bondage makes clear that Samson's understanding of his situation is more complicated than the Philistines' straightforward judgment of poetic justice, which would try to make the crime legible in the punishment. Civil death fundamentally changes Samson's relationship to life itself. Even the action of breathing has altered for him: "Where I a prisoner chained, scarce freely draw/The air imprisoned also, close and damp,/Unwholesome draught" (Milton [1671] 2006, lines 7–9). This is a kind of civil death whose necro-ontology Samson can feel:

Since light so necessary is to life,
 And almost life itself, if it be true
 That light is in the soul,
 She all in every part; why was the sight
 To such a tender ball as the eye confined?
 So obvious and so easy to be quenched,
 And not as feeling through all parts diffused,
 That she might look at will through every pore?
 Then had I not been thus exiled from light;
 As in the land of darkness yet in light,
 To live a life half dead, a living death,
 And buried; but O yet more miserable!
 Myself, my sepulchre, a moving grave,
 Buried, yet not exempt
 By privilege of death and burial
 From worst of other evils, pains and wrongs,
 But made hereby obnoxious more
 To all the miseries of life,
 Life in captivity
 Among inhuman foes. (lines 90-109)

"To live a life half dead, a living death,/And buried": Samson's conceptualization of his life in captivity as a half-death or living death draws attention to his sinful fallenness but also his incarceration and blindness, his struggle to reason well and the negation of his freedom to will because of both internal and external bondage. This version of living death shares the temporal duality of the definition in *Thrēnoikos*: captivity itself leaves him half (civilly) dead, but it is an earlier infection — the blindness came as consequence for his sinful breaking of God's command — that was the cause of living death. Samson's speech is murky about when this civil death began. Though Samson claims that he must now "live a life half dead, a living death," what follows — the enjambed "And buried" — differentiates the state of living death from his actual captivity, even if he insists that captivity is itself an infliction of civil death that causes his current crisis, or perhaps confirms the civil death his sin already created. In other words, the fact that Samson in his blindness had died to the light ("Since light so necessary is to life,/And almost life itself") implies that he was in some sense already dead ("Myself, my sepulcher, a moving grave")

even before he was incarcerated — indeed, had to be dead in some sense already to have broken God’s vow. Though Samson will recast the cause of his captivity countless times, more is at stake than Samson not knowing why exactly he has lost his God-given supernatural strength and been incarcerated. His identification of his own living death functions also as an internalization of something like the doctrine of civil death, which conceptualizes his captivity as the source of an inanimation that is then imputed backwards as the original cause of transgression. In this way, *Samson Agonistes* is an extremely productive, if also vexed, example of Milton’s literary attempt to grapple with the paradoxes of civil death: in captivity, Samson loses his right to possess anything at all, including his own capacity for life, but he also locates an inanimacy prior to his punishment as cause of his sinful crime.

Samson’s fantasy of sight “through all parts diffused,” his desire to be able to “look at will through every pore,” suggests the possibility of his overcoming civil death through illumination, a return from undead “exile” to an expanded conception of luminous life in God. For a moment, Samson contrasts his own current civil death with the future hope that, through his own strength or God’s dispensation, he might return to light and life, leave behind his captivity and living death, and become yet once more a supernatural hero. Samson’s imagined trajectory aligns with Milton’s meditations on the movement from guilt and spiritual death to regeneration in *De Doctrina Christiana* (though the judge imagines himself living again by reconciliation with the Jewish God rather than by being ingrafted in Christ). And it has likewise informed debates about whether Samson experiences “regeneration” over the course of the play and becomes once again alive in God.¹⁶

The play moves in a very different direction, however. Samson’s meditations late in the play suggest that he in fact yields to his own incapacity to own anything at all, even his own life, as a condition of his revolt. Through at least one significant interpretation of his uprising against the Philistines in the Temple of Dagon, Samson’s ending looks less like regeneration and more like a self-emptying subjection to divine violence. As the play progresses to its climactic scene of suicidal rebellion, Samson recognizes his incapacity to escape his civil death. His relationship with God remains obscure, and he surrenders to some ambiguous “rousing motions” that dispose him to something he cannot name or know:

Be of good courage, I begin to feel
 Some rousing motions in me which dispose
 To something extraordinary my thoughts.
 I with this messenger will go along,
 Nothing to do, be sure, that may dishonour
 Our Law, or stain my vow of Nazarite.
 If there be aught of presage in the mind,
 This day will be remarkable in my life
 By some great act, or of my days the last. (lines 1381–9)

Samson’s claim here is complex. He is barred by Nazarite law from performing in the Temple of Dagon, but he says he will “go along” and not “stain my vow of Nazarite.” He can say so because he has experienced “some rousing motions” within him that “dispose/To something extraordinary” his thoughts, which seem to place him, to borrow from Coke’s description of civil death, “extra legem,” outside of Nazarite law.

These rousing motions have been the subject of much debate. Stanley Fish famously claims this as the moment Samson “ceases to *be* a self,” insofar as his will is seemingly emptied by forces he cannot control (Fish 2001, 470). This remains, like so much else in the play, unconfirmable. Milton gives us no basis to determine whether these “rousing motions” constitute an “extraordinary” intervention from God or merely a personal transformation, and the play, perplexingly, invites us as readers to inhabit our own inability to know whether Samson acts willfully to destroy the Temple of Dagon or does it as an instrument of God. If we choose to interpret Samson as an instrument of God, ambiguity remains in the word “dispose,” which could signify God creating a disposition within Samson that allows him to regenerate and will freely, but could equally suggest that Samson’s will is being disposed *of*, that Samson’s will is being rendered civilly dead so that he can become an instrument of God’s violence.¹⁷ “Nothing to do,” with “nothing” as the grammatical subject, could mean there is no willful agent to do the doing, only God acting through Samson, who moves from one kind of civil deadness (dead in sin and incarcerated) to the civil death that comes with being ruled by — transformed into an instrument of — God.

The play’s final movements deepen the sense that Samson may be something other than a willful agent, even if — or perhaps because — he feels himself “dispose[d]/To something extraordinary.” At the Temple, after Samson “patient but undaunted where they led him,/Came to the place” (lines 1623–4) he has to perform for the Philistines, he requests his guide “to let him lean a while/With both his arms on those two massy pillars/That to the arched roof gave main support” (lines 1632–4). This request mirrors the first lines of the play: “A little onward lend thy guiding hand/To these dark steps, a little further on” (lines 1–2). In both Samson’s first and last scenes, he seeks to modify his relation to the unknown and his dependence on another through self-assertion, directing himself on a way he cannot see. But any sense of self-possession in this later moment, which already disposes of the hope for rest and relief in the poem’s first lines, is complicated by the possibility of Samson’s will having been “disposed” by God (with both senses — of having a disposition created within him, and of being disposed of — possibly active). Again, the poem does not make clear whether Samson’s actions from this point forward are done according to his own will or God’s, but one possible interpretation that tracks with the strongest sense of Samson’s “disposal” by God would have to emphasize the transvaluation of Samson’s living death: the transition from a life half dead in prison to becoming, as it were, civilly dead in God. At least according to this plausible but, crucially, unconfirmable reading of Samson as divine instrument, his revolt may be rooted not in personal strength and vitality but rather in inanimacy — in (to borrow a term from the Chorus) his “inactive” subjection to God. The Chorus, at least, will tend toward this interpretation in their elaborate comparison of Samson’s death to a phoenix’s resurrection: Samson’s virtue was in some sense dead — “under ashes” — before he was “roused” to his final act, and he was, in the end, “vigorous most/When most inactive deemed” (lines 1690–1, 1704–5). Samson “reviv[al]” or “reflourish[ing]” is, according to the Chorus, his “unactiv[ity],” his civil and then mortal death (line 1704).

Unlike in the biblical Book of Judges, we never witness Samson destroy the Philistine temple. Along with Manoa and the Chorus, we only learn what the “hideous noise” and “universal groan” of the Temple’s ruin is after the fact, through an unnamed messenger

(lines 1509, 1511), whose need to “recover breath,/And sense distract, to know well what I utter” calls attention to him as a narrator deeply affected by the “horrid spectacle” he has just seen (lines 1555–6, 1542). This eyewitness, who seems to have been drawn apart from his senses (“distract” deriving from *dis-trahere*), eventually describes Samson’s final moments in striking terms:

He unsuspecting led him; which when Samson
 Felt in his arms, with head a while inclined,
 And eyes fast fixed he stood, as one who prayed,
 Or some great matter in his mind revolved.
 At last with head erect thus cried aloud,
 Hitherto, lords, what your commands imposed
 I have performed, as reason was, obeying,
 Not without wonder or delight beheld.
 Now of my own accord such other trial
 I mean to show you of my strength, yet greater;
 As with amaze shall strike all who behold,
 This uttered, straining all his nerves he bowed,
 As with the force of winds and waters pent,
 When mountains tremble, those two massy pillars
 With horrible convulsion to and fro
 He tugged, he shook, till down they came and drew
 The whole roof after them, with burst of thunder
 Upon the heads of all who sat beneath,
 Lords, ladies, captains, counsellors, or priests,
 Their choice nobility and flower, not only
 Of this but each Philistian city round
 Met from all parts to solemnize this feast.
 Samson with these immixed, inevitably
 Pulled down the same destruction on himself;
 The vulgar only scaped who stood without. (lines 1635–59)

The “great matter” of this scene “revolves” between multiple senses: it is the moment when Samson may see himself most as an instrument of God, yet he also claims that it is his own power (“my strength”) that will determine this “other trial” of destruction. The messenger makes Samson’s posture before he pulls down the pillars much more ambiguous than in the Book of Judges, where he explicitly and unequivocally prays to God: “with head a while inclined,/And eyes fast fixed he stood, as one who prayed,/Or some great matter in his mind revolved” (lines 1636–8). Samson appears only “as” or *like* someone praying, and the “or” offers another possibility entirely. The messenger’s description of the violence itself is similarly divided between representing the act as God’s apocalyptic violence (“As with the force of winds and water pent,/When mountains tremble”) and as Samson’s gestural achievement: “He tugged, he shook” (line 1650).

Not surprisingly, interpretations of this passage tend to emphasize either an Augustinian Samson (a “vessel [*vas*]” who is “emptied [*exinaniri*]” and “filled [*impleri*]” by God) or a Samson driven by his own willful desire for vengeance (*Patrologiae* 1844–55, vol. 39, col.

1639). Other readings insist on the impossibility of determining whether we can tell the difference. But what I want to underscore is how Samson's violent uprising comes to make civil death more than civil: here Samson literally becomes a moving grave, as his destruction of the Philistine elite and the structure of the temple mixes his body in with a heap of bloodied flesh and stone. "Samson with these immixed" (line 1657) suggests not only that Samson's body is entangled with other bodies, but also that these bodies are mixed with stony pillars and roof: "till down they came and drew/The whole roof after them" (lines 1650–1). This is very different from Milton's image in *De Doctrina Christiana* of regeneration as the ingrafting of the self in Christ and the return of free will and right reason — and not only because Christ is not available in Samson's Hebraic world.

Richard Halpern has recently argued that the messenger's description of Samson having "some great matter in his mind revolved" before he pulls down the temple mirrors his revolving milling activity rather than overcoming it (Halpern 2017, 167). I would add to that claim for continuity between incarceration and revolt, though with different intent than Halpern, the homology that emerges between the image of Samson feeling like a "moving grave" while incarcerated and Samson's body encased in the stony "edifice" that he pulls down on himself and others (lines 1588–90). After being "pulled down," the stony mass grave, in some sense, continues to move in the remembering and relating of it; as the messenger exclaims just before he begins his story, "dire imagination still pursues me" (line 1544). (The messenger's haunting words echo Adam's expression of worry about living death in *Paradise Lost*: "Yet one doubt/Pursues me still" [Milton (1667/1674) 2006, 10.783–4].) As Julia Lupton puts it, Samson's "destruction of the temple of Dagon brings the metaphor of live burial crashing down on himself and the Philistine elite" (Lupton 2005, 198). But the history of civil death makes this more than metaphor. Samson's violent uprising paradoxically emerges through the self-undoing and inanimacy that civil death's techniques of dehumanization generate, radically politicizing the version of civil death-as-salvation that we see in *Thrēnoikos* by turning it to the ends of revolt against the institution — here, the Philistine prison — that plunged Samson into the carceral condition of civil death.¹⁸

4. Dying to Live

Milton's Samson helps us understand one particularly complex way that literature written during the emergence of the modern state and its regimes of punishment might respond to new forms of social and economic organization that depend on captivity and dehumanization, practiced both in the extra- or para-judicial spaces of empire and in the legal zones within its own jurisdiction. Civil death is an invention of the late medieval and early modern worlds with which we still live. Its further study can illuminate how the so-called "state of exception," whereby sovereignty suspends the law in order to protect the state, is not so much outside the juridical order as it is its foundation, the inextricable link between law and state violence.¹⁹ Despite the temptation in our extraordinary circumstances to oppose the state of exception to cherished legal norms, we would do well to attend to how law can enshrine state violence and dehumanization.²⁰ An analysis of civil death suggests how the unmaking of persons takes place not only as an exception to legal norms but also, in fact, through them. By attending to legal and literary depictions of civil death, we may be better able to

understand the various modes of unmaking that the early modern world inflicted on certain persons and communities. We might also find ways to write a new history not only of early modern personhood but also of the forms of resistance against the world that civil death has a part in building.

Caleb Smith's illuminating account of civil death in the nineteenth-century United States concludes with an analysis of Melville's *Bartleby*, where he sees *Bartleby's* ghostly, passive resistance (stating he would "prefer not to" straight to his death in *The Tombs*) as a haunting, "cadaverous triumph" over the sentimentalism that brought the modern penitentiary's reformist vision into the world (Smith 2011, 71–2, 77). Samson is an extremely complicated model for political revolt, of course, but his civil death also offers something very different from what we find in Smith's reanimation of *Bartleby's* ghost. Milton's Samson depicts the possibility that early modern civil death might produce radically violent revolt akin to what Walter Benjamin called divine, law-destroying violence, rooted neither in autonomy and strength nor in ghostly passivity (Benjamin 1999). Looking to the recent past and present, we can see how revolutionaries from the Black Panther Huey Newton's "revolutionary suicide" to the Zapatista Army of National Liberation's theory of "Dying to Live" have recast for their own revolutions the divine, law-destroying violence that the doctrine of civil death can call forth (Newton 2003; Marcos 2001, 17). The Zapatistas refuse to resign themselves to preferring not to participate in the state's oppressive legal system, which would mean being folded into the civil death that incarceration and structural impoverishment alike look to institute or confirm. Instead, as the writings of Zapatista spokesperson Subcomandante Marcos show, these Indigenous "resistants" call on a history of what we might name unanimated revolt to refuse the state's legal violence and have led, for twenty-five years, an ongoing antiracist, communitarian uprising in Chiapas, Mexico that dispels fantasies of liberal free will and offers new possibilities for collective politics: "'Dying to Live' says 'enough' to the life of death — death from curable diseases, from poverty — accepting in its place the death in life of a resistant" (Marcos 2001, 17).²¹ My suggestion that we hear an echo of civil death's ambiguous effects in this supplanting of "the life of death" with "the death in life of a resistant" is not meant to assert that every political martyrdom or instance of revolutionary violence activates the equivocal concept of civil death. But I do contend that turning back to civil death's complex medieval and early modern origins in theological, legal, and literary discourses might allow us to hear surprising resonances between very different struggles against the forces that make life unlivable for so many communities across the globe today.

Notes

1. On how a racialized idea of "taint" came to be related to "attainder," see Dayan (2011, 48–9). On Locke's support for "the organization of slavery along racial lines," see Bernasconi and Maaza Mann (2005). On Locke and "racial liberalism," see Mills (2008).
2. Borgmann's genealogy offers a reconstruction of some of the earliest uses of the term in the eleventh through thirteenth centuries, then skips over the early modern period to revolutionary France. The association of civil death with banishment remains in the early modern period. See, for instance the anonymous *The Precepts of Cato* from 1553: "a banished man whiche hath no where dwelling place, is like one that is dead and unburied and lieth without a cophine or graue For banishment is a ciuil death" (sig. R2 r).

3. Coke's definition of civil death as "extra legem positus" remains today (without reference to Coke) in *Black's Law Dictionary* (2019) under the entry for "extra": "Co. Litt. 130. He who is placed out of the law is civilly dead." The reference, which earlier editions of the dictionary cite, is apparently to an 1880 US Supreme Court bankruptcy case: *International Bank v. Sherman*, 101 U.S. 406, 25 L. Ed. 866: "A bankrupt is, as it were, civilly dead."
4. I have not, however, found sources that explicitly name coverture as an instance of *mors civilis*, even if common law descriptions of the "unity of person" created by coverture emphasize the wife's inability to will, own property, and covenant in strikingly similar terms. Christopher Cannon aptly describes the paradox at the heart of the "unity of person" doctrine in the history of English law: a medieval woman's "legal person was defined only when she was a wife, but, as a wife, she was excluded from the very rights that the theory of person existed to confer" (Cannon 1999, 158).
5. Discussed in Murray 2014, 153.
6. On the formation of habeas corpus, and its evolution from a writ intended to protect judicial rights to one focused on prisoners' rights, see Halliday (2012, 11–212). Bailey also refers to the doctrine of civil death, but does not explore how it was actually theorized in the period, glossing in passing the "negative birthright that blocked inheritance" as "civil death" (Bailey 2013, 67).
7. Sometimes this variety even exists within a single author's usage. For example, Walter Montagu's *Miscellanea spiritualia* (1648) uses "civil death" not only to refer to the effects of criminality but also to his own "passive condition" of living in the service of Henrietta Maria and, movingly, to reading dead authors: "for in this civil death, we do naturally repair to the society of the dead; and in Books we finde a civil Resurrection of the dead for our conversation: And by this sort of intombing our thoughts, we revive our Spirits" (353, Epistle dedicatory A, 351).
8. For a critique of Patterson's tendency to think about slavery as a "disembodied ideology," see Bennett (2010, 30–2) and Brown (2009).
9. On the popularity, influence, and generic innovation of *Thrēnoikos*, see Hodgson (2006).
10. See Augustine (1966, XII.6): "Cum enim se uoluntas relicto superiore ad inferiora conuertit, efficitur mala, non quia malum est quo se conuertit, sed quia peruersa est ipsa conuersio. Idcirco non res inferior uoluntatem malam fecit, sed rem inferiorem prae atque inordinate, ipsa quia facta est, adpetiuit" (For when the will abandons what is higher and turns to what is lower, it becomes evil, not because that to which it turns is evil, but because the turning itself is evil. Therefore it is not an inferior thing which made the will evil, but the will, because it was itself brought to be, basely and perversely craved an inferior thing [translation altered]).
11. Compare also Simon's (2019) analysis of the early modern misogynist prank as fundamentally incurious, designed to produce visible confirmation of what the prankster already knows about his victim.
12. Locke ([1689] 1980), V.27: "Though the earth, and all inferior creatures, be common to all men, yet every man has a *property* in his own *person*; this nobody else has any right to but himself."
13. See, for one example, Muhammad (2011).
14. Mary Nyquist has recently argued that Milton — or at least his Michael in book 12 of *Paradise Lost* — justified slavery as a kind of punishment (Nyquist 2013, 137–47).
15. For a survey of Milton's evolving meditations on free will, see Smith (2008, 64–85).
16. For an insightful overview of the regeneration debates, see Wittreich (2002).
17. For more on the ambiguity encoded in "dispose," see Lerner (2019, 133–4).
18. I mean here to echo Joanna Picciotto's proposal that Samson's violence is less an individual than a collective act, meant to create and distribute a "revolutionary public," though my reading calls into question whether we can determine if Samson's last act diffuses or annihilates his will (Picciotto 2010, 499–504).

19. Lupton (2005) is one of the few early modernists working on political theology to appreciate and explore this essential insight from Walter Benjamin and Giorgio Agamben (especially 164–5; see also Benjamin 2006, 392; Agamben 2005, 88). The doctrine of civil death may seem conceptually to overlap with Agamben’s genealogy of *homo sacer*, the figure from ancient law who can be killed by any citizen but not sacrificed. There is, however, a decisive difference. “In the case of *homo sacer* a person is simply set outside human jurisdiction without being brought into the realm of divine law” (Agamben 1998, 82), whereas the civilly dead are incorporated into both human jurisdiction and divine law, despite the resonance of Coke’s “*extra legem positus*.” On the limitations of Agamben’s theory of *homo sacer*, see Weheliye (2014).
20. Here I echo Smith (2011, 201–9) and Mohamed (2020, 193).
21. On the Zapatistas’ critique of liberal and neoliberal ideas of freedom and will, see Rabasa (2010, especially chapters 6 and 9; Caygill 2013, 122–8).

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Notes on contributor

Ross Lerner teaches English literature at Occidental College and is the author of various articles on Renaissance literature and a book titled *Unknowing Fanaticism: Reformation Literatures of Self-Annihilation*.

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