

Spring 6-2022

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Recommended Citation

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<https://doi.org/10.15760/honors.1201>

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The American Grammar of Policing as an Afterlife of Slavery: Arguments for an Abolition
Democracy

by

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An undergraduate honors thesis submitted in partial fulfillment of the

requirements for the degree of

Bachelor of Arts

in

University Honors

and

Political Science

Thesis Adviser

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Portland State University

2022

Introduction and Background

In recent years, conversations which critically examine practices of policing and imprisonment have made their way into mainstream political discourse. As the issue of police brutality has been increasingly acknowledged, so also has come a greater awareness of racial disparities in our carceral system. Catalysts such as the Black Lives Matter movement and the murder of George Floyd in 2020 have sparked critical conversation and new avenues of political action regarding these issues. Prominent political figures have acknowledged a need for change, whether through reform measures or through more radical action such as divestment. While it is important that these conversations are entering public discourse and the many severe issues within our carceral system are coming to light, it is necessary to take care when engaging with this topic so as to sufficiently address the contributing factors to this American epidemic of police violence. The brutality inherent in our policing system is not a new issue, but rather a force that exists at the core of the institution and is central to its purpose. Therefore, it is necessary to address the matter of prisons and their abolition with their historical function in mind. By analyzing abolition through the lens of historical genealogy, we can trace fundamental elements of the prison industrial complex as they have emerged and transformed since the onset of slavery. The role of slavery and racial capitalism and their attendant forms of exploitation, expropriation, and dispossession have been key in the creation of what Hortense Spillers¹ calls an “American Grammar”: an unobliging symbolic structure that shapes the contours of our unique understanding of prisons and the police. Subjecting these dimensions to experimental critical historical inquiry, we destabilize a normative understanding of our modern carceral institution

¹Spillers, Hortense J. “Mama’s Baby, Papa’s Maybe: An American Grammar Book.” *Diacritics* 17, no. 2 (1987): 68. <https://doi.org/10.2307/464747>.

and can more accurately engage with the complex roots of and interactions with race, incarceration, and capital rather than superficially address their symptoms.

As abolition has entered the mainstream vocabulary, it is important to clearly define the understanding and use of this term as it is relevant to this larger work. This understanding encompasses more than simply the calls to defund the police that have emerged in the past few years but, rather, entails a rich body of decades of scholarly and political work that gestures to a radical reconstruction of state and society. The negative aspect of abolition is clear by virtue of linguistics, leading many to believe an abolitionist praxis revolves solely around removing carceral institutions from our society. This is true. But another—and perhaps more critical—aspect is that of the positive institution-making also entailed by abolitionist politics. This dual force of abolition can be traced back to W.E.B. Du Bois and his conception of an “Abolition Democracy” in the wake of emancipation. Du Bois argued that the only way to completely and successfully abolish slavery was to build new institutions that would address the fundamental issues of white supremacy and racial capitalism which underlied slavery.² This definition went beyond ending slavery and advocated for a fundamental reconstruction of the social and political situation; Abolition Democracy “was convinced that here was no logical stopping place; and it looked forward to civil and political rights, education and land, as the only complete guarantee of freedom, in the face of a dominant South which hoped from the first, to abolish slavery only in name.”³ By encouraging education and providing economic support through government institutions, greater opportunity could be available for all, Du Bois argued, including

²The term ‘racial capitalism’ is not present in Du Bois’ writings, but rather emerges out of engagement with his work

³Du Bois, W. E. B. *Black Reconstruction in America: Toward a History of the Part Which Black Folk Played in the Attempt to Reconstruct Democracy in America, 1860-1880*. New Brunswick: Transaction Publishers, 2013. EPUB. chap. 8 “Transubstantiation of a Poor White”

impoverished whites of the South. This would have allowed for a nationwide ideological healing that addressed the root issues of the institution of slavery, and enabled freedmen to have a chance at establishing themselves as political, social, and economic equals. While this Abolition Democracy was never realized, the premise remains fundamental today. If we understand abolition solely as the end to something, we risk the reification of the system's underlying issues. Keeping this in mind, we can understand abolition not as a final destination of destruction but as "a process of liberation tied to broader clusters of emancipatory movements as they emerge and exist within specific historical moments."⁴

While contemporary abolitionist praxis tends to focus primarily on the prison industrial complex, from a broader, historically informed perspective this complex is understood as symptomatic of greater institutional, social, political, and economic ills. Prisons remain harmful because they are rooted in exploitation mandated by racial capitalism, patriarchy, and social hierarchy. Because these forces have been broadly depoliticized, they often work in covert ways. Organizations such as the Movement for Black Lives aim to re-politicize these connections;

Instead of blaming struggles around race, gender, and sexuality as breaking up an imagined 'unity' and distracting from an authentic, 'real' struggle, the lens of racial capitalism calls into question the existence of an organically unified proletariat or working class. Working through a logic of differentiation, rather than homogenization, the framework of racial capitalism reveals how 'free' wage-labor exploitation is predicated on racialized and gendered regimes of expropriation. Interrupting the persistent reproduction of racial capitalism – a regime held together by the cross-class glue of white supremacy – must thus involve intense effort to bridge the exploitation and expropriation continuum.⁵

⁴McQuade, Brendan. "Histories of Abolition, Critiques of Security." *Social Justice* 45, no. 2/3 (152/153) (2018): 11. <https://www.jstor.org/stable/26677654>.

⁵Issar, S. Listening to Black Lives Matter: Racial Capitalism and the Critique of Neoliberalism. *Contemp Polit Theory* 20, 65 (2021). <https://doi.org/10.1057/s41296-020-00399-0>

In analyzing the relationships between these forces, we are not only able to identify and track their iterations over time, but equip ourselves with the tools to dismantle these institutions. By understanding our carceral institution as a symptom of a deeper sickness, its true value and purpose is exposed as an exploitative one. Accepting this invites us to reject being content with business as usual, and to more critically question how we wish to deal with crime and conflict.

America's prison problem is one of a kind. The United States imprisons far more people per capita than any country in the world, creating a system that has grown to encompass multiple government agencies and private firms, all of which benefit from keeping people incarcerated. About 2 million people are currently incarcerated in the United States.⁶ The majority of prisons are public; however, a significant portion of their operations are outsourced to private corporations or handled internally by prisoners. This reduces their operating budget while allowing private corporations to profit. Over 4,100 corporations profit from mass incarceration in the United States, creating a powerful incentive for these organizations to lobby for further expansion of the prison industrial complex.⁷ Companies can be granted inflated contracts for operational aspects such as food and health services, which are often abysmally poor. In addition, privatizing commissary and phone calls shifts the cost of operation onto prisoners and their families. This means prisons are prime sites for racial capitalist accumulation. With little regulation, phone calls can cost as much as \$1 per minute; commissary goods—which are often

⁶Sawyer, Wendy, and Peter Wagner. "Mass Incarceration: The Whole Pie 2022." Prison Policy Initiative, March 14, 2022. <https://www.prisonpolicy.org/reports/pie2022.html>.

⁷Ryerson, Charity. "Private Companies Producing with US Prison Labor in 2020: Prison Labor in the US, Part II." Corporate Accountability Lab. Corporate Accountability Lab, August 5, 2020. <https://corpaccountabilitylab.org/calblog/2020/8/5/private-companies-producing-with-us-prison-labor-in-2020-prison-labor-in-the-us-part-ii>.

basic necessities such as tampons, soap, and toothpaste—are also sold at inflated rates.⁸ Many prisoners are also forced to buy extra food from the commissary because the quality and nutritional value of meals from the cafeteria is so poor. In order to access these services, inmates must either rely on family or use their wages from labor done inside, which are appallingly low. Because inmates in prisons serve sentences of at least one year, incarceration can easily drain any savings an individual might have, and impose a long term financial burden on them and their families.

Significant financial obstacles manifest in the carceral system from the point of arrest. Despite the fact that jails typically house inmates with a sentence of less than one year, 80% of individuals held in jail have not been convicted and are presumed innocent.⁹ This is due in significant part to bail policies, which impose impossible costs onto incarcerated individuals. According to the Prison Policy Institute, “The median felony bail bond amount (\$10,000) is the equivalent of 8 months’ income for the typical detained defendant. As a result, people with low incomes are more likely to face the harms of pretrial detention. Poverty is not only a predictor of incarceration; it is also frequently the outcome, as a criminal record and time spent in prison destroys wealth, creates debt, and decimates job opportunities.”¹⁰ Additionally, due to the fact that 25% of people in jail will be arrested within the same year,¹¹ these costs compound upon each other and push people further into poverty. These arrests do not necessarily mean the individual has committed a further crime, however, as 1 in 5 people in jail are there due to

⁸ Wagner, Peter, and Alexi Jones. “State of Phone Justice.” Prison Policy Initiative, February 2019. https://www.prisonpolicy.org/phones/state_of_phone_justice.html.

⁹Sawyer and Wagner, “Mass Incarceration”

¹⁰Sawyer and Wagner, “Mass Incarceration”

¹¹Sawyer and Wagner, “Mass Incarceration”

violations in probation or parole.¹² These failures are common; only about half the people who exit their parole terms do so without an infraction, each of which presents another possibility of re-incarceration. Terms of probation and parole are often complicated: “the Robina Institute estimated that people on probation must comply with 18 to 20 requirements a day in order to remain in good standing with the probation department.”¹³ These requirements can include fees and fines, curfews, full time employment or education, drug testing (even when the offense was unrelated to drug use), program attendance, and restrictions on where an individual can be and with whom they can associate. Other conditions can be added arbitrarily, and intense scrutiny and frequent check-ins mean that minor technical violations can result in severe consequences. With nearly 7 million individuals under some form of correctional control, it is hardly a surprise that nearly 350,000 people return to jail or prison each year.¹⁴ This cycle of incarceration leaves individuals with few options; the costs of imprisonment are not only monetary, but social. Lack of access to housing and work affect many formerly incarcerated individuals, and “in the context of an economy that was driven by an unprecedented pursuit of profit, no matter what the human cost, and the concomitant dismantling of the welfare state, poor people’s abilities to survive became increasingly constrained by the looming presence of the prison.”¹⁵ In this way, entire communities are forced to engage with the prison system, whether it be through family ties or general surveillance. However, this is no unintentional flaw of the system, but rather its entire

¹² Sawyer, and Wagner. “Mass Incarceration”

¹³Sawyer, and Wagner. “Mass Incarceration”

¹⁴Jones, Alexi. “Correctional Control 2018: Incarceration and Supervision by State.” Prison Policy Initiative, December 2018.
<https://www.prisonpolicy.org/reports/correctionalcontrol2018.html#harms>.

¹⁵Davis, Angela Y. *Are Prisons Obsolete?* Toronto, Ontario: Seven Stories Press, 2011. EPUB. chap. 5 “The Prison Industrial Complex”

purpose. The more deeply entrenched policing and prisons can become, the more power they hold in maintaining exploitative relationships which benefit elite capitalist groups. Every “failure” provides justification for more state investment and support, leading to a vicious cycle which has been ongoing for centuries.

Foucault argues that the prison is a project of constant reform in which elements such as recidivism are a feature, rather than a flaw. This has several implications, one of which is that it is necessary to trace the evolution of prisons in order to understand the fundamental underpinnings of what upholds this institution today. This highlights the importance of a ‘genealogical’ approach in analyzing the role of prisons and police in our society. We have arrived at our current state through a consistent effort of the carceral system to make itself better. The shift from corporal punishment to incarceration was merely a “technical mutation”¹⁶ with the same intent of punishment and a newly added dimension of rehabilitation. As it has failed to fully address delinquency and recidivism, the prison system has been met with consistent critique which takes one of two directions:

Either that the prison was insufficiently corrective, and that the penitentiary technique was still at the rudimentary stage; or that in attempting to be corrective it lost its power as punishment, that the true penitentiary technique was rigor ... The answer to these criticisms was invariably the same: the reintroduction of the invariable principles of penitentiary technique. *For a century and a half the prison had always been offered as its own remedy*: the reactivation of the penitentiary techniques as the only means of overcoming their perpetual failure; the realization of the corrective project as the only method of overcoming the impossibility of implementing it.¹⁷

The implication of this is that we should not expect to solve the problems within and created by incarceration through reform. However, Foucault’s genealogy of prisons is incomplete in an

¹⁶Foucault, Michel. *Discipline and Punish: The Birth of the Prison*. Translated by Alan Sheridan . 2nd ed. Vintage Books, 1995. EPUB. Part 4: Prison sec. 2 “Illegalities and Delinquency”

¹⁷Foucault Part 4: Prison sec. 2 “Illegalities and Delinquency”; emphasis added

American context because it fails to reckon with slavery. Foucault's argument of the self-evident nature of prisons emerges from its equal application of the deprivation of liberty, which does not include enslaved people who were denied citizenship and any rights and liberties that came with it. Instead, slavery in America has reformed itself into our modern "prison-industrial complex" with a steadfast commitment to the value of labor under forced conditions. Labor has consistently been a key element of the penal system as a means of social transformation. For whites, prison labor was thought to be reformatory, but for slaves, the extraction of labor was all that mattered. Therefore, punishment was meant to maximize labor.

Within the institution of slavery, itself a form of incarceration, racialized forms of punishment developed alongside the emergence of the prison system within and as a negative affirmation of the 'free world' from which slavery was twice removed. Thus the deprivation of white freedom tended to affirm the whiteness of democratic rights and liberties. As white men acquired the privilege to be punished in ways that acknowledged their equality and the racialized universality of liberty, the punishment of black slaves was corporal, concrete and particular.¹⁸

Thus, incarceration gained a political meaning inexorably tied to slavery. Both institutions were and continue to be rooted in the same political purpose, with similarities in the logistical operations of each. Work and isolation were key to the transformative intentions of early prisons; penal labor turns men into productive mechanisms which operate with perfect regularity. Convict workers become both cogs and products as "docile bodies"¹⁹ aligned with the norms of an industrial society. This rehabilitative element was also present in aspects of slavery such as severe religious indoctrination which taught obedience and hard work to counteract the "savagery" of enslaved people. While isolation was imagined partially as a tool for rehabilitation and enlightenment, it was also necessary for preventing revolts; "coercive individualization, by

¹⁸Davis, Angela Y. *The Angela Y. Davis Reader*. Malden, MA: Blackwell, 1998. PDF. Part 1: Prisons, Repression, Resistance sec. 6 "Racialized Punishment and Prison Abolition"

¹⁹Foucault, Part 3: Discipline sec. 1 "Docile Bodies"

the termination of any relation that is not supervised by authority or arranged according to hierarchy”²⁰ prevented any kind of shared consciousness. This was replicated and intensified in slavery through the brutal separation of families and severing of communal and cultural ties through practices of forced dispersal.

Crimes Against the Flesh and the Making of Race

At its core, the purpose of slavery was to reduce human beings into nothing more than objects, to transform personality into property. They were tallied solely in economic terms and stripped of their culture, family, and humanity. However, slavery was simultaneously social because

Its institutional network situates slaves as part of a polity’s structural institutions. States include slaves in the political system as liminal beings who are paradoxically marginal yet socially integrated. A successful, large-scale slave society must balance its incorporation of liminal populations with a sizable free population that promises the possibility of manumission even if the professed scope of manumission is uttered in bad faith. Freedom involves the negation of slavery, but it does not require recognition of a laboring slave as the basis for the dialectical struggle.²¹

Despite the common reality of indentured servitude and sharecropping in the colonies, a separate and inferior status was imposed on African slaves. This marginalized them socially while also acknowledging them within the realm of politics, as evidenced by apportionment measures such as the 3/5ths clause, which recognized enslaved Africans as less than human, but gave European immigrants and indentured servants full recognition under the law. The possibility of manumission existed both through legal methods of buying one’s freedom—which was

²⁰Foucault, Part 4: Prison sec. 1 “Complete and Austere Institutions”

²¹Roberts, Neil. *Freedom as Marronage*. Chicago, IL: The University of Chicago Press, 2015. PDF. 17

exceptionally rare—and the figure of the fugitive slave. Running away from the plantation was a dangerous mission to undertake, but many did so successfully despite the many difficulties, including the risk of recapture. Large reward sums were frequently offered for fugitive slaves, which encouraged the growth of patrols who would arrest and return these individuals. However, these postings about fugitive slaves in newspapers were far fewer than the real numbers who escaped. This is because fugitive slaves were a kind of “safety valve” which helped prevent mass insurrection against the regime of slavery. The sort of individual willing to take such a large risk would likely also be able to convince those around them of the power of numbers and inspire a revolt. Slaveowners knew this, and therefore would sometimes let fugitive slaves go quietly. However, “it is important to note that maroonage, in the era of slavery, was not simply about escape. Maroon communities—communities of fugitive slaves and their descendants—built semiautonomous spaces, but they also often confronted and fought against slave empires.”²² Fugitive slaves were known to come together in communities after making their way to freedom, thereby furnishing a text for independent existence in resistance to the institution of slavery. Fugitivity was more than the yearning for individual freedom, but an act of resistance against the system itself; it was a means of declaring one’s worth to be more than the oppressive conditions they existed in. In this way, every fugitive action, no matter its level of success, was politically radical.

It is unnecessary to recount in detail the horrors of slavery. We are familiar with the brutalities of the plantation: the torture, rapes, separation of families, and daily backbreaking labor. Recounting these stories with specificity does not serve to illustrate the lasting symptoms

²²Ransby, Barbara. *Making All Black Lives Matter: Reimagining Freedom in the Twenty-First Century*. Berkeley, CA: University of California Press, 2018. EPUB chap. 8 “Political Quilters and Maroon Spaces”

of this system, but rather to elicit shock and horror at individual acts of cruelty. However, each of these individual actions contributed to a larger political maneuver to keep slavery thoroughly integrated with social, political, and economic institutions. A system ruled by the whip and engineered to remove all humanity from the people it so thoroughly oppressed surely leaves scars on every element of society it touches. In order for slavery to remain a stable system, it was necessary to dehumanize individuals in every way possible. Hortense Spillers uses a distinction between the “body” and the “flesh” to understand the latter as the “zero degree of social conceptualization.”²³ By understanding slavery as a crime of the flesh, our focus is shifted to the violences committed against it: the lacerations and scars of the whip, the lesions which mark a cultural branding of the slave as subhuman. “These undecipherable markings on the captive body render a kind of hieroglyphics of the flesh whose severe disjunctures come to be hidden by the cultural seeing of skin color. We might well ask if this phenomenon of marking and branding actually ‘transfers’ from one generation to another, finding its various *symbolic substitutions* in an efficacy of meanings that repeat the initiating moments?”²⁴ The answer seems to be yes; the effects of committing such violence are lasting, and skin which could be torn apart without a second thought is the pretext for lasting oppression when it is of the same color. Spillers points to the practice of medical experimentation as another dimension of dehumanization through crimes against the flesh. Slaves who were not profitable as workers due to illness or injury could be sold to medical researchers; “this profitable ‘atomizing’ of the captive body provides another angle on the divided flesh: we lose any hint or suggestion of a dimension of ethics, of relatedness between human personality and its anatomical features, between one human personality and another,

²³Spillers, “Mama’s Baby, Papa’s Maybe,” 67

²⁴Spillers, “Mama’s Baby, Papa’s Maybe,” 67

between human personality and cultural institutions. To that extent, the procedure adopted for the captive flesh demarcate a total objectification.”²⁵ Because enslaved populations could outnumber whites not only on an individual plantation, but an entire region, it was necessary to instill fear and create firm boundaries between the two races in order to maintain racial subordination. Thus, in 1705 Virginia passed a law which allowed the dismemberment of a black slave, but forbid whipping a white servant without orders from a justice of the peace. ²⁶ It was not enough to convince free society that slaves were subhuman and somehow deserving of their fate; enslaved individuals must also be removed from anything that might encourage them to yearn for freedom. This process began in the initial stages of the slave trade. Individuals were stolen from their families and sold into trading networks, simultaneously losing all connection to their heritage, culture, and language. To forget your past was encouraged, prompting captors to create rituals of forgetting and renaming which completely severed enslaved people from their past selves.²⁷ Separating family units was another method of removing any sense of belonging for enslaved people; in some regions, there was a 30% chance that a slave might be sold off to another plantation in their lifetime. ²⁸ These maneuvers functioned similarly—in a more extreme version—to what Foucault describes as a goal of the prison in completely isolating the individual so their only point of social orientation is hierarchical and their sole focus is labor²⁹. This makes

²⁵ Spillers “Mama’s Baby, Papa’s Maybe,” 68

²⁶ Coates, Ta-Nehisi. “The Case for Reparations.” *The Atlantic*. Atlantic Media Company, June 2014. <https://www.theatlantic.com/magazine/archive/2014/06/the-case-for-reparations/361631/>.

²⁷ Hartman, Saidiya V. *Lose Your Mother: A Journey Along the Atlantic Slave Route*. London: Serpent's Tail, 2021. PCF Ch. 8 “Lose Your Mother”

²⁸ Coates, “The Case for Reparations.”

²⁹ Foucault, Part 4: Prisons sec. 1 “Complete and Austere Institutions”

both the slave and the prisoner more complacent subjects willing to endure subjugation while unaware of radical alternatives. This reality highlights just one of the many common intersections between systems of slavery and imprisonment, and demonstrates how tools from one can be borrowed and applied to the other.

The history of policing in America is inexorably tied to the institution of slavery. Early police patrols were created in the South not only to recapture escaped slaves, but also as a means of creating jobs for the many poor whites in the region. With the free, exploited labor of slaves, there was no reason to hire farmhands, and unemployment bred hatred between the white lower class against enslaved and free Black individuals alike. Poor whites were easily recruited for patrols; policing not only gave them work and authority as overseers, but enabled a sense of superiority as they were most closely associated with masters of the plantation. “Race” became necessary to prevent class antagonism among whites, making it an institution of social regulation. To paraphrase Du Bois, no matter how degraded the factory—or farm—hand, he is not real estate. These public and psychological “wages of whiteness”³⁰ were compensation to the white worker otherwise being exploited by capitalism. This racial demarcation prevented a rise of multiracial class consciousness and was ultimately pivotal in sustaining the institution of slavery. The devaluation of Black lives was key to upholding slavery and the capitalist social order that exploited the vast majority of whites too. This was not limited to slaves, but also required a demeaning of free Black workers in order to justify the subjugation of others. Before the peak of the transatlantic slave trade, colonies allowed Black individuals to vote and hold property—as late as 1723 in Virginia.³¹ These laws were changed to address free Black

³⁰ Myers, Ella. “Beyond the Psychological Wage: Du Bois on White Dominion.” *Political Theory* 47, no. 1 (February 2019): 23. <https://doi.org/10.1177/0090591718791744>.

³¹Du Bois, chap. 1 “The Black Worker”

individuals as the greatest threat to slavery; their level of education and property ownership contradicted and undermined the narrative that enslavement was actually good for these “inferior” folks. Therefore it was necessary to change the material conditions of society in order to better fit the narrative which justified oppression. In this way, slavery contributed to the creation of race in America.

Race is often framed as purely scientific or pre-political, but the history of whiteness in America tells a different story. The mechanisms of slavery and the aftereffects of this system were integral in the creation of race as a concept. Whiteness was never simply understood as a clearly demarcated or defined characteristic. Because it is defined primarily by its assertion of black inferiority, whiteness is flexible enough to accommodate other groups when necessary; “Race is (re)made by discriminatory conduct, and nothing else. ‘Black’ is an invented category sustained by repetitive practices that effectively reinscribe the divisions of slavery.”³² In fact, ethnic groups such as Italians and Irish were not considered white when they first immigrated to America. Instead, these groups asserted their superiority by differentiating themselves from enslaved people in another rejection of class consciousness, imagining the slave as the largest threat to their economic security due to the drastic cheapening of their labor. The Irish were especially aggressive in their effort to assimilate with whiteness.³³ They joined police forces in large numbers and incited race riots on several significant occasions due to anger over market competition. As chronicled by Du Bois, “in Philadelphia, 1828-1840, a series of riots took place which thereafter extended until after the Civil War. The riot of 1834 took the dimensions of a pitched battle and lasted for three days. Thirty-one houses and two churches were destroyed.

³² Myers, 15

³³ See: *When the Irish Became White* by Noel Ignatiev

Other riots took place in 1835 and 1838 and a two days' riot in 1842 caused the calling out of the militia with artillery.”³⁴ Because even free Black labor was so thoroughly degraded, they were blamed for the devaluation of wages. In fact, this was one major justification for arguing against slavery, not as a moral imperative but an economic one. Immigrants believed in the American myth of upward mobility and considered unwaged slave labor to be a threat and competition to their own chance at accumulating wealth; “The Negroes worked cheaply, partly from custom, partly as their only defense against competition. The white laborers realized that Negroes were part of a group of millions of workers who were slaves by law, and whose competition kept white labor out of the work of the South and threatened its wages and stability in the North.”³⁵ Ethnic minorities were allowed into the fold of whiteness partially to prevent the rise of a unified class consciousness in favor of encouraging racial antagonisms. To be white was extremely valuable, as it established citizenship as status, freedom as negative liberty, and equality as opportunity. Whiteness as property and privilege ensures the social stability of a capitalist social order by granting equality to some as a consolation for class exploitation.

Not only should whiteness be understood as property, but also as a sense of entitlement and proprietary orientation to the world. Du Bois made the case for understanding whiteness as dominion: the deeply held and possessive conviction that all land and “darker peoples” ultimately belong to whites.³⁶ This entitled worldview explains colonial stakes and the continuing influence of slavery. When whites continue to understand people of color as property by default, they continue to be expendable and the system continues to uphold itself; “Racial

³⁴Du Bois, chap. 2 “The White Worker”

³⁵Du Bois, chap. 2 “The White Worker”

³⁶Myers, 7

divisions persist because they signify in accordance with the foundational race-making institution in the US.”³⁷ Black skin will always be a reference to a history of hierarchy and ownership because it was the original justification for enslavement. The extent of dehumanization necessary to build a narrative of inferiority successful enough to validate the existence of a racially based system of slavery has lasting effects due to its generative nature. Slavery created a reality which imposed new understandings of race, gender, and class onto everyone it touched.

Fugitivity and the Role of Black Women

Throughout slavery and its afterlife, Black women have been cemented as the ultimate “other”. According to Hortense Spillers, enslavement was a process of “ungendering” in which women’s bodies were reduced to mere flesh, valued for their capacity of labor more than anything else.³⁸ Women were given no mercy or gentler treatment compared to men, but instead differentiated only in aspects such as cost, the allotted space on a ship, and their reproductive capacity. Gender differences were only relevant in the realm of the economy, and because all autonomy was removed from the enslaved, the bodies of slaves became sites of cultural and political maneuver. The legal doctrine of *partus sequitur ventrem*³⁹ ensured that the children of enslaved women would also be condemned to the same fate, which guaranteed a method of replenishing the slave population. This proved key in the development of slavery. This policy denied kinship of the father and mother alike, as—at any moment—property relations could

³⁷Myers, 14

³⁸Spillers, “Mama’s Baby, Papa’s Maybe,” 72

³⁹ “That which is born follows the womb”; legal policy dictating that children sired by white slave owners would inherit the mother’s condition of servitude

supersede these ties and tear apart the family. Children borne by their captors were then effectively rendered orphans; “under conditions of captivity, the offspring of the female does not ‘belong’ to the Mother, nor is she ‘related’ to the ‘owner’, though the latter ‘possesses’ it.”⁴⁰ This “un-mothering” was crucial in maintaining patterns of forced reproductive labor. The understanding of reproduction as an economic operation turned the womb into a “factory reproducing blackness as abjection and turning the birth canal into another domestic middle passage”;⁴¹ children of enslaved women were destined to be enslaved themselves. Because at any moment anyone could be sold or otherwise removed from the unit, the family was at constant risk of fracture. These joint forces made the slave “movable by nature, but immovable by the operation of law.”⁴² This was essential to the functioning of slavery because any degree of kinship would undermine property relations. Enslaved women were also kept away from their children through the demands of domestic work, in which they fed and cared for white slave owning families by serving as maids and wet nurses. This labor of care was extracted at the cost of their own families, making Black women the “best nanny and worst mother.”⁴³ The disruption of kinship ties meant family units were often denied meaningful relationships. The ability to isolate an individual by removing them from their family reiterated the cultural rupture which occurred when Africans were stolen from their homeland within the slave trade. The continual denial of any avenue of connection remained an effective tool of dehumanization which benefited the system as a whole.

⁴⁰Spillers, “Mama’s Baby, Papa’s Maybe,” 74

⁴¹Hartman, Saidiya. “The Belly of the World: A Note on Black Women’s Labors.” *Souls* 18, no. 1 (2016): 169. <https://doi.org/10.1080/10999949.2016.1162596>.

⁴²Spillers, “Mama’s Baby, Papa’s Maybe,” 78

⁴³Hartman, “The Belly of the World,” 171

In addition to being a method of dehumanization, the policy of *partus sequitur ventrem* differentiated female slaves from male through their capacity for reproductive labor. In this way, they gained additional economic value. Through this dimension, gender—and more precisely reproductive capacity—gained meaning as an avenue for increased exploitation; “to that extent, the female captive body locates precisely a moment of converging political and social vectors that mark the flesh as a prime commodity of exchange.”⁴⁴ The reproductive capacity of enslaved women was the principle basis which allowed for the continued reproduction of slavery itself—especially following the abolition of the slave trade. Enslaved women were expected to have as many children as possible, and were often selectively bred in an effort to conceive children with desirable traits. With their value partially determined by their ability to reproduce, the bodies of Black women became sites of obsession and fetishization. Forced reproductive labor was turned into a narrative of promiscuity, thereby justifying any sexual violence committed against them. This simultaneously contributed to the race-making of white women and to their gendering as “women”, being cast as delicate and pure creatures as opposed to the sexually aggressive slave. This forced Black women outside of womanhood itself. These myths compounded upon themselves to create evolving narratives to justify violence against Black women and their families.

The fugitive slave is a special figure in the history of abolition. Running away from the plantation was not simply grasping for a better life, but required recognizing the self as an autonomous being, and the conviction to “steal” one’s body from the system which held it captive. As Frederick Douglass famously stated: “I appear before you this evening a thief and a

⁴⁴Spillers, “Mama’s Baby, Papa’s Maybe,” 75

robber... I stole this head, these limbs, this body from my master, and ran off with them.”⁴⁵ In doing so, fugitive slaves were important not only because of “the actual loss involved, but for potentialities in the future. These free Negroes were furnishing a leadership for the mass of the black workers, and especially they were furnishing a text for the abolition idealists. Fugitive slaves, like Frederick Douglass and others humbler and less gifted, increased the number of abolitionists by thousands and spelled the doom of slavery.”⁴⁶ Because every act of fugitivity demonstrated the capacity for Black individuals to be recognized as full and autonomous human beings, their successes embodied the potential for an abolitionist society. Those such as Frederick Douglass who demonstrated their ability for political participation went further to exist as beacons of hope for a reality in which freedmen would be recognized as true equals. Their rhetorical influence was not only meaningful to abolitionists and other whites who could be motivated to advocate against slavery, but also to slaves themselves who were thereby assured of their own worthiness and potential, which they were being denied. During the war, slaves began to strike in larger numbers once they realized the North would not return fugitive slaves. The numbers of slaves fleeing their plantations continued to grow, marking a shift in the labor force on both sides of the fight. It was initially thought that slaves were fleeing to avoid labor and seek easier conditions, but the reality was it would have been easier to wait on the plantation for the North to emancipate them. Fleeing the plantation demonstrated “this was not merely the desire to stop work. It was a strike on a wide basis against the conditions of work.”⁴⁷ Thus, fugitive slaves

⁴⁵Coates, Ta-Nehisi. “The Black Family in the Age of Mass Incarceration .” Essay. In *We Were Eight Years in Power an American Tragedy*. New York, NY: One World, 2017. Sec. IV “The Crime-Stained Blackness of the Negro”

⁴⁶Du Bois, Ch. 1 “The Black Worker”

⁴⁷Du Bois, Ch. 4 “The General Strike”

met Northern armies and offered their services. Accustomed to hard labor, they frequently worked camp jobs, and in doing so were validated as free in the eyes of the North. For every pair of hands assisting the Union armies, there was one less to till the land of the South, and “this withdrawal and bestowal of his labor decided the war.”⁴⁸ Understanding this pattern of shifting labor as a general strike illustrates the power of the working class. In recognizing this, Du Bois advocated for this as a powerful avenue of political action with the potential to demand greater rights and recognition past the abolition of slavery.⁴⁹

The end of slavery and the Civil War marked a turning point in history, which was palpable even as it happened. In the aftermath came Reconstruction, and a debate emerged about where the Black individual was to fit in society. Visionaries such as Douglass saw the potential of Black advancement and the new society that would follow in its wake. Opposing this were those who wished to keep the newly emancipated slave “in his place” of subservience and subhuman state. The war had further entrenched the differences between white and Black, and white men had an intensified interest in maintaining their supremacy. Emancipation may have brought freedom, but it did not bring land, education, or wealth to freedmen. Without these, abolition was incomplete. More was needed to fully emancipate Black individuals from the clutches of racial capitalism and white supremacy, as without these, freedmen remained subject to new forms of exploitation and dehumanization. By denying rights to education and voting, the state maintained the inferiority of the freed slaves not only as rights bearing individuals, but as participants in the economy. With no access to capital following emancipation, Black individuals could find little opportunity for upward movement in the economic sphere. The North was

⁴⁸Du Bois, Ch. 4 “The General Strike”

⁴⁹Du Bois, Ch. 4 “The General Strike”

complicit in this denial of rights. By yielding to the South, it demonstrated its commitment to industrial growth over recognition of the rights of man. Those who believed in Abolition Democracy recognized the dictatorship of labor and the need for expanded rights in order to address economic inequalities. Because workers in the North lacked fair conditions, it was undesirable to grant labor rights to Black individuals who had only recently been emancipated. Refusing to do so prevented the rise of a class consciousness that would have recognized freedmen and white workers as mutual victims of exploitation. Because an Abolition Democracy was never realized, it remained necessary for individuals to find means of resistance through their own hands.

Fugitivity took on a new meaning after emancipation, expanding to encompass more than the “stealing” of the self, while still holding the central push toward self-articulated value. The thorough dehumanization of slavery did not make this process easy, but every claim to the right of respect, education, land, or the ballot exemplified this philosophy. In the wake of emancipation, a mass exodus of newly freed slaves journeyed to the North and West in search of opportunity. These patterns of migration can also be understood as a form of general strike in which freedmen resisted the working conditions of the South to seek out better. As Hartman notes, in spite of being nominally free, this “refusal of the plantation regime” denotes a form of fugitivity where Black individuals asserted their integrity and worthiness.⁵⁰ This was not a singular trend, but a repeated claim of deserving better on an individual and communal level. These possibilities of fugitivity are also explored by Wells in her telling of the aftermath of a lynching in Memphis. After three Black men were brutally killed, the Black community called

⁵⁰ Hartman, Saidiya V. *Wayward Lives, Beautiful Experiments: Intimate Stories of Social Upheaval*. New York: W. W. Norton and Company, 2019. EPUB. Book 1: She Makes an Errant Path Through the City Ch. 4 An Intimate History of the Wayward.

for justice for the victims and received none. As a response, they left the city en masse; “Black men left the city by thousands, bringing about great stagnation in every branch of business.”⁵¹

These instances of resistance are effective because they address the heart of the American Grammar: capitalist pursuit of profit.

Through interlocking systems of oppression, racial capitalism maintains a firm hold on our society, working to deny opportunities to those deemed inferior according to race in order to prevent the rise of class consciousness, while continuing to exploit the entirety of the working class. In spite of emancipation, Black individuals faced severe economic foreclosure of opportunity, with women facing the most extreme degree of exclusion. The vast majority were forced to continue to labor as domestic servants in order to support their families; “race riots, the enclosure of the ghetto, the vertical order of human life, and the forms of value and debt promulgated through emergent forms of racism [...] made it impossible for black women to escape the white household.”⁵² This continued the legacy of the best nanny and worst mother. One of the significant dangers of such work was the sexual abuse frequently committed by the white men of the house. Women were frequently forced to choose between sexual exploitation or poverty for their families. Refusing a white man could even be grounds for imprisonment, adding another layer of terrorization to a vulnerable community. This proprietary entitlement towards the black body reflects the continued upholding of the American Grammar of white supremacy; “in this classic ‘catch-22’ situation, household work is considered degrading because it has been disproportionately performed by Black women, who in turn are viewed as ‘inept’ and ‘promiscuous.’ But their ostensible ineptness and promiscuity are myths which are repeatedly

⁵¹Wells-Barnett, Ida B. *Southern Horrors and Other Writings: the Anti-Lynching Campaign of Ida B. Wells, 1892-1900*. 2nd ed. Boston, MA: Bedford/St. Martins, 2016. PDF. 65

⁵²Hartman, “The Belly of the World”, 170.

confirmed by the degrading work they are compelled to do.”⁵³ These myths also served to justify increased surveillance and even medical experimentation which followed in the years after emancipation, contributing to a racialized understanding of medicine and morality. Women were pathologized and institutionalized for not adhering to social norms of morality, with prison terms “accelerated by the eugenics movement, ‘which sought to have ‘genetically inferior’ women removed from social circulation for as many of their child-bearing years as possible.”⁵⁴ The eugenics movement once again invited the market into the domestic sphere, giving the state power to determine what qualified as a legitimate family. As a result, Black women faced forced sterilization and birth control use as a condition for welfare as well as various other means of policing the body and family. These examples demonstrate the unique positionality of Black women as simultaneously subject to forces of economic and social operation, as was initially dictated by the crystallizing nature of slavery as it relates to gender and labor.

Although Du Bois makes a strong case for the power of the worker, particularly as it relates to the general strike, it is impossible for Black women to assimilate into this grid of intelligibility.⁵⁵ A focus on withholding labor leaves a gap where domestic work is concerned. Plantation life did not allow for the typical division between domestic and market spheres, as childbearing was considered primarily an economic activity from the perspective of slaveholders. After emancipation, Black women were thoroughly excluded from the labor market—with the exception of domestic work. This work kept women at the mercy of the domestic master and at risk of violence on a daily basis while simultaneously being exploited as low wage workers. This

⁵³Davis, Angela Y. *Women, Race, & Class*. New York, NY: Vintage Books, 2011. EPUB. Ch. 5 “The Meaning of Emancipation According to Black Women”

⁵⁴ Davis, *Are Prisons Obsolete?* Ch. 5 “How Gender Structures the Prison System”

⁵⁵Hartman, “The Belly of the World,” 166

continuing pattern demonstrates the generations of endurance in which even survival is an achievement. The devaluation of this labor creates a blind spot in the rhetoric of the general strike. However, there is room for Black women within the fugitive text and with consideration to a praxis of care as radical action. As Hartman notes, “the brilliant and formidable labor of care, paradoxically, has been produced through violent structures of slavery, anti-black racism, virulent sexism, and disposability. The forms of care, intimacy, and sustenance exploited by racial capitalism, most importantly, are not reducible to or exhausted by it.”⁵⁶ Although the root of their unique strength comes from exploitation, persevering in the face of a world in which they were never meant to survive illustrates the radical power of this community. The lesson of giving with no expectation of reciprocity holds power within the capitalist framework of scarcity. By addressing the core forces of oppressive institutions, we can identify the actions which can contest them and create a path forward for meaningful change. Without this, only the superficial dimensions of our institutions will be impacted, and the underlying issues which dictate exploitation will go unchallenged. The reality of this risk is clear in analyzing the many iterations of the afterlives of slavery.

Abolition as it is understood now risks the fatal flaw of its counterpart in the wake of the Civil War. Understanding this process merely as a “tearing down” is not enough to truly transform our institutions or address the root causes of harm inflicted. Du Bois famously argued this point in his conception of an “Abolition Democracy”. For him, “abolition [was] a tendency embedded in working class struggles to dismantle structural violence, while also developing human and liberated ways of living.”⁵⁷ The inability to achieve this was a determining factor in

⁵⁶Hartman, “Belly of the World,” 171

⁵⁷McQuade, “Histories of Abolition,” 4

the failure of Reconstruction, and the primary reason that institutions were allowed to reform their way into respectability without lessening the harm they committed.

Afterlives of Slavery: Black Codes to Blockbusting

Slavery in America has never truly been abolished. The Thirteenth Amendment states “neither slavery nor involuntary servitude, *except as a punishment for crime whereof the party shall have been duly convicted*, shall exist within the United States, or any place subject to their jurisdiction.”⁵⁸ In the wake of the Civil War, the South faced a myriad of problems.

Emancipation brought a major rupture to the economic system of the South and a new surplus workforce entitled to paid labor. Slaves had previously been the largest financial asset of property in America, worth more than all manufacturing and railroads put together and holding a greater productive capacity.⁵⁹ In order to rebuild, it was necessary to find a new source of low cost labor to be exploited. The solution to this was the Black Codes: a series of laws which criminalized behaviors such as unemployment and loitering, exclusively when applied to Black individuals. Those who faced legal scrutiny stood little chance, as any evidence presented by a Black individual could be readily dismissed at the word of a white judge or jury and any claims made by whites were accepted as truth. The unquestioned denial of due process meant “the criminal justice system played a significant role in constructing the new social status of former slaves as human beings whose citizenship status was acknowledged precisely in order to be denied.”⁶⁰ By maintaining the inferior social status of Black individuals, the fundamental

⁵⁸U.S. Const. amend. 13. §1.; emphasis added

⁵⁹Coates, “The Case for Reparations”

⁶⁰Davis, Angela Y. *The Angela Y. Davis Reader*. Malden, MA: Blackwell, 1998. PDF. 101

elements of racial capitalism and white supremacy could continue to exist through new institutions. The racial disparity present in the application of the law remains present in our carceral system today. For example, prior to emancipation, 99% of Alabama prisoners were white.⁶¹ Today, not only does Alabama have a higher incarceration rate than the United States as a whole, but over 50% of the incarcerated population is comprised of Black individuals.⁶² These patterns have emerged from a foundation for modern carceral institutions that incentivizes mass imprisonment in order to exploit labor and dispose of unwanted populations.

Because the South had minimal prison infrastructure after the destruction of the Civil War, they turned to chain gangs to work in tandem with the Black Codes as a means of both punishment and harvesting labor. Legislatures began to enact measures such as the 1876 ‘Pig Law’ in Mississippi, which classified the theft of swine or cattle as deserving of a penitentiary sentence of up to five years.⁶³ Soon after, the leasing of convicts to private companies was legalized. This created an easily exploitable and disposable labor force capable of rebuilding Southern infrastructure. The white supremacy inherent in our American Grammar dictated that Black and white inmates must be separated, which meant whites were more likely to have the privilege of a housed sentence, rather than being condemned to the chain gangs. Black convicts were punished with hard labor and often faced conditions worse than they had under slavery due to the fact there was no financial incentive to keep prisoners alive. The legacy of slavery informed the convict leasing system such that Black individuals could only work under intense

⁶¹Davis *Are Prisons Obsolete?* Ch. 2 “Slavery, Civil Rights, and Abolitionist Perspectives Toward Prisons”

⁶²“Alabama Profile.” Prison Policy Initiative, 2021. <https://www.prisonpolicy.org/profiles/AL.html>.

⁶³Davis, *The Angela Y. Davis Reader*, 82

surveillance and discipline—usually in the form of a whip. In economic terms, slaves mattered individually because they were conceived as a long term investment in labor, whereas convict labor was measured collectively. Because it took no investment to replace a member of a chain gang, “the consequence was an economic incentive to abuse prisoners. These two economic factors—the subsistence or lower than subsistence ‘wage’ the convicts received and their status as aggregated capital—served to reinforce one another.”⁶⁴ Free Black individuals were kept firmly entrenched as low wage agricultural workers under the threat of penal sanctions while the industrial class began to emerge on the backs of convict workers. Railroads were key to bringing industrial development to the South as well as connecting the region with the West; a great deal of this construction was undertaken by chain gangs who worked tirelessly to lay thousands of miles of track. This free and disposable labor force was a major contributor in the industrialization of the South.

Not only did chain gangs greatly contribute to the economic growth of the North and South alike, they worked politically to create and uphold narratives of inferiority around the Black community. Allowing slavery as punishment turned punishment into a method of managing emancipated slaves, rather than actually addressing crime. Because something as minor as an insulting act or gesture could land an individual in labor camp, “An offense against the master had become an offense against the state.”⁶⁵ Southern prison practices served as a precedent not only for other regions around the country, but for the evolving prison system. Although chain gangs had been presented as a temporary fix to address lacking institutions, their political power easily entrenched them in the carceral system for years to come. Another function of the Black Codes was as a political tool to weaken the potentialities of an Abolition

⁶⁴Davis, *The Angela Y. Davis Reader*, 87

⁶⁵Davis, *The Angela Y. Davis Reader*, 82

Democracy. Creating a reality which imposed criminality on Black individuals detracted from any argument of their entitlement as a whole to education, voting, and ownership of land and capital. Criminalizing blackness made perfect sense within the American Grammar, thereby making Black Codes the alternative to an Abolition Democracy and the embodied reification of the exploitation at the heart of slavery.

Following emancipation, free Black individuals who were able to find work faced severely limited options. Because most freedmen were not offered any assistance in the form of land or monetary compensation, they were forced to find whatever work they would find. As an alternative to regular wages, many were coerced into tenant farming, sharecropping, peonage, or payment in scrip. These arrangements blurred the lines between landlord, employer, investor, and primary merchant, vesting nearly absolute power upon the white ruling class. Tenant farming and sharecropping contract terms often left workers in debt, with materials advanced against the return on the crop, both amounts determined entirely by the employer. Any accumulated debt could be rolled over to the next season to further entrench these workers in these exploitative relationships. Additionally, a lack of access to education meant that Black workers seldom had the means to contest claims made against them, especially knowing the legal system would not be on their side. The criminalization of vagrancy and unemployment meant that any protest to these conditions could easily result in imprisonment. This forced countless families to remain in predatory agreements for years for fear of being sent to a prison or chain gang.

In conjunction with the state sponsored brutality of incarceration, lynchings were a tool in a political project of subjugation and terror which lasted for decades. From 1877 to 1950, when considering the Confederate states and the addition of Kentucky, over 4,000 lynchings

occurred.⁶⁶ Outside of this region, at least another 300 of these violent murders were committed.⁶⁷ Black individuals were assumed to be guilty when accused of any crime, normalizing violence both in place of and in conjunction with formal judicial processes. Despite being an extralegal effort, participants in lynchings felt they were doing the work of the state, going unchallenged and even sometimes supported by government officials. Not only were these murders ignored by the state, they were celebrated by the general populace and often became mass demonstrations or attractions. This reinforced the idea that Black individuals were not only second class citizens, but subhuman; “Lynchings could be photographed as celebratory gatherings precisely because those who participated assumed that they were destroying others who could not possibly be included in the community of citizens.”⁶⁸

Lynchings as a self-affirming and extralegal system was not only a new era of terrorization of Black communities, but a new era of pleasure for whites. Mobs took unabashed pleasure in torturing and killing Black individuals; these brutalities could go on for hours on end as mobs tried to induce the most painful death possible. Souvenirs such as postcards were common, and could take more gruesome forms like pieces of rope or fingers. Victims were denied ethical concern, their deaths seen as inconsequential save for the narrative they served to uphold. When met with calls for justice and an end to lynching, the ex-governor of South Carolina responded that the killings would stop when the crimes did. In this way, “This charge thus brought against the negro, and as constantly reiterated by his enemies, is not merely against

⁶⁶“Lynching in America: Confronting the Legacy of Racial Terror,” 2017.
<https://lynchinginamerica.eji.org/report/>.

⁶⁷“Lynching in America: Confronting the Legacy of Racial Terror”

⁶⁸ Davis, Angela Y. *Abolition Democracy: Beyond Empire, Prisons, and Torture*. New York, NY: Seven Stories Press, 2005. EPUB. Ch. 3 “Sexual Coercion, Prisons, and Feminist Responses”

the individual culprit, as would be in the case with an individual culprit of any other race, but it is in a large measure a charge against the colored race as such.”⁶⁹ Individual victims served as building blocks in the construction of a collective racial enemy, a principal figure of which was the black rapist. Thousands of lynchings occurred as a result of claims of rape. The mere accusation of a Black man violating a white woman was enough to raise a mob, even if there was evidence to the contrary. This supposed epidemic was criticized by anti-lynching activists, who noted the lack of assaults during the war. White women were not being assaulted en masse with their husbands away at war and slaves outnumbering them on the plantation. The lack of incidents then, and in the early years following emancipation, made the sudden influx of charges improbable, if not impossible. As Douglass noted, these accusations and calls to protect the purity of white women emerged only after previous campaigns of terror were unable to find proof of action or desire toward Black insurrection or supremacy.⁷⁰ Consenting relationships were often met with the same outrage and violence, as well as insistence that the woman must have been coerced. This figured white women as defenseless, pure, and worthy of protection, as opposed to the brutality and aggressiveness associated with blackness. These falsehoods of Black criminality both justified disparities of incarceration and gave false credit to the claim that these lynchings were necessary to prevent crime, despite the fact whites were in control of the criminal justice and legislative systems. These narratives also served as a justification for campaigns to reduce the rights of freedmen. Where Black individuals were able to vote, “massacres were

⁶⁹Douglass, Frederick. “The Lessons of the Hour Speech by Frederick Douglass.” State Historical Society of Iowa, 2022. <https://iowaculture.gov/sites/default/files/history-education-pss-areconstruction-douglass-transcription.pdf>.

⁷⁰Douglass, “Lessons of the Hour”

excused as the natural resentment of intelligence against government by ignorance.”⁷¹ In reality, these organized campaigns were often intended to scare Black individuals away from the polls, further reducing their opportunities for representation. The myth of danger and criminality became deeply ingrained as a part of a white supremacist society and American Grammar, with subsequent variations serving as justification for disenfranchisement and other forms of subordination. Lynchings remained a common and powerful tool to incite fear into Black communities well into the 1960s and 70s. While less frequent, these brutal acts of violence continue to this day, as evidenced by cases such as James Byrd Jr. in 1998, who was dragged to death by three white men riding in a truck.⁷² As Black communities gained more formal government recognition of civil and political rights, this extralegal method of terror remained powerful in discouraging individuals from voting, or moving into a neighborhood where they weren’t wanted.

Increased economic competition was a predictable indicator of violence against Black communities. Although Black soldiers were welcomed to fight in World War I, when they returned home they were often assaulted for wearing their uniforms, and their efforts to partake in a competitive job market inspired more organized violence. The Red Summer of 1919 describes dozens of destructive race riots in cities ranging from the Deep South to Chicago to Washington D.C. which resulted in countless murders and left many homeless.⁷³ Any effort Black communities made to improve their economic situation was punished severely. An altercation at a sharecropper meeting in Elaine, Arkansas resulted in a massacre of over 200

⁷¹Wells, 57

⁷² Boyd, L. M.. "murder of James Byrd, Jr." *Encyclopedia Britannica*, May 31, 2021. <https://www.britannica.com/event/murder-of-James-Byrd-Jr>.

⁷³Coates, “The Case for Reparations”

Black individuals⁷⁴ and in 1921, Tulsa's "Black Wall Street" was destroyed by a white mob. These reigns of terror existed in conjunction with Jim Crow laws which evolved as a more palatable version of the Black Codes to maintain subjugation of the Black community despite their continued efforts to thrive. Jim Crow enforced segregation, thereby upholding white supremacist narratives and maintaining a formal and legally recognized avenue of oppression. These de jure and de facto practices worked together to not only deny the rights of Black individuals in economic and political spheres, but to maintain the thorough dehumanization that precluded the mere claim to these rights. Daily life in the South was a constant and tangible reminder that the Black community was considered a secondary class. In response, many evoked the philosophy of fugitivity; "The Great Migration, a mass exodus of 6 million African Americans that spanned most of the 20th century, was now in its second wave. The black pilgrims did not journey north simply seeking better wages and work, or bright lights and big adventures. They were fleeing the acquisitive warlords of the South. They were seeking the protection of the law."⁷⁵ However, this protection was found wanting as new forms of economic exploitation and isolation encouraged by government programs meant Black buyers were frequently forced into predatory housing agreements due to both official and extralegal efforts to exclude them from legitimate financing options. Federal programs worked cleverly to exclude the Black community from their benefits in ways such as the Federal Housing Administration's practice of redlining. This describes a system of maps devised by the FHA which demarcated neighborhoods considered more stable, which were in higher demand, and therefore a more secure investment. These examples were colored green and often only populated by white

⁷⁴"Red Summer: The Race Riots of 1919 ." National WWI Museum and Memorial. Accessed May 8, 2022. <https://www.theworldwar.org/learn/about-wwi/red-summer>.

⁷⁵Coates, "The Case for Reparations"

families. Neighborhoods which were qualified as “hazardous” real estate markets and therefore ineligible for FHA support were marked red. Low income and minority neighborhoods were targeted in this way. Redlining served to isolate these communities spatially, creating ghettos where resources were extracted and surveillance was added.

The ghetto became the new site of Black exploitation and death. Homes were often sold to Black families “on contract”, a practice in which the seller retained the deed until the mortgage was paid in full, with no equity acquired in the meantime. These arrangements could stipulate that if a tenant missed a single monthly payment, they would forfeit their down payment, anything contributed to the mortgage thus far, and the property itself. This encouraged sellers to price homes at inflated rates and evict anyone who could not pay, while taking any previous installments as profit.⁷⁶ This came at a time when home ownership was rising as the emblem of American citizenship. Although programs such as Social Security were written into law to appear equal, the reality of their application contributed to economic oppression and exploitation. When the Social Security Act was signed into law, it failed to grant unemployment and old age insurance to farm and domestic workers—two fields which were predominantly employed by Black workers in 1935. As a result, as many as 80% of Black individuals in the South were ineligible for the benefits of Social Security.⁷⁷ These numbers were only slightly lower in the North.

If a region was not subject to the vices of redlining, it could be sure to fall prey to the practice of blockbusting and subsequent white flight. The fear of Black families decreasing property values was a self-fulfilling prophecy which inspired white block associations dedicated

⁷⁶Coates, “The Case for Reparations”

⁷⁷Coates “The Case for Reparations”

to maintaining segregation and committed to scaring away any family that managed to move into a predominantly white neighborhood, often through arson. The courts offered no protection against this violence, in some cases even siding against real estate agents and homeowners for conspiring to lower property values.⁷⁸ Because federal policy had set the stage for this to be true, it was not only a shared, racist belief, but a reality sufficient to incite white flight. Speculators would encourage these anxieties through blockbusting practices in which they would convince white homeowners to sell at a reduced price out of fear of a neighborhood “becoming black”. Agents would then sell homes on contract at inflated prices to Black families and rake in profit. These practices of segregation ensured the concentration of economic disadvantage while managing to operate with enough subtlety to uphold the American Grammar, which dictates these challenges are a result of personal and cultural failings within the Black community, rather than a systemic issue of oppression. Additionally, blockbusting and white flight mark a shift away from formal and overt racist policy towards more subtle maneuverings that could be passed off as individual bias and action. This marks a trend of racism transforming into something perceived as a personal attribute rather than a systemic issue, as blatant government support of white supremacy became less palatable.

Color-Blind Justice and Carceral Labor: An Evolving American Grammar

As time passed and the maneuverings of racial capitalism became more subtle, prisons also saw a new iteration as carceral institutions moved away from chain gangs and toward more permanent models of incarceration. Improved technology allowed infrastructure to be built more efficiently, but without income from convict leasing, state budgets faced a challenge. The solution was to bring manufacturing enterprises to prisons, creating a new form of industry with

⁷⁸Coates “The Case for Reparations”

increased longevity. This was one move in the name of “penal progress”, which aimed at improving the image of the prison industrial complex. Alongside this came efforts to professionalize the police and apply the law more equally. While the need to suppress Black communities remained, using old ways of racial terror and exploitation was now deemed “backward”, requiring more delicate maneuvering on behalf of the state. As Angela Davis puts it, “because of the tendency to view it as an abstract site into which all manner of undesirables are deposited, the prison is the perfect site for the simultaneous production and concealment of racism. The abstract character of the public perception of prisons militates against an engagement with the real issues afflicting the communities from which prisoners are drawn in such disproportionate numbers.”⁷⁹

Our current iteration of the carceral system may appear more equal at its face value, but the underpinnings of racial capitalism are still all too tangible. A lack of overt discrimination makes the issue harder to pin down, without truly altering the conditions of the institution. With the abolition of slavery, capital punishment measures such as the death penalty were officially de-racialized. The appearance of legal equality does nothing to diminish the racial violence of the system. “Color-blind” justice is merely the application of violence historically faced by Black communities onto others, thereby obscuring the root issues. The Civil Rights movement succeeded in removing racialized language, and therefore created equality before the law, but in doing so, also removed the capacity of the law to see people as racialized. As Angela Davis aptly puts it:

Capital punishment continues to be inflicted disproportionately on black people, but when the black person is sentenced to death, he/she comes under the authority of law as the abstract juridical subject, as a rights-bearing individual, not as a member of a racialized community that has been subjected to conditions that make him/her a prime candidate for legal repression. Thus the racism becomes invisible and unrecognizable. In

⁷⁹ Davis, *The Angela Y. Davis Reader*, 66-67

this respect, he/she is “equal” to his/her white counterpart, who therefore is not entirely immune to the hidden racism of the law.⁸⁰

As a legacy of the Thirteenth Amendment, the practice of prison labor has continued quietly and largely undisturbed. Prison labor and manufacturing remains a common practice today and “that many corporations with global markets now rely on prisons as an important source of profit helps us to understand the rapidity with which prisons began to proliferate precisely at a time when official studies indicated that the crime rate was falling.”⁸¹ This reality is frequently misunderstood as the existence of mass labor camps, but the reality is far more insidious. Work ranges from manufacturing, firefighting, and internal upkeep—which reduces operational cost. For example, janitorial, laundry, and kitchen services are typically performed by inmates. This decreases the necessary staffing budget, thereby increasing the profit margin on these institutions. This work can be compulsory, and comes with few rights or protections. Not only is work frequently demeaning, but it can be traumatizing, or even dangerous. In the wake of COVID-19, inmates at Rikers in New York City were paid \$6 an hour to dig mass graves for victims of the pandemic.⁸² Generative work such as manufacturing positions benefit investing companies as well, but the thousands of companies that profit off this exploited labor frequently escape public scrutiny by operating through subcontractors. Although the number of prisoners performing this type of labor is relatively small, it is highly profitable. Hickman’s—the fourth

⁸⁰ Davis, *Abolition Democracy* Ch. 2 “Politics and Prisons”

⁸¹ Davis *Are Prisons Obsolete?* Ch. 5 The Prison Industrial Complex

⁸²Ryerson, Charity. “If Prison Workers Are Essential, We Should Treat Them Like It: Prison Labor in the US, Part I.” Corporate Accountability Lab. Corporate Accountability Lab, August 5, 2020.
<https://corpaccountabilitylab.org/calblog/2020/8/5/if-prison-workers-are-essential-we-should-treat-them-like-it-prison-labor-in-the-us-part-i>.

largest egg producer in the United States—employs only a few hundred prisoners, but has a contract with Arizona’s Correctional Industry for over \$5 million.⁸³ This exemplifies the high prisoner to profit ratio that corporations benefit from. In these cases, average wages range from 84 cents to \$3.45 per day, with at least five states not requiring any pay at all.⁸⁴ This means that due to inflated service and commissary rates, an entire day’s work can easily be spent on a single phone call lasting less than 10 minutes. By forcing prisoners to pay for basic commodities and services such as phone calls and medical care, prisons are able to offset their costs. Even within work programs that require inmates to be paid minimum wage, prisons are authorized to deduct up to 80% of their earnings in order to pay for taxes, room and board, restitution, and outstanding legal fees or debts.⁸⁵ This means even in the best of conditions, disparities between earning potential and cost of goods can create a significant financial burden.

The consequences of going to prison are great, even when the crime is small. Part of what makes our carceral system so insidious is how it has convinced many that it is simply necessary. Prisons in America have become a catch-all solution to social problems that might otherwise be solved through investment in communities and care. Despite declining rates of violent crimes, prison populations are continuing to rise as social issues such as homelessness and drug use are criminalized. Mass incarceration makes prisons a means of disposal, not only physically removing individuals from their families and communities, but also through a continuing tradition of civic death. As Angela Davis puts it “democratic rights and liberties are defined in relation to what is denied to people in prison.”⁸⁶ Disenfranchisement removes ex-convicts from

⁸³Ryerson, “If Prison Workers Are Essential”

⁸⁴Sawyer and Wagner, “Mass Incarceration”

⁸⁵ Ryerson, “Private Companies Producing with US Prison Labor”

⁸⁶ Davis, *Abolition Democracy* Ch. 2 “Politics and Prisons”

the voting polity, and state laws may prevent certain people convicted of crimes from reentering the workforce. Registries and regulations add more challenges to reintegrating into society after a prison term, a challenge which individuals must typically navigate entirely on their own. While measures such as parole claim to decrease recidivism, there is no evidence to suggest this is true. In fact, increased surveillance of individuals and their communities is more likely to lead to more arrests, especially for minor offenses. Sentencing restrictions such as three strikes laws and mandatory minimums can mean lifelong consequences, even for minor crimes committed years apart. The “tough on crime” argument embraced in the 1990s reinforced racial disparities and stereotypes by focusing on drug use and petty theft over violent or corporate crimes. Although the heavy criminalization of drugs was not explicitly directed towards Black Americans and other people of color, the application of these laws has served to facilitate a growing racial disparity in the prison system. A particularly poignant example is the infamous sentencing minimum comparison between crack and powder cocaine of 100:1. The former was known to be primarily used by communities of color, while the latter (and less severely punished) was more common with affluent whites. In an oft-repeated dynamic, this contributed to the self-fulfilling prophecy of criminality and illusion of rampant drug use in communities of color, which was then used as justification for the diminishing of social services.

The reduction of social services has gone hand in hand with the increase in imprisoned women, especially in structurally oppressed communities. Drug use is of particular concern as women face a dual criminalization in this case—both for the actual use of drugs, and the consequential failure to live up to the image of a “good mother”. High numbers of incarcerated mothers demonstrate that just as it was during slavery, Black children only matter to the state when they can be used as a justification for punishing Black mothers. Perhaps unsurprisingly, the

“tough on crime” approach with a focus on drugs was unilaterally supported by Democratic and Republican parties. This bipartisan support demonstrates how foundational anti-Blackness is to American life; white supremacy sits at the heart of the American Grammar, no matter your political party. Former presidential candidate Hillary Clinton infamously commented that adolescents in gangs were “super predators” without conscience or empathy. This fits neatly with the myth of the black rapist and historical dehumanization of Black individuals. These trends have also contributed to rising numbers of police in schools, creating what is known as a school-to-prison pipeline present within vulnerable communities. Police presence in schools communicates that students are criminals, or expected to become them. Not only does this inform children’s expectations of themselves, but frequently works in tandem with strict policies which punish deviance harshly. Again, the issue is not harmful actions or criminality, but over policing. Consequences frequently remove students from their classrooms, depriving them of education, and therefore opportunity. The negative effects on academic achievement further complicate job prospects, thereby contributing to the cycle of poverty that comes as a result of economic oppression.

Another concerning sector on the rise within the prison industrial complex is immigration detention centers. Anti-immigrant rhetoric has risen in past years, demonstrating the insecurity of whiteness and the need to assert dominion over people of color. Accompanying this trend is the fact that “the most profitable sector of the private prison business is composed of immigrant detention centers. One can therefore understand why the most repressive anti-immigrant legislation in the United States was drafted by private prison companies as an undisguised attempt to maximize their profits.”⁸⁷ Harsher immigration laws not only increase the number of

⁸⁷ Davis, Angela Y. *Freedom Is a Constant Struggle: Ferguson, Palestine, and the Foundations of a Movement*. Edited by Frank Barat. Chicago, IL: Haymarket Books, 2016. EPUB. Ch. 1 “Progressive Struggles Against Insidious Capitalist Individualism”

incarcerated migrants, but invite surveillance into vulnerable communities, as anyone who “looks like” an illegal immigrant may be subject to suspicion and questioning. Because whiteness continues to inform who the dominant culture considers a true citizen of the United States, individuals are subject to scrutiny not on the basis of crime, but of race. In addition, due to the shortage of migrant labor these measures cause, states have increasingly turned to prison labor to perform agricultural work. This shifting pattern of exploited labor is not only eerily reminiscent of racial slavery, but evokes a greater degree of state involvement in the denial of humanity and working rights. As such, state maneuvers determine both which communities should be disposed of, and how.

The American Grammar of policing and prisons decidedly casts communities of color as “other” and undeserving of belonging in the polity, as well as society as a whole. Even political leaders who managed to gain representation in formal institutions have contributed to the enabling of structural racism. In fact, when these calls come from within Black communities, they validate external claims of criminality and increase the negative perception of the self and one’s own community. With “concomitant class differentiations and other factors responsible for far more heterogeneity in black communities than at any other time in this country’s history—[implicit] consent to antiblack racist logic becomes far more widespread among black people.”⁸⁸ Examples such as a former president Barack Obama’s Father’s Day address come to mind, which he opened by stating that the majority of Black children grow up in single-parent households. This fact was then used as the connecting link between increased likelihood of living in poverty and being imprisoned. He followed these claims with the affirmation “Yes, we need

⁸⁸ Davis, *The Angela Y. Davis Reader*, 65

more cops on the street.”⁸⁹ A more critical examination would show these outcomes more directly stem from racial capitalism and the over policing of Black communities, issues which cannot be resolved by penal progress, but which demand radical action.

Horizons for Change

Today, calls for reform fall too short and ignore too much. The generating force of law will continue to warrant state violence so long as the two are intimately connected. As an institution, the police remain justified in committing harm through the legitimizing force of upholding state order. Under critical questioning, it becomes clear this is the true and only purpose of the police. In 2005, the Supreme Court ruled that police do not have a constitutional duty to protect someone, even under the stipulations of a restraining order.⁹⁰ However, other benefits such as discretion insulate police from criticism or punishment when committing violence in order to protect property or maintain “order”. Individual acts of “extreme” violence are easily legitimized because of racial capitalist American Grammar. The conservative argument justifies deadly force with sympathy for the discretion required by officers, while the liberal argument highlights a departure from “proper” procedure. In this way, even the most brutal instances of violence are excusable as race is depoliticized by a focus on “extreme” actions—which are entirely predictable and normal within a racialized system.

⁸⁹“Text of Obama's Fatherhood Speech.” POLITICO, June 15, 2008.
<https://www.politico.com/story/2008/06/text-of-obamas-fatherhood-speech-011094>.

⁹⁰ Greenhouse, Linda. “Justices Rule Police Do Not Have a Constitutional Duty to Protect Someone.” The New York Times. The New York Times, June 28, 2005.
<https://www.nytimes.com/2005/06/28/politics/justices-rule-police-do-not-have-a-constitutional-duty-to-protect.html>.

When examining the historical genealogy of slavery and prisons, it becomes clear the two have always been intimately connected through compelling yet subtle forces. Negative abolition of prisons and the carceral system is not enough. We must imagine new ways of being in community which prioritize equity and care rather than power and profit. A modern Abolition Democracy cannot fall prey to temptations to outsource prison operations into systems of parole or social work. The core tenets of this project remain the same; increased rights to education, voting, and housing. Although it is unrealistic to expect that these radical changes can be made overnight, it is necessary to be mindful that any reform is made in a radical spirit. Because we are unable to rely on our institutions to create this change for us, we must begin at the grassroots level and find new methods of fugitivity to build resistance. Disrupting the mechanisms of production refutes the capitalist pressure to remain in constant expansion for the sake of profit. Prioritizing community and care over profit is always a radical endeavor, and by resisting the foundational requirements of the capitalist order, we can create change within our own communities.

A shift to a worldview which recognizes abundance and values luxuriating rejects white capitalist norms which rely on scarcity. Abundance sits fundamentally in opposition to scarcity, and marks the end of capital if it is realized. For communities with nothing, this may seem far from radical. However, recognizing abundance through practices such as luxuriating can be transgressive when the dominant culture seeks to exterminate all forms of pleasure. By claiming what they have no claim to—through theft or fugitivity—marginalized individuals and communities can resist the tyranny of capitalism. In this way, participating in acts of care and partaking in joy become radical. Saidiya Hartman lays out several beautiful examples in her work *Wayward Lives, Beautiful Expectations* of the power and autonomy of claiming pleasure as

ways of resisting hegemonic social norms and practices. By recognizing the functioning of social constructs such as morality as contributing to a dominant culture which depends on exploitation and oppression, acts of deviance can be understood as more than efforts toward survival, but acts of resistance and resilience. For example, the Moynihan Report which infamously condemned the “matriarchal” structure of Black families in America not only failed to consider the origins of this as rooted in slavery, but ignored the potential which these alternative kinship structures demonstrate. Although practices of horizontal connection were borne out of slavery’s denial of family through *partus sequitur ventrem*, “flexible and elastic kinship were not a ‘plantation holdover,’ but a resource of black survival, a practice that documented the generosity and mutuality of the poor.”⁹¹ In this way, we can give credit to alternative ways of being which may have come into existence out of oppressive conditions and reclaim their validity in a radical way.

Hartman points to the figure of wayward girls as a prime example of this, and praises figures such as Mattie, a young woman in New York City who resists rules of modesty and moderation imposed upon her; “to esteem her acts, to regard rather than vilify Mattie’s restive longing, is to embrace the anarchy—the complete program of disorder, the abiding desire to change the world, the tumult, upheaval, open rebellion—attributed to wayward girls. It is to attend to other forms of social life, which cannot be reduced to transgression or to nothing at all, and which emerge in the world marked by negation, but exceed it.”⁹² The refusal of Mattie to conform to social expectations was an act of resistance because those expectations were rooted in white supremacist, capitalist culture. Her rejection of these values creates the potential for different ways of living. Likewise, by exploring and addressing the roots of the institutions

⁹¹ Hartman, *Wayward Lives, Beautiful Experiments* Book 1: She Makes an Errant Path Through the City, Ch. 6 “An Atlas of the Wayward”

⁹² Hartman, *Wayward Lives, Beautiful Experiments* Book 1: She Makes an Errant Path Through the City, Ch. 4 “An Intimate History of Slavery and Freedom”

which harm us, and actively working against those forces, we can imagine new possibilities and build new systems which recognize the equal rights of all, and prioritize human dignity over profit.

In the wake of the COVID-19 pandemic and 2020 demonstrations, it may appear some progress has been made. Police departments around the nation are promising more accountability and better training, while prison numbers have declined for the first time in decades. However, these glimmers of hope may be deceiving. Democrats have shifted to advocate for increased police budgets, giving more power to the carceral system. Drops in prison admission rates are largely due to institutional backup rather than actual change, as evidenced by the fact that fewer people are being released now than prior to the pandemic. Proposed reforms such as increased use of body cameras for police and correctional control as opposed to imprisonment lack radical grounding and contribute to surveillance logics and practices. The former requires investment in technology which justifies increased police budgets while the latter invites further surveillance into communities for extended periods of time. Both offer a new mask to the same old problem. We must remain vigilant and resist these propositions and instead seek out solutions which actively reduce harm while building a better and less carceral future.

Abolition is a project of imagination. We need not ask what a world would be like without police, but rather envision how to build a world where police are not needed; in this sense, “abolition is a way of thinking about producing social order outside of the logic of capital and private property, state violence, and racialized subjectivity.”⁹³ While it may be tempting to look towards existing institutions and delegate the tasks of the police to social workers, medical personnel, rehabilitation centers, or even community watch programs, without fundamental and radical change, the root forces of racial capitalism and exploitation will continue to persist. These

⁹³McQuade, “Histories of Abolition,” 5

institutions are not innocent of influence of the afterlives of slavery or the prison system.

Punitive elements of separation exist within social and protective services, while medical fields continue to be informed by myths of the Black body originating in slavery. By using the tenets of Abolition Democracy as guiding principles, new institutions can grow from the grassroots which prioritize education, fiscal equity and enfranchisement. Encouraging class consciousness and avenues of fugitivity which recognize the worthiness of devalued and exploited communities disrupt the American Grammar which dictates who is disposable. Negative elements of the abolitionist approach can be achieved through collective action such as divestment campaigns and decriminalization. Positive institution building aspects of this philosophy are already growing through practices such as mutual aid and alternative conflict resolution approaches. Schools of restorative and transformative justice continue to explore these methods, which are becoming more widely recognized and appreciated. Practices which prioritize the healing of individuals who have been harmed over punitive action have proven to be more satisfying for all parties involved, and indicate a legitimate alternative to incarceration. Removing the punishment element from addressing criminality, and focusing on rehabilitation and healing from harm will break the cycle of penal progress which consistently offers intensified penitentiary techniques as the remedy to failures of the prison system. Abolition is the only solution to the American epidemic of police violence. The American Grammar of racial capitalism and its accompanying forms of exploitation and dispossession can only be addressed through fundamental political, economic, and social reconstruction; only once this is achieved will there be true emancipation from slavery and its ongoing afterlives.

Bibliography

- “Alabama Profile.” Prison Policy Initiative, 2021.
<https://www.prisonpolicy.org/profiles/AL.html>.
- Baldwin, James. *The Price of the Ticket: Collected Nonfiction: 1948-1985*. Boston, MA: Beacon Press, 2021. EPUB.
- Balfour, Lawrie. “Ida B. Wells and ‘Color Line Justice’: Rethinking Reparations in Feminist Terms.” *Perspectives on Politics* 13, no. 3 (2015): 680–96.
 doi:10.1017/S1537592715001243.
- Balfour, Lawrie. “Reparations After Identity Politics.” *Political Theory* 33, no. 6 (2005): 786–811. <https://doi.org/10.1177/0090591705279067>.
- Balfour, Katharine Lawrence. “Resurrecting John Brown.” Essay. In *Democracy’s Reconstruction: Thinking Politically with W.E.B. Du Bois*, 47–70. New York: Oxford University Press, 2011.
<https://oxford-universitypressscholarship-com.proxy.lib.pdx.edu/view/10.1093/acprof:oso/9780195377293.001.0001/acprof-9780195377293>.
- Boyd, L. M.. "murder of James Byrd, Jr." *Encyclopedia Britannica*, May 31, 2021.
<https://www.britannica.com/event/murder-of-James-Byrd-Jr>.
- Calathes, William. “Racial Capitalism and Punishment Philosophy and Practices: What Really Stands in the Way of Prison Abolition.” *Contemporary Justice Review* 20, no. 4 (2017): 442–55. <https://doi.org/10.1080/10282580.2017.1383774>.
- Coates, Ta-Nehisi. “The Black Family in the Age of Mass Incarceration .” Essay. In *We Were Eight Years in Power an American Tragedy*. New York, NY: One World, 2017.
- Coates, Ta-Nehisi. “The Case for Reparations.” *The Atlantic*. Atlantic Media Company, June 2014.
<https://www.theatlantic.com/magazine/archive/2014/06/the-case-for-reparations/361631/>.
- Coyle, M.J., & Scott, D. (Eds.). (2021). *The Routledge International Handbook of Penal Abolition* (1st ed.). Routledge. <https://doi.org/10.4324/9780429425035>
- Davis, Angela Y. *Abolition Democracy: Beyond Empire, Prisons, and Torture*. New York, NY: Seven Stories Press, 2005. EPUB.

- Davis, Angela Y. *Are Prisons Obsolete?* Toronto, Ontario: Seven Stories Press, 2011. EPUB.
- Davis, Angela Y. *Freedom Is a Constant Struggle: Ferguson, Palestine, and the Foundations of a Movement*. Edited by Frank Barat. Chicago, IL: Haymarket Books, 2016. EPUB.
- Davis, Angela. *If they Come in the Morning: Voices of Resistance*. New York: 1971. <http://stats.lib.pdx.edu/proxy.php?url=http://search.proquest.com/books/if-they-come-morning-voices-resistance/docview/2138596197/se-2?accountid=13265>.
- Davis, Angela Y. *The Angela Y. Davis Reader*. Malden, MA: Blackwell, 1998. PDF.
- Davis, Angela. “Reflections on the Black Woman’s Role in the Community of Slaves.” *The Massachusetts Review* 13, no. 1/2 (1972): 81–100. <http://www.jstor.org/stable/25088201>.
- Davis, Angela Y. *Women, Race, & Class*. New York, NY: Vintage Books, 2011. EPUB.
- Douglass, Frederick. “The Lessons of the Hour Speech by Frederick Douglass.” State Historical Society of Iowa, 2022. <https://iowaculture.gov/sites/default/files/history-education-pss-areconstruction-douglass-transcription.pdf>.
- Du Bois, W. E. B. *Black Reconstruction in America: Toward a History of the Part Which Black Folk Played in the Attempt to Reconstruct Democracy in America, 1860-1880*. New Brunswick: Transaction Publishers, 2013. EPUB.
- Foucault, Michel. *Discipline and Punish: The Birth of the Prison*. Translated by Alan Sheridan . 2nd ed. Vintage Books, 1995. EPUB.
- Gilmore, Ruth Wilson. *Golden Gulag : Prisons, Surplus, Crisis, and Opposition in Globalizing California*. Berkeley: University of California Press, 2007. Accessed May 15, 2022. ProQuest Ebook Central.
- Gordon, Lewis R., Annie Menzel, George Shulman, and Jasmine Syedullah. “Afro Pessimism.” *Contemporary Political Theory* 17, no. 1 (2017): 105–37. <https://doi.org/10.1057/s41296-017-0165-4>.
- Greenhouse, Linda. “Justices Rule Police Do Not Have a Constitutional Duty to Protect Someone.” *The New York Times*. The New York Times, June 28, 2005. <https://www.nytimes.com/2005/06/28/politics/justices-rule-police-do-not-have-a-constitutional-duty-to-protect.html>.

- Hartman, Saidiya V. *Lose Your Mother: A Journey Along the Atlantic Slave Route*. London: Serpent's Tail, 2021. PCF
- Hartman, Saidiya V. *Wayward Lives, Beautiful Experiments: Intimate Stories of Social Upheaval*. New York: W. W. Norton and Company, 2019. EPUB
- Hartman, Saidiya. "The Belly of the World: A Note on Black Women's Labors." *Souls* 18, no. 1 (2016): 166–73. <https://doi.org/10.1080/10999949.2016.1162596>.
- Iannelli, Jerry. "Despite Common Belief, Floridians Can't Always Get a Free Public Defender." *Miami New Times*. Miami New Times, October 29, 2019. <https://www.miaminewtimes.com/news/two-florida-laws-keep-public-defenders-out-of-misdemeanor-courtrooms-11309207>.
- Issar, S. Listening to Black lives matter: racial capitalism and the critique of neoliberalism. *Contemp Polit Theory* 20, 48–71 (2021). <https://doi.org/10.1057/s41296-020-00399-0>
- Jones, Alexi. "Correctional Control 2018: Incarceration and Supervision by State." *Prison Policy Initiative*, December 2018. <https://www.prisonpolicy.org/reports/correctionalcontrol2018.html#harms>.
- Lynching in America: Confronting the Legacy of Racial Terror, 2017. <https://lynchinginamerica.eji.org/report/>.
- Spillers, Hortense, Saidiya Hartman, Farah Jasmine Griffin, Shelly Eversley, and Jennifer L. Morgan. "'Whatcha Gonna Do?': Revisiting 'Mama's Baby, Papa's Maybe: An American Grammar Book': A Conversation with Hortense Spillers, Saidiya Hartman, Farah Jasmine Griffin, Shelly Eversley, & Jennifer L. Morgan." *Women's Studies Quarterly* 35, no. 1/2 (2007): 299–309. <http://www.jstor.org/stable/27649677>.
- Spillers, Hortense J. "Mama's Baby, Papa's Maybe: An American Grammar Book." *Diacritics* 17, no. 2 (1987): 65–81. <https://doi.org/10.2307/464747>.
- Sweeney, Shauna J. "Black Women in Slavery and Freedom: Gendering the History of Racial Capitalism." *American Quarterly* 72, no. 1 (2020): 277–289. doi:10.1353/aq.2020.0014.
- McDowell, M.G., Fernandez, L.A. 'Disband, Disempower, and Disarm': Amplifying the Theory and Practice of Police Abolition. *Crit Crim* 26, 373–391 (2018). <https://doi.org/10.1007/s10612-018-9400-4>

- McQuade, Brendan. "Histories of Abolition, Critiques of Security." *Social Justice* 45, no. 2/3 (152/153) (2018): 1–24. <https://www.jstor.org/stable/26677654>.
- McQuade. (2020). The Prose of Pacification: Critical Theory, Police Power, and Abolition Socialism. *Social Justice : a Journal of Crime, Conflict & World Order.*, 47(3/4). <https://doi.org/info:doi/>
- Myers, Ella. "Beyond the Psychological Wage: Du Bois on White Dominion." *Political Theory* 47, no. 1 (February 2019): 6–31. <https://doi.org/10.1177/0090591718791744>.
- Olson, Joel. *The Abolition of White Democracy*. Minneapolis, Minnesota: University of Minnesota Press, 2004. PDF.
- Ransby, Barbara. *Making All Black Lives Matter: Reimagining Freedom in the Twenty-First Century*. Berkeley, CA: University of California Press, 2018. EPUB
- "Red Summer: The Race Riots of 1919 ." National WWI Museum and Memorial. Accessed May 8, 2022. <https://www.theworldwar.org/learn/about-wwi/red-summer>.
- Roberts, Neil. *Freedom as Marronage*. Chicago, IL: The University of Chicago Press, 2015. PDF
- Robert T. Chase. *We Are Not Slaves : State Violence, Coerced Labor, and Prisoners' Rights in Postwar America*. Justice, Power, and Politics. Chapel Hill: The University of North Carolina Press, 2020. <https://search-ebscohost-com.proxy.lib.pdx.edu/login.aspx?direct=true&AuthType=ip.url.uid&db=nlebk&AN=2316659&site=ehost-live>.
- Robinson, William I., and Oscar Fabian Soto. "Passive Revolution and the Movement against Mass Incarceration: From Prison Abolition to Redemption Script." *Social Justice* 46, no. 4 (October 2019): 121–29. <https://search-ebscohost-com.proxy.lib.pdx.edu/login.aspx?direct=true&AuthType=ip.url.uid&db=i3h&AN=145451367&site=ehost-live>.
- Ryerson, Charity. "If Prison Workers Are Essential, We Should Treat Them Like It: Prison Labor in the US, Part I." Corporate Accountability Lab. Corporate Accountability Lab, August 5, 2020. <https://corpaccountabilitylab.org/calblog/2020/8/5/if-prison-workers-are-essential-we-should-treat-them-like-it-prison-labor-in-the-us-part-i>.

Ryerson, Charity. "Private Companies Producing with US Prison Labor in 2020: Prison Labor in the US, Part II." Corporate Accountability Lab. Corporate Accountability Lab, August 5, 2020.

<https://corpaccountabilitylab.org/calblog/2020/8/5/private-companies-producing-with-us-prison-labor-in-2020-prison-labor-in-the-us-part-ii>.

Sawyer, Wendy, and Peter Wagner. "Mass Incarceration: The Whole Pie 2022." Prison Policy Initiative, March 14, 2022.

<https://www.prisonpolicy.org/reports/pie2022.html>.

"Text of Obama's Fatherhood Speech." POLITICO, June 15, 2008.

<https://www.politico.com/story/2008/06/text-of-obamas-fatherhood-speech-011094>.

U.S. Const. amend. 13. §1.

Wagner, Peter, and Alexi Jones. "State of Phone Justice." Prison Policy Initiative,

February 2019. https://www.prisonpolicy.org/phones/state_of_phone_justice.html.

Wells-Barnett, Ida B. *Southern Horrors and Other Writings: the Anti-Lynching Campaign of Ida B. Wells, 1892-1900*. 2nd ed. Boston, MA: Bedford/St. Martins, 2016. PDF.

Whitehouse, Mary Rose. "MODERN PRISON LABOR: A REEMERGENCE OF CONVICT LEASING UNDER THE GUISE OF REHABILITATION AND PRIVATE ENTERPRISES." *Loyola Journal of Public Interest Law* 18, no. 1 (2017): 89+. *Gale Academic OneFile* (accessed May 15, 2022).

<https://link.gale.com/apps/doc/A565297327/AONE?u=s1185784&sid=bookmark-AONE&xid=1164e4ae>.