

## 4 Punishment, Resistance and the African-American Experience

This time, although he couldn't cipher but one word, he believed he knew who spoke them. The people of the broken necks, of fire-cooked blood and black girls who had lost their ribbons. What a roaring.

*Beloved*, Toni Morrison<sup>1</sup>

The incorporation of capital and punishment, of course, significantly predates the Cold War era. Nowhere is this more disturbingly illustrated than in African-American history. When did 'America' first signify punishment in black consciousness? A black youth, press-ganged in the Canaries, was part of Columbus' crew during the expedition that launched the European colonisation of the Americas. For the impressed sailor the *Santa María* would have been a floating prison on which he would have been routinely subjected to flogging and assorted naval tortures. Subsequently, of course, black people arrived in the New World not as crew but cargo.

Capturing the essentially punitive nature of their experience and that of those who followed, John Edgar Wideman, author of *The Lynchers*, described himself as 'a descendant of a special class of immigrants - Africans - for whom arrival in America was a life sentence in the prison of slavery.'<sup>2</sup>

This sentence began in Jamestown, 1619, when a Dutch man-of-war sold around 20 slaves to the colony. Over three centuries later, writing from Soledad prison, George Jackson pin-pointed the precise moment when he first felt the punitive presence of the white man. In 1941, 'early on a rainy Wednesday morning, late September', a white doctor was in attendance at Jackson's birth:

The first motion that my eyes focused on was this pink hand swinging in a wide arc in the general direction of my black ass. I stopped that hand, the left downward block, and countered the right needle finger to the eye. I was born with my defence mechanisms well developed.<sup>3</sup>

Soledad Brother exemplifies the effort in African-American prison writing, during its renaissance in the 1960s and early '70s, to draw critical analogies between individual and collective experience, between specific punitive acts and a long history of white oppression. For Jackson this was never simply an intellectual exercise; it was a race memory encoded in a body confined to a cell for 23½ hours each day:

My recall is nearly perfect, time has faded nothing. I recall the very first kidnap. I've lived through the passage, died on the passage, lain in the unmarked, shallow graves of the millions who fertilised the Amerikan soil with their corpses; cotton and corn growing out of my chest, 'unto the third and fourth generation', the tenth, the hundredth ... They've been 'killing all the niggers' for nearly half a millennium now, but I am still alive. I might be the most resilient dead man in the universe.<sup>4</sup>

As Elaine Scarry contends, '[w]hat is "remembered" in the body is well remembered'.<sup>5</sup> This chapter will examine the ways in which these memories have conflated the meanings of 'America', 'capital' and 'punishment' for many African-Americans, from the middle passage to the new slave ship. I will conclude by considering the defence mechanisms with which the nexus of white punitive and economic power has been met.

### FROM THE PASSAGE TO THE PLANTATION PRISON

Of course black people were 'guilty' of being black. Slavery was punishment for their 'crime.'

*Women, Race and Class*, Angela Davis<sup>6</sup>

Before the prison doors opened there was the middle passage. In excess of 10 million Africans were kidnapped, chained, beaten and branded before being shipped to the New World. Initial interaction between black and white in America established a punitive dynamic whose legacy is still evident in contemporary race relations. The dream of white punishment has always been the destruction of black subjectivity. Isolation from family, friends, community, history and language was the first stage in coercing the black subjects' consciousness of their status as property rather than people. This process was consolidated by confinement on a slave ship, a sentence that could

Punishment

A punitive nature of Black American life

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last from three weeks to a year. As many as 400 captives were placed in heavy iron chains and packed into spaces often allowing them less room than a coffin. Light, air, food and water were in short supply. Sanitation was practically non-existent and disease rampant. Those who complained or sought to escape were flogged or worse. A not uncommon practice was the dismemberment of the least compliant captives as a warning to the rest of the cargo.

In his autobiography, Olaudah Equiano stresses the impossibility of expressing his experience of the middle passage: 'I am yet at a loss to describe ... the feelings of my mind', it was 'a scene of horror almost inconceivable'.<sup>7</sup> The Interesting Narrative introduces a double bind that Kali Tal has identified as integral to the 'literature of trauma', and which surfaces repeatedly in representations of punishment within African-American writing: one is compelled to speak the unspeakable, the experience that must and cannot be communicated.<sup>8</sup> Equiano attempts to loosen the bind by concentrating on the material conditions of his confinement: 'so crowded that each had scarcely room to turn himself ... The foul and poisonous air of the hold, extreme heat, men lying for hours in their own defecation, with blood and mucus on the floor.'<sup>9</sup> Equiano's references to other captives as 'fellow prisoners' underlines the punitive nature of his experience. When he responds to incarceration with a hunger strike Equiano is brutally flogged. Refusing to eat was one of the more serious offences that the slave-ship prisoner could commit, since it was equivalent to the wilful damage of cargo. To protect their investment, captains resorted both to the whip and force-feeding: 'the guards held them down and inserted metal bars between their teeth. The device was screwed until their jaws were pried open, sometimes crunching teeth in the process.'<sup>10</sup> When he sees a huge pot boiling on deck, Equiano fears that the prisoners are about to be eaten by their captors. This neat inversion of colonialist demonology is accentuated with gothic tropes: 'I was now persuaded that I had gotten into a world of bad spirits, and that they were going to kill me.'<sup>11</sup> Toni Morrison's account of the middle passage develops Equiano's metaphor. The crossing in *Beloved* is traced through the inchoate 'rememories' of a revenant child who conflates the slave ship with the underworld and her captors with white demons, 'men without skin':

I am always crouching ... someone is thrashing but there is no room to do it in ... if we had more water we could make tears ...

I cannot fall because there is no room to ... some who eat nasty themselves ... small rats do not wait for us to sleep ... daylight comes through the cracks... the iron circle is around our neck. (pp.210-12)

For many, the middle passage was a death sentence. Many of those who made it through the passage died in the first year of their arrival due to disease, starvation and over-work. For those who survived the first year and for their descendants, the system that held them was heterogeneous. Although slavery is a singular noun it assumed a variety of forms. Slavery in North America underwent major developments between the early colonial period and the Emancipation Proclamation. The nature of the slave system and the enslaved subject's experience varied dramatically according to region (rural or urban, Old South or New Territories), crop type (cotton, sugar, tobacco), size of unit (from smallholdings to vast plantation factories) and the practices of individual masters. Slavery was, to use Peter Parish's useful phrase, a 'system of many systems'.<sup>12</sup> This diversity must be respected, but it is equally crucial to recognise that, as Peter Kolchin insists, 'much more united the slaves than divided them'.<sup>13</sup> Arguably the most crucial common denominator in the lives of African-American slaves was the experience of punishment. Walvin insists that 'it is impossible to understand the realities of slave life without confronting the ubiquity, the inescapability, of physical punishment'.<sup>14</sup> That slavery was founded on a punitive ethos is axiomatic, but the extent to which it saturated all aspects of social and economic life can still be underestimated. Punishment was not an unfortunate by-product of a means of production; economic and punitive imperatives were irrevocably integrated. The sheer range of punishments inflicted on slaves is terrifying. The withholding of provisions, clothing, passes and free time all constituted relatively minor penalties imposed for misdemeanours. At the other end of the spectrum lie various modes of torture and execution: castration, branding, maiming, being forced to drink piss or eat a raw chicken. One case documents a slaveowner who 'made de overseer tie dat dead Nigger to de one what killed him, and de killer had to drag de corpse 'round 'til he died too'.<sup>15</sup> In the middle of this punitive spectrum there lies the routine usage of chains, incarceration and the whip. For those slaves fortunate enough to elude this disciplinary arsenal the threat of punishment was still pervasive. If, as Foucault suggests, torture begins with the sight of the instruments,

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yes

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then slaves' profound insecurity would have been compounded by the visibility of the scourge, the whipping-post, the prison, the fist and the boot of their masters. *or simply the presence of white people*

According to Scarry's analysis of the torture scenario, the display of weaponry is designed to 'convert the prisoner's pain into the torturer's power'.<sup>16</sup> Punishment was pivotal to the slave's experience and to the subjectivity of the master. Its primacy is confirmed repeatedly in the rhetoric of the planter class: 'The fear of punishment is the principle to which we must and do appeal, to keep them in awe and order.'<sup>17</sup> *all justified by Bible* The centrality of punishment to the power-base and self-image of the slaveocracy is also confirmed by the specially severe treatment of slaves who sought to avoid it. Frederick Douglass recounts the execution of Demby, a slave who ran away from a flogging. The overseer resorted to summary execution and offered the following justification to Demby's master:

[Demby] was setting a dangerous example to the other slaves, one which, if suffered to pass without some demonstration on his part, would finally lead to the total subversion of all rule and order upon the plantation. [The overseer] argued that if one slave refused to be corrected, and escaped with his life, the other slaves would soon copy the example; the result of which would be, the freedom of the slaves, and the enslavement of the whites.<sup>18</sup>

*\** On the plantation, pain was a branch of pedagogy. In Morrison's *Beloved*, Schoolteacher is master. Any failure to attend to lessons went to the heart of slavery's power relations and was countered with utmost force.

The degree to which slavery and punishment were synonymous cannot be realised simply by documenting the range and severity of tortures practised on the slave. Irrespective of the frequency of floggings and executions, slavery was essentially punitive in its structure. Slaves were sentenced to a life of hard labour in plantation prisons, with almost no prospect of release. Several historians of slavery have recognised that the plantation was, in effect, 'a prison without walls: self-contained, stratified, paternalistic, coercive'.<sup>19</sup> *parallels between slavery + Northern prison* The plantation system in the antebellum South can be compared with the penitentiary system evolving in the North. The master performed a role analogous to the warden, whilst the overseers and drivers were his guards, maintaining discipline and surveillance. In both plantation and prison a systematic assault on identity was initiated

by assigning new names or numbers and inflicting humiliating physical inspections. In terms of size there was little to choose between a cell in the new penitentiaries and standard slave accommodation. The choices facing the slave and the prisoner were also comparable. *the whole of this* Each could serve their time as painlessly as possible, following orders and seeking to steer clear of additional punishment, they could practise daily subversions of the system designed to keep them as docile subjects, or they could attempt to escape. In both institutions there were hierarchies and prisons within prisons. Some captives received less physically demanding details in the Big House, whilst others were sentenced to hard labour outdoors.

The figure of slavery as prison is central to the slave narrative. Harriet Jacobs' *Incidents in the Life of a Slave Girl* offers a series of analogies between bondage and penal imprisonment which focus on the relative advantages of the latter condition. Jacobs declares that she would rather 'live and die in jail, than drag on, from day to day' in slavery's 'cage of obscene birds'.<sup>20</sup> Highlighting obscenity, the sexual abuse endemic to slavery, was crucial to the abolitionist agenda. Jacobs reminds her readers that '[s]lavery is terrible for men; but it is far more terrible for women ... they have wrongs, and sufferings, and mortifications peculiarly their own' (p.77). *Incidents* sketches the concentric circles of confinement surrounding the African-American woman, and underlines the extent to which patriarchy, as well as the plantation economy, was experienced as a carceral institution. From its nucleus inside the master's house the locus extends to Lincoln's 'House Divided'. In the wake of the Fugitive Slave Act of 1850, Jacobs insists that since her liberty is not guaranteed anywhere the entire nation has become her prison. *prison*

*Incidents* delivers a formidable critique of the unpardonable prison sentence imposed on African-Americans. The climax to a chapter devoted to the cruelties practised on neighbouring plantations tells of a master who considered 'punishment in jail, on bread and water, after receiving hundreds of lashes', to be too mild for the offence of trying to escape (p.48). Accordingly, he had a recaptured slave placed in a cotton gin, 'which was screwed down, only allowing him room to turn on his side when he could not lie on his back' (p.49). He was found dead, eaten alive by vermin, five days later. In flight from her master, Jacobs repeatedly retreats to confined spaces – dens, dark holes, cavities under floorboards – which prove, paradoxically, to be both representative of, and temporary sanctuaries from, the prison house of slavery. The most significant of these is her 'loophole of

retreat', a small garret in a shed adjoining her grandmother's house (p.113). This space is identified as her 'prison' and 'cell': 'I lived in that dismal hole, almost deprived of light and air, and with no space to move my limbs, for nearly seven years ... my body still suffers from the effects of that long imprisonment, to say nothing of my soul' (p.148). Jacobs documents the sufferings endured during this long sentence: the cramped conditions, attacks by vermin, the absence of companionship and communication. In this respect, *Incidents* typifies the formal and thematic bonds that bind slave narratives and prison literature.

#### PLANTATION PUNISHMENTS

None but those who resided in the South during the time of slavery can realise the terrible punishments that were visited upon the slaves.

*The House of Bondage, or Charlotte Brooks and Other Slaves,*  
Octavia V. Rogers Albert<sup>21</sup>

Jacobs insists that the suffering she endured during her seven-year term of self-incarceration was still preferable to her 'lot as a slave', and this despite the fact that she

was never lacerated with the whip from head to foot; I was never so beaten and bruised that I could not turn from one side to the other; I never had my heel-strings cut to prevent my running away; I was never chained to a log and forced to drag it about, while I toiled in the fields from morning to night; I was never branded with hot iron, or torn by bloodhounds. (p.115)

This litany of 'privileges' is double-edged: the punishments Jacobs has evaded alert the reader to suffering inflicted elsewhere. Alongside her own story, Jacobs documents tyrannical regimes on neighbouring plantations and traces contiguities between the individual and the social body. These passages, as Mary Titus notes, revolve around 'multiple, graphically described incidents of the abuse of bodies – whipped, scalded, starved, clubbed, torn apart, and devoured by vermin'.<sup>22</sup> Mr Litch, for example, owns 600 slaves on a plantation so extensive that it has its own jail and whipping post, therefore 'whatever cruelties were perpetrated there, they passed without comment' (p.46).

Various were the punishments resorted to. A favourite one was to tie a rope round a man's body, and suspend him from the ground. A fire was kindled over him, from which was suspended a piece of fat pork. As this cooked, the scalding drops of fat continually fell on the bare flesh. (p.46)

Deborah Garfield notes how food and torture are blended by Jacobs to intimate a perversion of the cult of domesticity.<sup>23</sup> Planter propaganda, which sought to represent slavery as a domestic institution, is compromised by recollections in *Incidents* of a cook, accused of a lack of culinary finesse, being force-fed dog food. The undermining of Southern hegemonic fables is similarly apparent when a runaway slave is locked in a cotton gin. Whilst elsewhere slavery is termed 'slow murder', the grisly death of this fugitive is speeded up in a gothic image that visualises slavery's consumption of human bodies. Inside the technological centrepiece of the plantation economy, Jacobs unveils the abject black corpse that feeds the domestic institution.

Jacobs suggests that the power to punish can be deadly for masters as well as slaves: 'It makes the white fathers cruel and sensual' (p.52). Although she recites this axiom of abolitionist propaganda, one that appeared compulsorily in slave narratives, elsewhere in *Incidents* the emphasis is less on the ethical dangers and more on the social advantages that accrue to those who wield the whip. Sandra Gunning argues convincingly that Jacobs is interested not only in 'brutalised slave bodies, but [in] the nature of the victimisation process developed and sustained as part of the means of constructing white privacy'.<sup>24</sup> Perversely, the punishment of black bodies averted attention from white culpability. Flint beats Jacobs to deflect attention from his desire for her, and exiles black women he has impregnated to safeguard his private identity and public position: 'Indeed the protection of Flint's life as father and husband is predicated on the exposure and punishment of black female bodies; they become criminalised, while white paternity is replaced by irresponsible, immoral black maternity.'<sup>25</sup>

Jacobs' attestation to the primacy of punishment within the social relations of slavery is echoed throughout the literature of slavery. In his *Interesting Narrative*, Equiano compiles an inventory of the 'instruments of torture used in the slave trade' and documents their usage: 'neck-yokes, collars, chains, hand-cuffs, leg-bolts, drags, thumb-screws, iron-muzzles, and coffins; cats, scourges'.<sup>26</sup> *The Narrative of*

*the Life of Frederick Douglass* is set in Maryland, where 'it is generally conceded that [slaves] are less cruelly treated than in Georgia, Alabama, or Louisiana' (p.32). Despite this conventional disclaimer, Douglass' autobiography is structured around a series of confrontations with a white punitive power that is often total and unregulated.

The plantation is a little nation of its own ... The law and institutions of the state, apparently touch it nowhere. The troubles arising here, are not settled by the civil power of the state. The overseer is generally accuser, judge, jury, advocate and executioner. The criminal is always dumb.<sup>27</sup>

There were very few legal limitations on the punishment of slaves: whipping, maiming, incarceration, shackling and starvation were all judicially sanctioned. The slave community was subjected to discipline that was localised, private and informal. Summary justice, outside the courts, was the 'cornerstone of the system'.<sup>28</sup> The micro-systems of discipline constructed by individual slave owners interlocked to form a penal sub-system. This system was itself underpinned by a public disciplinary apparatus operating within and between states. On a day-to-day basis the slave could be subjected to discipline by the driver, the overseer, the master or members of his family, but the system did not finish with the boundaries of the plantation. Once the estate's margins were crossed the slave was confronted by local law enforcement: justices of the peace, constables and sheriffs, slave patrols and vigilante groups.

If the offence were deemed serious enough, punitive authority passed to a formal hearing in magistrate's court, superior court, and on rare occasions the state supreme court. Whilst there were very few laws prohibiting cruelty against them, the law codified a large number of crimes as capital offences when committed by slaves. Virginia's slave codes included 71 capital offences for blacks that did not apply to whites. Since execution and long-term imprisonment robbed the master of labour power, sentences were often commuted to punishments that, as in the 'little nations', focused on the body, such as flogging, branding and cropping. When a slave was sentenced to capital punishment the authorities exploited the spectacle to the full and insisted on attendance by the black community. Executions were made especially brutal. The execution of slaves would involve castration, disembowelment, decapitation or the use of fire, to serve as an instrument of terror against the captive audience. Given the

immanence of the disciplinary apparatus already confronting the slave community, the excess of these spectacles might appear unwarranted. However, these punitive performances may have been staged primarily for the benefit of their white directors, having less to do with suppressing rebellion than with suppressing anxieties amongst the planter class about the possibility of challenges to its omnipotence.

Whilst execution was a relatively rare display of disciplinary potency, the whip was a permanent presence. As Douglass stated epigrammatically: 'The whip is all in all.'<sup>29</sup> Flogging assumed a variety of forms: there were variations in instrument (types of whip, rod, scourge and paddle), in personnel (it could be applied by master, mistress or child, driver or overseer, constable or patroller) and in method (ranging from a swift tap on the way to the fields to being tied naked to a public whipping post to receive 100 lashes). Various groups in Southern society sought to regulate the practice of flogging. Local laws often prescribed a number of lashes for specific offences, but these were almost impossible to enforce in the 'little nations'. Some churches investigated allegations of excessive usage, and even excommunicated masters who refused to restrain their use of the scourge. Despite the exhortations, however, there is evidence to suggest that restraint was rarely practised, and mixed messages were delivered from the Southern pulpit. Whilst a minority recommended New Testament self-discipline, the majority regurgitated Old Testament precedents to establish the master's divine right to punish: 'We esteem it the duty of Christian masters to feed and clothe well, and in the case of disobedience to whip well.'<sup>30</sup> Slaves were also subjected to sermons and admonished to recognise their masters as 'GOD'S OVERSEERS ... if you are faulty towards them, God himself will punish you severely for it in the next world.'<sup>31</sup>

Another source of largely ineffective regulation for flogging was the management manual that warned of the economic pitfalls of over-reliance on the whip. However, whilst suggesting fiscal disincentives against cruelty, the management manual would also propose refinements in sadism. A pseudo-science of the scourge evolved, including technical advice on the optimum length and width for this instrument. Masters were advised to whip a slave on their legs if welts had developed on their back, not due to compassion, but because scar tissue deadened sensation. Manuals may have recommended selective scourging, but they also offered ways of maximising returns, such as enforcing attendance by slave children.

Used sparingly, it was urged, the whip could be an even more effective disciplinary tool. As a planter in North Carolina explained in his *Instructions to Managers*:

Whip a dog every time he enters your parlour and kitchen and you will soon be unable to coax him to put his nose inside the door. But if he is sometimes allowed to lie by the fire and sometimes severely lashed, he will take ten thousand stripes and be a house dog in spite of them.<sup>32</sup>

The existence of documents recommending selective scourging does not, of course, prove that restraint was endemic to the system. In fact, it could easily be read as evidence of widespread malpractice. Although statistical evidence is equivocal, existing archival records, posters for runaways specifying the number of their 'stripes' and newspaper reports often testify to the frequency of flogging. This was not exclusive to the 'little nations':

The public punishment of slaves and free blacks by city authorities was a common sight in the urban South. A Richmond newspaper laconically described a city court's business: 'There was nothing of moment before 'His Honour' yesterday. An average amount of niggerdom was ordered to be thrashed ... for violations of the police regulations and city ordinances of so slight a character that it is hardly worthwhile publishing them in a newspaper.'<sup>33</sup>

Slave narratives and abolitionist rhetoric advertised the pre-eminence of the whip, and aimed to convert it into a synecdoche for the ineffable sufferings of slavery. Abby Kelley swore that 'when my flesh quivers beneath the lash ... the English language is not adequate'.<sup>34</sup> Despite the inarticulateness they produce, floggings function as primary, and on occasion primal scenes in the discourses of anti-slavery. The biographies of Frederick Douglass, Charles Ball and William Wells Brown either open with or hinge upon the moment in which the authors witnessed the whipping of their mother or a female relation by their master. The eroticised punishment of black mothers by white father figures forms the crucible in which the narrator's conception of slavery and subjectivity is formed. Similarly, narratives by Harriet Jacobs, J. H. Banks and Solomon Northrup each offer a flogging scene as their introduction to the slave's experience, or as a turning-point in relations with white

power. The slaveocracy attempted to fix an image of the plantation as consummate fusion of the commercial and the domestic. The slave narrative challenged this proscriptive parable by converging on the whip. The genre wrenched slavery from the realms of economic and paternalistic discourse and positioned it in a disciplinary context. The moment the whip was cracked may have produced pain that was beyond articulation, but it was also the point at which pro-slavery propaganda could be most effectively silenced.

In the opening chapter of his *Narrative*, the child-narrator Douglass watches in mute terror from a closet whilst his master flogs Aunt Hester. Captain Anthony is the first in a succession of master-father figures (Hopkins, Gore and Covey) armed with the phallic scourge that Douglass encounters. The imagery associated with this initial meeting crosses the religious and the gynaecological, as Douglass describes the Captain's beating of Aunt Hester as 'the bloodstained gate, the entrance to the hell of slavery, through which I was about to pass' (p.28). Jenny Franchot's reading of this scene confirms its importance as the narrative's 'originating moment', the moment in which the young Douglass is 'stunned into commodity status'.<sup>35</sup> Franchot goes on to assert that the image of the 'victimised - often "whipped" - female body' establishes an opposition between passive black femininity and a powerful white patriarchy that problematises Douglass' *Narrative*.<sup>36</sup> This critique might seem to be reinforced by the correlation between the *Narrative's* primal scene and Freud's 'A Child is Being Beaten'. Captain Anthony is Hester's figurative father, and possibly Douglass' biological parent. The potent admixture of voyeurism, guilt and desire evident within this triangle echoes the classical psychoanalytical account of sadistic fantasy. Douglass' pre-occupation with the whip, the root and the 'rod of the oppressor' might also seem to strengthen the charge of a problematic phallogocentrism in the *Narrative*. At the same time, the rather tidy oppositions underlying Franchot's critique threaten to erase the tangled skein of blood, capital and genealogy that is evident in the slave narrative. The erotic undercurrent in the imagery does not automatically entail a symbolic siding with white punitive power, nor a rejection of black femininity. The slave narrative typically elides the binary logic of the plantation economy in favour of crossings between white and black, masculine and feminine, power and passivity. The graphic nature of Douglass' opening chapter is itself partly attributable to a gendered crossing between the genres of slave autobiography, the sentimental novel and sensationalist fiction.

Despite the pre-eminence assigned to the whip in the slave narrative there is less consensus concerning its role amongst some historians. Fogel and Engerman, for example, agree that whipping was 'probably the most common punishment meted out against errant slaves', but go on to argue that, in general terms, it was used sparingly and was often 'as mildly applied as the corporal punishment practised within families today'.<sup>37</sup> In their controversial study, *Time on the Cross*, Fogel and Engerman repeat the message from plantation manuals concerning the ineffectiveness of excessive flogging in comparison with alternative tools of labour control (such as bonuses and profit-sharing schemes). Whilst attesting that '[r]eliable data on the frequency of whipping is extremely sparse', they also offer the records kept by a Louisiana planter, alongside census data and account books, as statistical support for their claims.<sup>38</sup> Fogel and Engerman's assertion that flogging was the most prevalent form of punishment inflicted by slaveowners ignores the essentially punitive nature of slavery itself, with its profound and incessant deprivations of liberty. As Douglass stated: 'Work, work, work, was scarcely more than the order of the day than of the night ... I was somewhat unmanageable when I first went there, but a few months of this discipline tamed me' (p.85). The assumption made in *Time on the Cross* that only 'errant slaves' were whipped and that they typically experienced only a 'mild whipping' also seems wildly incongruous alongside Douglass' *Narrative*: 'It seems as though I should not forget this flogging when I die; it grieved my soul beyond the power of time to cure' (p.143).

To declare that 'reliable data is extremely sparse', of course, is to reject the authority of literature by and about slaves. It is undoubtedly important to recognise that slave narratives were political literature offering a representation of slavery that was least favourable to the institution. However, one must apply equally rigorous standards of scepticism towards the official records of the slaveholding class, especially those produced by an order under siege and desperate not to provide evidence of disharmony. Fogel and Engerman's understanding of the whip is representative of the general model of punishment that they offer in *Time on the Cross*. They contend that slavery maintained structural stability not by physical force but through forms of hegemonic assimilation. This account reads slavery as America's 'time on the cross', but the body has been taken down. Slavery becomes a figurative punishment for

the nation as a whole, rather than a series of material practices brought to bear on the black body. racist

Strictly quantitative approaches to slavery are also questionable due to their inability to account for contradictions within the system, and as Blassingame reminds us, '[n]owhere does the irrationality of slavery appear as clearly as in the way that slaves were punished'.<sup>39</sup> Masters often acted in ways that were not to their economic advantage: 'Sometimes they would catch Richard and drive four stakes in the ground, and they would tie his feet and hands to each one and beat him half to death. I tell you, sometimes he could not work'.<sup>40</sup> Contrary to the assertion that slaves were kept in place through hegemonic manipulation and the promise of economic reward, Douglass offers the following:

I have observed this in my experience of slavery, – that whenever my condition is improved, instead of increasing my contentment, it only increased my desire to be free ... I have found that, to make a contented slave, it is necessary to make a thoughtless one. (p.126)

One of the crucial lacunae produced by a quantitative methodology is the erotic economy of slavery: forms of libidinal interest accrued alongside the (im)purely pecuniary. The whipping of Aunt Hester introduces a gallery of sadists who brutalise black women in Douglass' *Narrative*. These figures, like Dr Flint in Jacobs' *Incidents*, 'loved money, but [they] loved power more' (p.80). Despite warnings from her white editor, Jacobs chose to foreground slavery's marriage of erotic and punitive power. She further challenged propriety by hinting that this union was not confined to heterosexual relations. Jacobs recalls waking at night in her room to find her mistress looming over her, and the case of a young male slave forced to attend to a sick master:

As he lay there on his bed, a mere degraded wreck of manhood, he took into his head the strangest freaks of despotism; and if Luke hesitated to submit to his orders, the constable was immediately sent for. Some of these freaks were of a nature too filthy to be repeated. I left poor Luke still chained to the bedside of this cruel and disgusting wretch. (p.74)

Only by moving beyond the account books of the master can one begin to gauge the extent to which African-Americans experienced

white homo violence

the system of slavery as inherently punitive. From the perspective of the slave community, the plantation economy's primary product was not cotton, or tobacco, or sugar, but pain. This pain often followed the ex-slave to the North. In the narratives of Equiano, Douglass, Jacobs and others, the authors are plagued both by the memory of punishment and by the possibility of its return. The insecurity of ex-slaves is compounded by the racism and institutional discrimination they encounter in the nominally 'Free' states. The slave narrative proposes that the prison walls did not end at the plantation's boundary. In place of liberty, the slave encountered only degrees of imprisonment in the Land of the Free.

*like most oppressed people today*  
 'A SMALL PIECE OF HELL': CHAIN GANGS,  
 LYNCHING AND THE RECONSTRUCTION OF SLAVERY

Eighteen seventy-four and whitefolks were still on the loose. Whole towns wiped clean of Negroes; eighty-seven lynchings in one year alone in Kentucky ... grown men whipped like children; children whipped like adults; black women raped by the crew; property taken; necks broken.

*Beloved*, Toni Morrison (p.180)

*13th Amendment*  
 In an autobiography dictated to a reporter on the South Carolina *Independent*, an anonymous African-American from Georgia offered a story that repeated the familiar formula of the slave narrative. The transcript began with obscure genealogy, enforced illiteracy, family break-up, routine whippings and the sexual abuse of black women. Although formally undistinguished, the noteworthy feature of this narrative is that it documented life *after* the Civil War. 'Autobiography by a Georgia Negro Peon' was first published in 1904 and its subtitle, 'The New Slavery in the South', highlighted fundamental continuities in the African-American experience following emancipation. H. Bruce Franklin includes this text in his anthology of twentieth-century prison writing and prefaces it with a cogent reminder that whilst the Thirteenth Amendment formally abolished chattel slavery, it also lay the legal groundwork for new forms of penal slavery: '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.'<sup>41</sup> This punishment clause was part of a strategy by which white power maintained the punitive oppression of

African-Americans. A massive expansion of penal machinery, combined with debt peonage and black codes, convict leasing and contract labour, chain gangs and lynching, ensured that, although the walls of the plantation prison had been pulled down, liberty remained little more than a legal fiction. The postbellum period saw a legal redrafting of slavery which was far more than a paper exercise. The labour contracts of debt peonage, Jim Crow segregation laws and literacy tests enforcing disenfranchisement were underwritten by the pervasive promise of punitive violence.

In his autobiography, the anonymous Georgia peon records some of the stratagems by which, for many African-Americans, reconstruction was translated into the reconstruction of slavery. The change of regime occurring nationally in the wake of war is echoed in microcosm on the plantation, as the old master dies and the son, a powerful politician, takes over. The Senator increases productivity by concretising the plantation's status as a *de facto* prison. First, he coerces his illiterate workforce into signing ten-year contracts that prohibit them from leaving the plantation:

... if we got mad and ran away, we could be run down by bloodhounds, arrested without process of law, and be returned to our employer, who according to the contract, might beat us brutally or administer any other kind of punishment that he thought proper. In other words, we had sold ourselves into slavery -- and what could we do about it?<sup>42</sup>

Following the completion of their ten-year terms, the workforce discover that they are in debt to the Senator for use of the local store, from which they were compelled to purchase their supplies. Once their status changes, from 'free' labourer to debt peon, they are held in a stockade and sentenced to further hard labour to settle the arrears. The imprisonment of the current workforce, however, is only half of the Senator's strategy, as he also recruits additional labourers: 'This was the beginning of the Senator's convict camp. These men were prisoners who had been leased to the Senator from the State of Georgia at about \$200 each per year.'<sup>43</sup> Over the next two years the number of convict labourers swells from 40 to 200, and distinctions are lost between worker, prisoner and slave. Convict leasing had been practised on a small scale before the war, but in the postbellum period it became a key tactic in the reconstruction of slavery. The formal abolition of slavery left the plantocracy facing a crisis in social control

*convict leasing*



and agricultural labour supply. Given its centrality to the previous regime, it is unsurprising that punishment was resorted to as the solution to this crisis.

The new regime was initiated by the black codes that both replaced and repeated antebellum slave codes. Until they were themselves replaced by relatively more sophisticated Jim Crow legislation, the codes were crudely discriminatory. The majority of these statutes only related to African-Americans and included a vast array of nebulous offences including 'insulting gestures' and 'mischief'. The codes operated alongside equally obscure vagrancy laws hurriedly drafted by Southern legislatures to discipline the ranks of the black unemployed. 'Free negroes' were compelled to obtain written proof of employment on an annual basis. If they were found roaming without such proof they could be arrested for vagrancy, but if they chose to stay put they could be imprisoned for loitering. Before the Civil War there had been hardly any black prisoners. Following the war, the codes ensured that in some Southern states African-Americans accounted for more than 90 per cent of the prison population.

The fee system played a pivotal role in the manufacture of a labour pool of licit slaves. Law enforcement officials, magistrates and judges received a fee for arrests and convictions and this, along with the costs incurred during the judicial process, was passed on to the prisoner. Often the sentence for a misdemeanour would be no more than a few days, but the costs would entail several further months of hard labour. When Milly Lee was convicted of using 'abusive language' she was fined one dollar. This penalty was worked off after two days but 'it required nearly a year of labour to satisfy the "costs" consisting of fees to judge, sheriff, clerks and witnesses, totalling \$132'.<sup>44</sup> As poverty was implicitly criminalised, African-American defendants found themselves sentenced, in the words of a New Orleans black newspaper, to 'three days for stealing, and eighty-seven for being coloured'.<sup>45</sup> After the imposition of fines they were unable to pay, African-Americans were sent to prisons which became, in effect, the new slave warehouses. From this location former masters, private companies and the state could select prisoners and contract their labour by assuming responsibility for their fine. The state profited in various ways from the new penal system. Emptying the prisons cut expenditures and raised revenue. The state also put prisoners to work at tasks such as road maintenance. Road gangs saved money and indirectly increased the attractiveness of agricul-

Court costs → forced slavery

tural labour to the black workforce. Also, by making their punishment highly visible, the road gang reinforced the racist code that equated blacks and criminality. Chain gangs and convict leasing ensured that, for the state, crime began to pay. *Swath of the pie*

Black prisoners, as well as being put to work by the state, were also exploited by private capital. This could mean, as in 'Autobiography by a Georgia Negro Peon', a return to the plantation, or to work in mines and mills and on railroads and canals. The material conditions endured here were often even worse than those endured under chattel slavery, since the companies leasing convict labour did not have the financial incentive to maintain their 'property'. It was cheaper to replace slave labour than provide properly for it, and consequently death rates for black convicts soared. In 1870 the mortality rate amongst black prisoners in Alabama reached 41 per cent. Life expectancy for most convicts varied from between three and seven years, and could be shorter than the average sentence. This statistic also fails to account for the large numbers of prisoners compassionately pardoned when they were about to die. Franklin observes that the value of black prisoners sometimes did not end with their death: 'the bodies of convicts leased to the mines and railroads of Tennessee were sold to the Medical School at Nashville'.<sup>46</sup>

The conditions that translated prison sentences into death sentences make this arguably the most brutal punishment regime in American history. On the railroads prisoners were kept in rolling cages and shackled even in their sleep:

They relieved themselves in a single bucket and bathed in the same filthy tub of water. With no screens on the cages, insects swarmed everywhere. It was like a small piece of hell, an observer noted – the stench, the chains, the sickness, and the heat.<sup>47</sup>

A railroad company building a line through the Canay Swamps had convicts working in water

ranging to their knees, and in almost nude state they spaded caney and rooty ground, their bare feet chained together by chains that fretted the flesh. They were compelled to attend to the calls of nature in line as they stood day in and day out, their thirst compelling them to drink the water in which they were compelled to deposit their excrement.<sup>48</sup>

Swath of the pie  
+ profit  
Convict leasing was more  
cheap than  
Black bodies

Working hours were from around 4.30 a.m. for 'as long as it is light enough for a guard to see how to shoot'.<sup>49</sup> Work and punishment practices in the convict lease system borrowed from antebellum traditions. In the mines, for example, a task system based on the plantation model was employed, according to which groups would be flogged for failing to achieve a day's quota. Oshinsky and Colvin document cases of prisoners being hung from crucifixes, stretched on racks and crammed into coffin-sized sweatboxes for minor infractions of discipline.<sup>50</sup> Summary executions were routine. Another spectre from the days of slavery was the institutionalisation of sexual abuse: 'Sexual assaults in convict lease camps were also numerous.'<sup>51</sup> Far more African-Americans attempted to escape penal than chattel slavery. The chances of success were quite high, given that recapturing fugitives was a low priority for the state and private companies. 'In the mid-1870s a Georgia legislative committee reported that nearly half of the state's convicts had escaped.'<sup>52</sup> The lack of commitment to recapturing runaways indicates the extent to which economics, rather than public safety, was the primary consideration within the postbellum penal system. Punishment in this system was devoid of penological rhetoric concerning rehabilitation, common in the North, and was stripped bare of the paternalist vesture which had cloaked the plantation economy. The abolition of chattel slavery prefigured the perfection of new forms of nakedly penal slavery, in which capital and punishment became fully integrated.

Morrison's *Beloved* attempts to recreate this 'small piece of hell' in the career of Paul D. After the 'short, flashy results' of the Civil War, Paul D finds himself on the run alongside thousands of emancipated slaves

[w]ho, like him, had hidden in caves ... slept in trees in the day and walked by night ... buried themselves in slop and jumped in wells to avoid regulators, raiders, patrollers, veterans, hill men, posses and merry-makers ... Move. Walk. Run. Hide. (pp.171, 66)

After a stint as a bond slave, Paul D attempts to murder his owner and is sent to a prison camp in Alfred, Georgia (in 1866 the first state to utilise chain gangs). Here he sleeps 'underground and crawled into sunlight for the sole purpose of breaking rock' (p.40). Alongside the hard labour, poor food and lack of hygiene, the prisoners are also at constant risk of sexual assault:

Chain-up completed, they knelt down ... Kneeling in the mist they waited for the whim of a guard, or two, or three. Or maybe all of them wanted it ... 'Breakfast? Want some breakfast, nigger?' ... Occasionally a kneeling man chose gunshot in his head as the price, maybe, of taking a bit of foreskin with him to Jesus. (p.108)

In confirmation of the Georgia legislative committee's report on lax security, all 46 prisoners manage to escape the camp during a storm, after which Paul D is 'purchased by Northpoint Bank and Railroad Company' (p.141). These experiences crystallise the transition from chattel to penal to wage slavery and demonstrate that, although the terminology changed, the essentially punitive nature of the experience of many African-Americans at this time remained disturbingly constant.

As the reconstruction era was eclipsed by the New South another change of terminology had little discernible impact. A combination of the state and Southern and Northern capital continued to exploit black prison labour. The primary industries (forestry and mining) and the transport infrastructure (roads, railroads and canals) that fuelled the industrialisation of the South were often dependent on the profitable punishment of African-Americans. Industrialisation was not accompanied by a transition to modern punishment practices centred on psychological correction: the black body remained the target of torture. The semi-feudal plantation economy had of course been founded on the punitive regulation of black bodies. What is less well recognised is the extent to which the industrialisation of the New South was similarly inspired.

The new synthesis of capital and punishment thrived until the 1890s, when it was forced to adapt to changes in demographics, labour relations and law. The Great Migration to Northern cities had a massive impact on convict labour supply. Simultaneously, the system was under fire from workers who refused migration. The penalised black body had been deployed successfully as a disciplinary tool in labour relations with 'free' workers. A steady supply of black convict labour kept wages low, working conditions poor and undermined the effectiveness of organised revolt. However, organised resistance, from groups such as the Knights of Labour and the Farmers' Alliance, was beginning to increase the costs of convict labour. The state initially responded to these twin threats by tightening up on already strict vagrancy and contract evasion legislation, whilst judicial decision-making responded to local labour

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needs by sending convicts to areas of shortage. Alongside these short-term measures, a new model of prison labour emerged, gradually replacing the convict lease: the state-owned prison farm. In Mississippi, Texas, Tennessee and Arkansas, some of these developed into super-plantations, agricultural factories for cotton manufacture that dwarfed their antebellum predecessors. Parchman Farm in Mississippi covered 16,000 acres and was the state's chief source of revenue.

Although only two Southern states abolished the lease system in the nineteenth century, and it was still functioning in Alabama into the 1920s, its value as a system of social control had been significantly undermined by legal developments. The case of *Plessy v. Ferguson* in 1896 established the 'separate but equal' ruling. This doctrine paved the way for a catalogue of Jim Crow laws which, alongside the systematic disenfranchisement of African-Americans, provided an alternative means of race oppression: 'As legalised segregation became entrenched and its coerciveness affected all race relations, the punishment system (both official and unofficial) receded.'<sup>53</sup> The unofficial punishment system mentioned here refers primarily to lynching. The massive expansion in state-sponsored punishment after the Civil War did not displace the private criminal justice system that dominated the plantation economy. In fact, punishment continued to thrive at the local level, especially in the form of lynch law. A vibrant tradition of extra-legal punishments was maintained by various white supremacist groups. The night rides of the Klan were routine in every Southern state by 1870. The Klan cultivated the image of an unofficial police force, honourable opponents of the rampant black criminality which had been unleashed, allegedly, by emancipation. Their rationale was that punishment for blacks and whites ought to be separate and unequal:

The white man's law, said many racists, was unsuited to Negroes, who were adapted by racial experience to the ways of the jungle. *Due process, trial by jury, even imprisonment, were meaningless to them, for they saw no connection between crime and punishment unless one was immediately followed by the other.*<sup>54</sup>

Alongside smaller vigilante groups, such as the White Cohort and the Knights of the White Camellia, the Klan filled the holes left by the formal dismantling of slavery's punitive apparatus: 'Where convict leasing was used as punishment in more settled areas,

lynching was used in more sparsely populated areas.'<sup>55</sup> Lynching had an established place in Southern rituals of violence over half a century before its post-Civil War renaissance. The term itself dates to the 1780s and memorialises Colonel Charles Lynch of Bedford County, Virginia. Lynch responded to what he perceived as a local crime wave by taking the law into his own hands and punishing offenders summarily beneath a huge oak tree on his land. Douglass, in his *Narrative*, supplies an indication of the ubiquity of lynch law in the antebellum period, when he remarks, after a fight with a group of white carpenters in a Baltimore dockyard, that 'to strike a white man is death by Lynch law, - and that was the law in Mr Gardner's ship-yard; nor is there much of any other out of Mr Gardner's ship-yard' (p.143).

Once the market value of black life was reduced by the Thirteenth Amendment, lynch law became a veritable industry. In *A Red Record*, Ida B. Wells estimated that over 10,000 lynchings took place between 1865 and 1895.<sup>56</sup> The extent to which this practice was informally sanctioned is indicated by the fact that during the same period only three white men were executed for taking part in a lynching, and there were no federal prosecutions until 1942. There were also many instances when lynching was officially sanctioned. When George Hughes was lynched in Sherman, Texas, a mob burnt down the jail he was in, dragged his dead body to the black part of town and set fire to it. Local law enforcement assisted by redirecting traffic. In his *Autobiography*, Malcolm X reports how, after discovering his father severely beaten around the head and run over by a tram, the police entered a verdict of 'suicide'. The extent of collusion between vigilante violence and the police is evident in the large number of lynchings that did not conform to the mythological fable of a surreptitious, nocturnal ceremony. In 1899, for example, Sam Holt was mutilated, tortured and burnt at the stake in broad daylight whilst an audience of 2,000 people cheered. At some lynchings, photographs were sold as picture postcards, and there was a profitable trade in souvenirs amongst collectors of curios, such as clothing and even body parts of the victims.

The defenders of lynch law argued that it was an honourable response to the 'New Negro Crime': the rape of defenceless white women. The frequency with which honourable responses were called for testifies in part to the conveniently nebulous definitions offered of this crime: 'rape was a very loosely defined term that could apply

blurring response  
to the  
Plessy v. Ferguson

racialized  
justice  
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A feature

to any contact between a white female and a black male'. Rape did not have to involve penetration or even physical intimacy, sometimes a gesture, or even proximity in a private space was apparently enough to justify the charge. The Southern novelist Clinton Dangerfield explained as follows: 'there was no such thing as an innocent black, the "racial attitudes" of blacks merited "racial punishment", and the virtue of one white woman outweighed "in value" the lives of a hundred Negro men'.<sup>57</sup> Frederick Douglass noted that in the immediate aftermath of Civil War this punishment was rarely practised with reference to the virtue of white womanhood: 'During this time the justification for the murder of Negroes was said to be Negro conspiracies, Negro insurrections, Negro schemes to murder all white people, Negro plots to burn the town and to commit violence generally.'<sup>58</sup> The legitimization of lynching in relation to race war became increasingly difficult following reconstruction and the wholesale disenfranchisement of African-Americans. Accordingly, a new strategy was devised, one that was emotively charged and largely free of the necessity of providing material evidence. Although rape was still only the official charge in around 20 per cent of lynchings, it was the essential background against which the practice continued. As Clarence Poe explained: 'it is only because lynching for rape is excused that lynching for any other crime is ever attempted'.<sup>59</sup>

Lynching served a variety of functions: it was a diversionary measure, it fed and was fed by media legend, it helped foster social solidarity in the white community, and it responded to economic developments. As a diversionary measure the lynching of black men for alleged outrages against white womanhood deflected from the long history of sexual assaults on black women by white men. As Angela Davis argued:

Slavery relied as much on routine sexual abuse as it relied on the whip and the lash ... [it was] a savage punishment ... Together with flogging, rape was a terribly efficient method of keeping Black women and men alike in check. It was a routine arm of repression.<sup>60</sup>

The rape of black women within slavery was institutionalised. It could not be legally challenged since the slave was defined as property, and punishment for damaging one's own property was a *non sequitur* in Southern law. In antebellum Missouri, if a white man other than the master committed a sexual assault on a slave he could be found guilty of 'trespass'. These legal fetters were reinforced by

fables of black sexual licentiousness. In the antebellum South the myth of the black whore became an alibi for rape; in the postbellum South the myth of the black rapist was similarly circulated to justify lynching. The news media played a vital role in pedalling the figure of the black rapist and assorted 'Bad Nigger' stereotypes. In generating paranoid fantasies of rampant black criminality, a burgeoning print media laid the groundwork for developments in the coverage of crime that subsequently sought to make the signifiers 'black' and 'crime' synonymous. In the postbellum South, lurid reportage of unchecked black crime-waves also served as a focal point for social solidarity amongst a white community where economic and political consensus was being unravelled by rapid industrialisation. Resurrecting the social symbolism of slavery, the ritual demonisation and punishment of the black body as 'lazy', 'dangerous', 'dirty' and 'unruly', offered a point of convergence for a disparate and potentially disunified white community.

The close correlation between upsurges in lynching and unemployment establishes the importance of economic determinants. The highpoint in lynching (and also in convict leasing) occurred during a severe economic downturn between 1889 and 1893, which increased inter-racial competition in the labour market. That the intricate connectivity between punishment and economics was sustained into the twentieth century is illustrated by an infamous lynching that took place in Waco in 1916. Jesse Washington, a 17-year-old illiterate cotton picker, was mutilated, castrated, chained to a car and stoned by a mob before being burnt alive and hung from a tree beside the mayor's office. In *The Crisis*, the NAACP newspaper, DuBois explained why this act had to be read not simply in racial terms, but in relation to capitalism, as 'an incident of terror within the political economy of peonage'.<sup>61</sup> DuBois linked Washington's lynching at the hands of almost 10,000 whites to the Tulsa Inferno of 1921. A bootblack, Diamond Dick Rowland, accidentally stepped on the foot of a young white woman in an elevator. She reported the incident to the police and Rowland was arrested, tried and prosecuted for rape. With the newspapers calling for the death penalty, the large black population of Tulsa – 15,000-strong and known as 'Little Africa' – took to the streets to call for Rowland's release. They were met by a coalition of police, the National Guard and the Klan, who laid siege to Little Africa, destroying 1,000 homes and killing over 200 people. Dynamite was dropped from planes and over 6,000 black citizens were held in concentration camps. DuBois linked these individual

with the  
helping  
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★  
Function  
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Lynching

★

(Washington, Rowland) and collective (Waco, Tulsa) acts of punitive repression to the Red Scare, suggesting a continuum between race discrimination and attacks on Wobblies. Peter Linebaugh summarises DuBois' critique as follows:

The Tulsa inferno was the climax to a cycle of repression that began a few years earlier when seventeen Oklahoma Wobblies with the Oil Field Workers Union were stripped, tied, whipped, tarred, feathered and threatened with hanging. The NAACP detailed how the inferno re-established a new basis for labour 'peace' in the mid-continental oil fields. The cheap oil thus provided was the precondition of 'Fordism' and the gasoline culture of twentieth-century America.<sup>62</sup>

Punishment had been pivotal to the profits of the plantation economy. DuBois' critique suggests the extent to which it continued to play a critical role within urban-industrial capitalism.

BEATING THE BAD NIGGER:  
FROM BIGGER THOMAS TO RODNEY KING

... it seems sort of natural-like, me being here facing the death chair. Now I come to think of it, it seems like something like this just had to be.

*Native Son*, Richard Wright<sup>63</sup>

Although they rarely appeared in movies, comic strips and radio shows during the 1920s and '30s, the prominence of the Bad Nigger folk devil in print media helped to maintain the equation between African-Americans and crime. Sociological studies conducted in the South at this time revealed that many whites believed all crime was committed by the black community. Statistics would suggest that similar sentiments were in operation in the justice system. African-Americans were far more likely to be imprisoned for an offence than whites, and then received disproportionately severe sentences. In the 1920s, African-Americans represented around 9 per cent of the national population, but over 30 per cent of the prison population. This situation deteriorated further during the Depression, when a rise in the national imprisonment rate, from 79 to 137 per 100,000, was produced almost exclusively by increases in the incarceration of African-Americans.

of growth  
Black  
movement

Growing up in Mississippi and Tennessee during this period, Richard Wright routinely encountered discrimination and punishment at the hands of white America. In his autobiography, *Black Boy*, and essays such as 'The Ethics of Living Jim Crow', Wright recalls memories of police harassment, punishment beatings and lynchings that intimate how little had changed in the half-century after abolition: 'In me was shaping a yearning for a kind of consciousness, a mode of being that the way of life about me had said could not be, must not be and upon which the penalty of death had been placed.'<sup>64</sup> The title of Wright's collection of short stories, *Uncle Tom's Children*, suggests the extent to which slavery's legacy of punitive violence continued to dominate African-American life. Set in the early decades of the twentieth century, four of the five neoslave narratives in this collection climax with execution, and each of them documents the brutalisation of the black body.

The opening story in *Uncle Tom's Children*, 'Big Boy Leaves Home', suggests the continued vibrancy of lynching in Southern ritual. A group of black youths trespass onto white property to swim in a creek. When a white woman stumbles across them, her soldier boyfriend starts shooting and in the confrontation that follows two of the youths and the white man are killed. In a pattern repeated in each of the other tales in the collection, black transgression accelerates accidentally and incrementally: it starts with a minor trespass on white land, then proximity to white womanhood, and culminates with murder. Big Boy's first instinct is to run, because '[t]heys gonna lynch us'.<sup>65</sup> Big Boy, in a mirror-image of the slave narrative, takes flight. His route along a railroad track echoes other fugitive escapes, as does his discovery that leaving home leads initially only to greater levels of confinement (an underground kiln and a secret compartment in a truck). In the slave narrative the act of witnessing punishment was a rite of passage. 'Big Boy Leaves Home' similarly hinges upon such a spectacle as the main figure sees his friend caught by the mob: 'a tar-drenched body glistening and turning in the crowd of white people and dogs'.<sup>66</sup> The mob sing songs and take 'SOURVINEERS' from the victim's body, whilst justifying their actions with the familiar alibi: 'Ef they git erway notta woman in this town would be safe.'<sup>67</sup> However, by tracing the sequence of events to a trespass on land, another form of patriarchal property, Wright hints at an alternative explanation involving the fusion of sexual and economic imperatives underlying Southern punitive practice.

Big Boy was a forerunner of Bigger Thomas, Wright's archetypal embodiment of the Bad Nigger folk devil. In his prefatory essay to *Native Son*, Wright explains that Bigger represents a condensation of those rebellious African-Americans who

consistently violated the Jim Crow laws of the South and got away with it, at least for a sweet brief spell. Eventually, the whites who restricted their lives made them pay a terrible price. They were shot, hanged, maimed, lynched, and generally hounded until they were either dead or their spirits were broken. (p.xi)

The plot trajectory of the tales in *Uncle Tom's Children* is repeated in Bigger's story. A young black man goes on the run after the accidental manslaughter of a white heiress, and is eventually caught, tried and sentenced to death. Although the crime is murder, Bigger realises that the trial and press coverage will be dominated by the issue of rape, as he is used to confirm racist fables of the predatory black male lusting after white flesh.

*Native Son* is a prison novel long before Bigger reaches the state penitentiary in Book Three. Books One and Two, traced through the generic stencil of the slave narrative, underline the extent to which Bigger's experience has been intrinsicly carceral. 'He was their property, heart and soul, body and blood; what they did claimed every atom of him, sleeping and waking; it coloured life and dictated the terms of death' (p.307). *Native Son* offers a picture of black captivity in some respects more total than that encountered in nineteenth-century slave narratives. The concentric circles of confinement that ring Bigger begin in a 'tiny one-room apartment', a rat trap in the segregated housing district of Chicago's black belt (p.8). The Thomas family came to Chicago in the Great Migration seeking emancipation, but, as Rosenblatt notes, they instead encounter 'a different form of enclosure. They escaped out of one house of bondage into a smaller and more cramped house where the story begins.'<sup>68</sup> Whilst *Uncle Tom's Children* focused on the rural South, *Native Son* moves to a setting in the urban North, to figure the ghettos forcefully as a new plantation prison.

As he leaves his cramped accommodation each day Bigger is greeted by an overseer in the shape of a huge image of the state's attorney:

... one hand was uplifted and its index finger pointed straight out into the street at each passer-by. The poster showed one of those

faces that looked straight at you when you looked at it and all the while you were walking and turning your head to look at it it kept looking unblinkingly back at you ... Above the top of the poster were tall red letters: IF YOU BREAK THE LAW, YOU CAN'T WIN! (p.16)

In Foucault's terms this poster is both a punitive sign and a sentinel encouraging communal self-vigilance. Bigger's position beneath the gaze of this sentinel can be traced back to the surveillance tactics which were integral to plantation discipline. Slave management manuals insisted on constant monitoring: 'watch all their motions with a careful eye ... to save us from catastrophe which at all times threatens us'.<sup>69</sup> To enhance their visibility slaves, like prisoners, were limited in their choice of clothing. South Carolina, for example, passed statutes determining legitimate materials for 'negro apparel'. Drivers and overseers operated as the master's eyes in the field. Masters also encouraged slave children to spy on their parents, and domestic slaves to monitor field slaves in return for rewards. Douglass' *Narrative* documents the lengths to which Mr Covey and other overseers would go to maintain a constant disciplinary gaze: 'He appeared to us as being ever at hand. He was under every tree, behind every stump, in every bush, and at every window, on the plantation' (p.71). As Douglass discovers when attempting escape, the master's glare extended beyond the plantation: 'At every gate through which we were to pass, we saw a watchman - at every ferry a guard - on every bridge a sentinel - and in every wood a patrol' (p.95). That the Jehovan fantasies of white slaveocracy did not disappear with abolition is testified to by the surveillance technologies being deployed in inner cities around black neighbourhoods. Mike Davis reports that Ed Davis, former LAPD chief and then state senator, proposed the installation of a geo-synchronous satellite above the city, a high-tech overseer allowing a panoptic purity that Mr Covey could never have dreamt of.<sup>70</sup>

On the city streets, beyond the panoptic gaze of the state attorney, Bigger's sense of confinement is exacerbated by the sight of white people moving freely whilst he remains fixed in place:

Goddammit, look! We live here and they live there. We black and they white. They got things and we ain't. They do things and we can't. It's just like living in jail. Half the time I feel like I'm on

the outside of the world peeping in through a knot-hole in the fence. (p.23)

At every turn in the prison city, Bigger's movements are restricted by fences, gates, walls, locked doors and windows, and the police. When he is captured and sent to prison Bigger does not experience a loss of liberty so much as an escalation in his sense of confinement. *Native Son* sustains the challenge made in the slave narrative to any straightforward opposition of freedom and bondage, and the carceral vision in *Native Son* grows more acute as Bigger's plight worsens. On the run from an 8,000-strong lynch mob, Bigger retreats to ever-smaller spaces, and the carceral net seems to extend beyond the city to nature itself:

His eyes jerked upward as a huge, sharp beam of light shot into the sky. Then another. Soon the sky was full of them. They circled slowly, hemming him in; bars in light forming a prison, a wall between him and the rest of the world; bars weaving a shifting wall of light into which he dared not go. (pp.241-2)

On arrival in his cell, this carceral cartography escalates to meta-physical proportions:

Standing trembling in his cell, he saw a dark vast fluid image rise and float; he saw a black sprawling prison full of tiny black cells in which people lived ... no one could go from cell to cell and there were screams and curses and yells of suffering and nobody heard them, for the walls were thick and darkness was everywhere. Why were there so many cells in the world? (p.335)

*Native Son* concludes with Bigger in his cell awaiting execution, and in this respect Wright's description of him as a 'meaningful and prophetic symbol' is precise (p.vii). Bigger can be read as a forerunner of the massive lockdown of African-Americans in the post-war period. This process established momentum during the 1950s and '60s with the mass detention of black militants. In the slave narrative, punishment had been a catalyst to writing and political consciousness. In *Native Son*, Bigger's imprisonment similarly sparks new levels of articulation and awareness. This tradition is continued in the post-war proliferation of prison writings by African-Americans. Much of this writing hinges upon a sense of indistinct boundaries – specifi-

cally, that '[t]he prison is the street, the street is the prison'.<sup>71</sup> Or, as prison poet Etheridge Knight writes in 'The Warden Said to Me the Other Day':

'Say, etheridge,  
why come the black boys don't run off  
like the white boys do?'  
I lowered my jaw and scratched my head  
and said (innocently, I think), 'Well, suh,  
I ain't for sure, but I reckon it's 'cause  
we ain't got nowheres to run to.'<sup>72</sup>

One of the earliest contributions to this burgeoning genre was *The Autobiography of Malcolm X*. The *Autobiography* pinpoints imprisonment as Malcolm X's formative experience, a catalyst to his faith and the source of his political and historical recognition that 'America' was synonymous with 'prison'. The *Autobiography* cites systematic assaults on the bodies and identities of African-Americans on both sides of the prison walls during the early stages of the Cold War. Officials at this time were generally keen to empty their prisons of religious and political radicals because of the impact of their teachings on fellow inmates. However, from around the time of the Rosenberg executions to the early 1970s, there was a turnaround in strategy. Thousands of Muslims and black militants were targeted, and prison was used overtly as an instrument of political repression. Eldridge Cleaver explained how Malcolm X's 'merciless and damning indictment of prevailing penology' appealed to this generation of black political prisoners.<sup>73</sup> *Soul on Ice* confirmed and extended X's critique of prison as 'a continuation of slavery on a higher plane'.<sup>74</sup> For many African-Americans, 100 years after slavery, the Land of the Free was still the site of 'blood and guns and knives, whips, ropes and chains and trees, screams, night riders, fear, nightsticks, police dogs and firehoses, fire, wounds and bombs'.<sup>75</sup> Cleaver, like Bigger Thomas, was sentenced as an exemplary embodiment of the black rapist folk devil. Although he went on to repudiate this position, *Soul on Ice* outlines how, as an adolescent, Cleaver came to feel that rape could be an 'insurrectionary act'.<sup>76</sup> Seduced by the allegorical fertility of white racism, Cleaver came to view his victims as embodiments of a collective White Woman, an archetype who herself signified the punitive power of the dominant culture:

The reality of peering in on black boys

Malcolm X  
prison

✶

You're my Moby-Dick,  
White Witch,  
Symbol of the rope and hanging tree,  
Of the burning cross.<sup>77</sup>

Cleaver, performing as the self-fulfilling prophecy of white racism and patriarchal misogyny, claimed to see white women as symbols of the violence inflicted upon the black body. *Soul on Ice* does not seek to excuse sexual assault, but it does explain how a young man, miming the myth of the black rapist, might articulate his aggression in terms of the punishment of punishment.

Alongside *Soul on Ice*, George Jackson's *Soledad Brother* continued the legacy of Malcolm X's *Autobiography* by insisting on a brutal lack of distinction between life inside and outside the corrections system:

Black men born in the US and fortunate enough to live past the age of eighteen are conditioned to accept the inevitability of prison. For most of us, it simply looms as the next phase in a sequence of humiliations ... I was prepared for prison. It required only minor psychic adjustments.<sup>78</sup>

Jackson's critique offers incisive analogies between modern prison and the antebellum plantation. Within slavery the practice of punishment required that the slave perform the role of willing victim, both of day-to-day degradations (lack of liberty, food, clothing) and more direct forms of punitive oppression (whippings and beatings). Indeterminate sentencing made a similar performance imperative for the African-American prisoner. The official rationale behind indeterminate sentencing was the devolution of punitive authority from judges to the prison officials who could best assess the extent of a prisoner's rehabilitation. In practice, however, this became a powerful disciplinary tool that extended punishment indefinitely for prisoners unwilling to play the role of willing victim. George Jackson was given an indeterminate sentence (one year to life) for a robbery involving goods worth around \$70. By the time of his murder, in 1971, he had spent over ten years in prison, and almost eight years in solitary confinement, for refusing to submit to the authority of his keepers:

The attitude of the staff toward the convicts is both defensive and hostile. Until the convict gives in completely it will continue

to be so. By giving in, I mean prostrating oneself at their feet. Only then does their attitude alter itself to one of paternalistic condescension.<sup>79</sup>

Jackson highlights the psychological corrections required of the African-American prisoner, but also insists on the persistent physicality of their punishment. Thomas Cobb, an expert on the law of slavery in the antebellum South, advised that 'the slave can be reached only through his body'.<sup>80</sup> Contemporary US prison authorities appear to have heeded this advice. Whilst *Discipline and Punish* suggests that the modern prison has progressed from the body to the soul as the locus of its interest, *Soledad Brother* records more than a residual concern for the corporeal. On the plantation, one of the punishments felt most keenly was restrictions on food. Jackson similarly records the misery of the prison 'punishment diet': 'two small patties of food mixed together, like dog food'.<sup>81</sup> At the same time, guards are trained in a 'full range of anti-body tactics' to facilitate the routine beatings inflicted on non-compliant prisoners: 'starve his body, expose it to the elements, chain his body, jail it, club it, rip it, hang it, electrify it, and poison-gas it'.<sup>82</sup>

*Soledad Brother* concludes with Jackson's response to the death of his brother, who was shot whilst trying to free Angela Davis from a California courtroom. Davis' own writings in and on prison offer some of the most historically informed and critically adept critiques of the continuities between the plantation and America's burgeoning prison-industrial complex. Davis insisted that prison be seen as one part of a pervasive 'law enforcement-judicial-penal network' that punished African-Americans on the streets and in the courts before they were found guilty. Davis also accentuated the longevity of this network:

Black people have become more thoroughly acquainted with America's jails and prisons than any other group of people in this country. Few of us indeed have been able to escape some form of contact – direct or indirect – with these institutions at some point in our lives ... Historically the prison system has been an integral part of our lives. Black people emerged from slavery only to encounter the prison labour system.<sup>83</sup>

As Jacobs had helped to foreground the distinctive nature of the slave woman's experience, Davis drew attention to the particular sufferings



of the black woman prisoner: 'sufficient attention has not been devoted to women in prison. I have often heard the rumour that as compared to men's prisons, women's institutions are humanely benign ... This is a myth which must be immediately smashed.'<sup>84</sup> In her autobiography, Assata Shakur offered assistance to Davis in demolishing this myth and echoed *Incidents in the Life of a Slave Girl* by documenting abuse, ritual infantilisation and the use of prisoners' children as a disciplinary tool against African-American mothers.<sup>85</sup>

Jackson, Davis and Shakur, as Marxists in the late 1960s and early '70s, were each convinced that they were witnessing the collapse of capitalism. As imperialist aggression was beaten back in South-East Asia and political radicalism swelled on the homefront, the explosion in the prison population, to the extent that sports stadia in some states were used as temporary detention centres, was seen as a symptom of the death throes of the dominant social structures: 'the entire apparatus of the bourgeois democratic state – especially its judicial system and its prisons – is disintegrating'.<sup>86</sup> In retrospect, given the rise and rise of the prison-industrial complex, these death throes now appear like the birth pangs of a devastatingly durable and massively extended political economy of punishment. African-Americans have borne the brunt of the post-Vietnam renaissance in Puritan punishment. Having all but disappeared by the 1960s, the chain gang has come back into fashion as one of the most potent symbols of this revival. Up until the late 1970s, the rise in the black prison population mirrored the overall rise in the prison population. However, since the first Reagan administration the rate of imprisonment for African-Americans has accelerated almost exponentially. By 1994, despite constituting only 12 per cent of the national population, there were more African-Americans than white Americans in prison. One in four black men aged between 20 and 29 was either in jail or on bail, probation or parole. The disproportionate number of African-Americans in prison reinforces racist assumptions about criminality and results in African-Americans being more likely to be arrested than white Americans. Once they are arrested they are less likely to receive bail, more likely to be indicted, less likely to have their case dismissed, more likely to be convicted, less likely to be given noncustodial sentences, more likely to serve the full term on their sentences, and consequently less likely to receive parole. The consequence of this vicious circle is a prison industry run almost exclusively by whites for ever-increasing numbers of African-Americans.

In part these statistics can be attributed to economic developments. The shrinkage of the manufacturing base within the American economy, the main source of labour for African-American males, has generated high levels of unemployment. Incarceration is an effective means of prohibiting this group from competing in the labour market. Concurrently, media mythology and political rhetoric have combined to manufacture hysteria around the subject of crime. Despite the fact that African-Americans are the main victims of crime, suburban white paranoia has been adroitly manipulated by images of habitual black criminality. Electioneering, news programmes and popular docu-soaps, such as *Cops*, *Emergency 911* and *LA Law*, have fabricated a regime of truth that compounds the key signifiers 'crime', 'black', 'urban' and 'crisis'. In a stunning inversion of progressive orthodoxies established in the 1960s, crime has been configured as a cause rather than a symptom of social collapse. Accordingly, the social programmes pioneered in the 1960s have been ditched in favour of an emphasis on punishment rather than prevention. Nancy Reagan, as she surveyed the aftermath of a SWAT raid on a rock house in a black neighbourhood in 1989, offered the following soundbite to the assembled media: 'These people in here are beyond the point of teaching and rehabilitating.'<sup>87</sup> This homily from the First Lady articulated the sensibility behind her husband's relocation of state resources from welfare to warfare on assorted undesirables, at home and abroad.

The so-called 'war on drugs', pioneered by Reagan, has been central to the contemporary renaissance in Puritan punishment. The toughening-up of sentencing policy for drug-related offences has been the primary cause of escalating rates of incarceration. In 1980, 27 per cent of the federal prison population were drug offenders. By 1990 this figure had risen to 47 per cent. The illicit drug industry and law enforcement have been locked in gainful dependency. Increased enforcement produces increased profit margins, which in turn feeds the prison industry and legitimates increased resources for enforcement. In the process it has proved difficult to distinguish between the war on drugs and a new witch-hunt targeted at the African-American community. Between 1986 and 1991 there was a 447-per-cent increase in the number of African-Americans imprisoned for drug-related offences. Studies have shown repeatedly that African-Americans are more likely to be charged and more likely to receive long sentences for narcotics offences. Urban black youths get substantially longer terms for smoking cheap crack

racidizing punishment

cocaine than do white suburbanites for snorting the more expensive powdered variety.

Under new federal statutes, defendants convicted of selling 5 grams or more of crack cocaine, worth perhaps \$125, receive a mandatory minimum of five years in prison. However, it takes 500 grams of the powdered drug, nearly \$50,000 worth of 'yuppie cocaine', to receive an equivalent sentence.<sup>88</sup>

The war on drugs is a highly selective and covertly racialised campaign. Given the hegemony of the prison-industrial complex, this war seems destined, like the permanent arms economy, to be perpetual. The contemporary dependency on prison in the US as the solution to social problems parallels the nineteenth-century dependency on slavery in the South. There is, however, a crucial distinction to be made here: the new slave ship is unopposed by any large-scale abolitionist effort. This is not to suggest that local endeavours are not being made. One of the most prodigious efforts in this respect has been made from the inside by Mumia Abu-Jamal, housed since 1983 on death row. Jamal's own case highlights the continuing use of punishment as a tool of political repression. Jamal was a Black Panther who moved into political journalism and became known in his native Philadelphia as 'the voice of the voiceless'. On December 9, 1981 he witnessed his brother being beaten by Daniel Faulkner, a police officer. In the struggle that ensued Faulkner was shot and killed and Abu-Jamal was also wounded. Despite the fact that several eyewitnesses claimed to have seen another man shoot Officer Faulkner and then flee the scene, Abu-Jamal was sentenced to death row. During the trial repeated references were made to Abu-Jamal's political affiliations, he was prohibited in his choice of counsel and was banned from the courtroom for lengthy periods. Subsequent investigation has cast major doubts on police evidence and witnesses. Abu-Jamal has since spent over 20 years on death row. Like many before him, he has used his confinement as an opportunity both to detail his personal experience of punishment and to denounce the larger punitive systems that operate on the African-American community.

In *Live from Death Row*, Abu-Jamal documents daily life in Pennsylvania's 'dead zone', where 60 per cent of those held are black. Death row represents a prison inside prison, and these concentric circles of confinement continue to spiral inwards, as Jamal spends

most of his time under the stricter regime of DC (disciplinary custody) rather than AC (administrative custody). In a manner reminiscent of *Incidents in the Life of a Slave Girl*, *Live from Death Row* offers meticulous attention to the material conditions of African-American incarceration. Each day Abu-Jamal spends an average of 23 hours in a six-foot-by-ten cell with 'shatterproof glass, steel trim, and wire mesh'.<sup>89</sup> The privilege of being transferred outside involves relocation to the 'dog pen', 'a chain-linked fenced box, ringed by concertina razor wire, under the gaze of gun turrets' (p.6). Abu-Jamal recognises that privileges such as the dog pen, television, prison jobs and visits are designed to control inmate behaviour in much the same way that Frederick Douglass criticised the 'free time' allowed to slaves by their masters as a pacifying ruse. Alongside the manipulation of privileges, Jamal details the deployment of solitary confinement, around-the-clock lock-ins, beatings, harassment and the increasing use of drugs to tranquillise a prison population largely held on drug-related convictions. More potent than any of these disciplinary devices, however, is the waiting: 'the most profound horror of prisons lives in the day-to-day, banal occurrences that turn days into months, and months into years, and years into decades' (p.53). For those in the dead zone execution is a *fait accompli*, since prison life is structured around a systematic reduction of liberties which makes it, effectively, a taster of death. ★ ★

Abu-Jamal's account of his personal experience on death row is integrated with a structural critique of contemporary punishment practice: 'We are in the midst of the Marionisation of US prisons, where the barest illusion of human rehabilitation is stripped from the mission, to be replaced by dehumanisation by design' (pp.73-4). Marion Federal penitentiary was a prototype for the SuperMax facilities (sometimes called SMUs, special management units, or RHUs, restricted housing units) that first evolved in Reagan's America. Almost all states now possess a SuperMax designed to hold their worst offenders within a regime based on permanent lockdown. In Pennsylvania's SuperMax, SCI Greene, Abu-Jamal undergoes solitary confinement for 24 hours a day, two days a week, and 23 hours a day for the remainder. This practice is almost identical to the regime developed and discredited as both inhumane and ineffective at Eastern Penitentiary over 150 years ago. Jamal makes it clear, however, that Marionisation has as much to do with economics as misplaced nostalgia. The Puritan revival has meant that in some states the costs of correction are now exceeding those

for education. California leads the way in this shift of resources to punitive pedagogics, and can boast the largest prison-industrial complex in the western world – over 50 per cent bigger than the entire US federal system. Abu-Jamal notes that whilst 20 years of tough determinate sentencing (1973–93) in California had no significant impact upon crime rates, it did produce a 500 per cent increase in the prison population. This increase has been accelerated by the Clinton Crime Bill, which gave the appearance of responding to the manufactured hysteria surrounding crime, but also translated into a '\$30+ billion public employment program for predominantly white workers' (p.109):

America enters the postindustrial age, when Japan produces the world's computer chips, Germany produces high performance autos; and America produces ... prisons. Prisons are where America's job programs, housing programs, and social control programs merge into a dark whole. (p.108)

According to John Edgar Wideman's Introduction, Abu-Jamal 'does not identify freedom with release from prison' (p.xxxii). In this respect he continues a tradition in African-American cartography of situating prison walls at the nation's borders. In the neoslave narratives of prison authors, as in the historical slave narrative, the black body can be subjected to discipline irrespective of location. The assault that led to Abu-Jamal's death sentence was not exceptional. *Live from Death Row* appeared a few years after the punishment beating of Rodney King. During coverage of the King trial, *The Justice Files*, a network television show, reported that 79,000 cases of police brutality had been recorded between 1981 and 1991. It failed to note, however, that the majority of these incidents involved black victims and white officers and that many more instances go unrecorded. Robert Gooding-Williams has argued that the 'aura of the extraordinary' surrounding the King beating must be dispelled.<sup>90</sup> Instead, it ought to be read as one instance of a continuous historical practice involving 'local reiterations of a national social agenda'.<sup>91</sup> The punishment beating of Rodney King also needs to be read in relation to the long history of the operation of white punitive power on the black body.

King received 56 baton blows, several blasts from stun-guns and a number of kicks and shoves. His leg was broken, but most of the injuries centred on his head and included multiple skull fractures, a

broken cheek bone and a shattered eye-socket, resulting in long-term facial paralysis. After detailed examination of the video footage, however, a jury was not convinced that they had witnessed cruel or unusual force. Instead, they sided with the defence team which saw the black body less as the victim of punitive violence than the source of potential danger. This tactic belongs to a long history in the US of condoning white violence as retaliatory punishment for the imagined excesses of the black body. Each frame of the 81-second Holliday video was deconstructed so that King's flinching, his hand movements to ward off baton blows, every clumsy effort to rise, could be read as a sign of imminent attack. Repeated references to the prisoner's 'cocked' leg and the 'trigger position' of his arm lent subliminal credence to the possibility of a concealed weapon. The arresting officers had made racist references to King's 'animal' behaviour, 'bearlike' groans and to 'gorillas in the mist'. The defence case relied on similar iconography to conjure images of the bestial Bad Nigger coiled to spring at the great white hunter. Utilising what Toni Morrison has termed 'American-Africanism', the defence team fuelled the negrophobic paranoia of the almost all-white jury from suburban Simi Valley and released the video evidence's allegorical potential.<sup>92</sup> The images no longer depicted Rodney King being beaten by officers Koon, Wind, Powell and Briseno. Instead, they signified crime versus law, urban chaos versus suburban stability. In his closing argument defence attorney Paul de Pa'squale completed this adaptation by referring to 'the likes of Rodney King': '[The defendant] was part of the line between society and chaos ... This is not some orgy of violence. This is careful police work.'<sup>93</sup> According to this interpretation 'society' was of course synonymous with Simi Valley and white suburban America, whilst 'chaos' signified South Central and the urban jungle seething with black criminality.

In her analysis of the jurors' identifications Judith Butler uncovers a need to be persuaded that the ring of white officers – armed with batons, surrounding a lone black man – were in fact potential victims of black violence. This need was met by exploiting their own, media-fuelled, sense of vulnerability to black aggression. However, as well as identifying with the thin blue line of defence, the jury was also encouraged, perversely, to identify with a whitewashed version of Rodney King:

the blows he suffers are taken to be the blows they *would* suffer if the police were not protecting them from him. Thus, the physical

danger in which King is recorded is transferred to them; they identify with that vulnerability, but construe it as their own, the vulnerability of whiteness, thus refiguring him as the threat.<sup>94</sup>

Butler pursues a circular dynamic of projection/introjection here that is familiar to postcolonial critiques of the imperialist imagination. By making the black victim the source of the violence they receive, white violence and culpability are disavowed. This is the cover-up that allows the overseer, the lynch mob and the cop to punish with impunity. As Scarry has contended in her commentary on the self-delusion of power: '[power] covers itself. It bases itself in another's pain and prevents all recognition that there is "another" by looped circles that ensure its own solipsism.'<sup>95</sup>

The historical continuities suggested by the King case were staged by the Black Student Union, at Amherst College, a few days after the trial verdict. They hung '40 black and faceless effigies' around the campus.

Accompanying each of the effigies was a copy of at least one newspaper article (some of them dating from the 1880s) reporting an act of violence – in most cases a lynching – performed by white Americans on the bodies of black Americans.<sup>96</sup>

This act received very little coverage, in part because the media were currently fixated on 'rioting' in inner cities. The failure to punish the police officers for their punishment of King had spectacular consequences. These repercussions, with perverse irony, were read less as a response to the injustice of the verdict than as a confirmation of its efficacy. As the media focused almost exclusively on images of black violence against whites and property (despite the fact that only 36 per cent of those arrested in the subsequent riots were African-Americans), police killings became additional instances of justifiable force, rather than of summary execution. Fifty-two people were killed in the uprising, and 2,383 injured. Only 20 law-enforcement and fire personnel were included in the latter figure, whilst the majority of the murder victims were unarmed black and Latino 'looters'.

As well as a rebellion against the Simi Valley verdict, the LA uprising can also be read as a prison insurrection. The carceral city in *Native Son*, itself a descendant of the plantation prison, has been massively consolidated in the postmodern urban landscape. Mike Davis has argued that LA is a paradigm for contemporary American

cities, and that one of its most conspicuous features is the shift towards a carceral configuration: '[L.A. displays] an unprecedented tendency to merge urban design, architecture and the police apparatus into a single, comprehensive security effort.'<sup>97</sup> The pleasure dome is also a prison city. Ignoring its high-tech trappings, the postmodern prison city is strongly reminiscent of the plantation prison, with the luxurious mansions of the white masters strictly segregated from the slave quarters. In the old South, slaves were routinely stopped, searched and questioned, and black youths are singled out for identical treatment in the postmodern city, spread-eagled against a patrol car or forced to 'kiss the sidewalk'. Quarantines and curfews are imposed in black districts, with juveniles required to carry passes and proof of residence once they stray from their neighbourhood. The postmodern prison city is warranted by hysterical reference to drugs and gang warfare that echo antebellum fantasies of slave insurrection. Davis notes that sections of downtown LA are in danger of becoming a 'vast penal colony'.<sup>98</sup> This trope is conspicuous in non-Anglo representations of LA, from Singleton's South Central in *Boyz'n'the Hood* to Staci Rodriguez's projects poetry ('penal colonies/ with WW III helicopters/ flying over them').<sup>99</sup>

Alongside the informal application of carceral design to the urban landscape, LA has also seen a massive extension in its formal penal apparatus. In excess of 50,000 prisoners are being held in federal and county correctional facilities within a three-mile radius of city hall. To meet the objections of commercial interests, prison architects are attempting to merge their buildings with the existing environment:

If buildings and homes are becoming more prison- or fortress-like in exterior appearance, then prisons ironically are becoming architecturally naturalised as aesthetic objects ... As an office glut in most parts of the country reduces commissions for corporate highrises, celebrity architects are rushing to design jails, prisons, and police stations.<sup>100</sup>

Davis argues that the carceral archisemiotics of postmodern LA need to be traced back to the urban insurrections of the 1960s and the resultant anxieties of white planners. In a similar vein, in *Soul on Ice*, Cleaver connected the National Guard's crushing of the Watts rebellion with contemporary military offensives in South-East Asia. Cleaver classified punishment as a key tool in a campaign of endo-

colonialisation, and drew repeated analogies between the plight of non-whites in America and overseas:

The techniques of the enforcers are many: firing squads, gas chambers, electric chairs, torture chambers, the garrotte, the guillotine, the tightening rope around your throat ... The police do on the domestic level what the armed forces do on the international level: protect the way of life of those in power. The police patrol the city, cordon off communities, blockade neighbourhoods, invade homes, search for that which is hidden. The armed forces patrol the world, invade countries and continents, cordon off nations, blockade islands and whole peoples; they will also overrun villages, neighbourhoods, enter homes, huts, caves, searching for that which is hidden. The policeman and the soldier ... will shoot you, beat your head and body with sticks and clubs, with rifle butts, run you through with bayonets, shoot holes in your flesh, kill you.<sup>101</sup>

Given the proximity between the 1992 urban uprisings and Desert Storm, Cleaver's analysis of the contiguities between the exercise of punitive power on non-white subjects at home and imperialist aggression overseas seems as prescient as it is persuasive.

#### WHITE PUNISHMENT, BLACK RESISTANCE

What I do feel is the urge to resist, resist, and never stop resisting or even think of stopping my resistance until victory falls to me.

*Soledad Brother*, George Jackson<sup>102</sup>

A failure to recognise the defiance with which discipline has been met risks reducing African-Americans to passive victims and mere metonyms for white punishment. Any survey of the punishment of African-Americans is entirely inadequate unless it includes the long and vibrant traditions of resistance. These traditions begin, as Walvin notes, with slavery: 'The history of slavery is the story of enslaved resistance as much as slave-owning domination.'<sup>103</sup> The counter-culture of resistance took a variety of forms, both individual and collective. The diversity of punishment practices evolved by the slaveholders was met by equally varied forms of opposition. This subversion stretches back beyond the middle passage with

bloody battles to avoid kidnap, struggles on the slave coast and insurrections on slave ships. Upon arrival in the New World resistance sometimes generated mass uprisings. In 1712 an African corps planned to burn New York to the ground. Charles Deslondes led a revolt in Louisiana in 1811, Denmark Vessey planned to storm Charleston in 1822, and Nat Turner led a bloody rebellion in 1831. Even though mass uprisings were relatively rare, the plantocracy lived in constant fear of having their own violence visited upon them. George Cruickshank offered the following maxim in his *Comic Almanac*:

The planter's dream doth plainly seem  
To point a moral deep:  
If you choose to whack a nigger's back,  
You should never go to sleep.<sup>104</sup>

The planter's dreams were nourished by confrontations with slaves in which punishment was often the catalyst. In his autobiography, Douglass defines his decision to resist punishment and fight with the overseer as 'the turning-point in my career as a slave. It rekindled the few expiring embers of freedom, and revived within me a sense of my own manhood ... You have seen how a man was made a slave; you shall see how a slave was made a man' (p.112). Since slavery relied on violence to deprive slaves like Douglass of a conventional masculine subjectivity, it was predictable that they might associate acts of violence with the recovery of their 'humanity'. Violent struggles against punishment prove pivotal in the male slave narrative, from Douglass and Equiano to Wells Brown, William Green, Samuel Hall, Solomon Northup and Jermain Loguen. In Jacobs' *Incidents* there are references to her brother, Benjamin, fighting with his master to avoid a flogging. However, in literature by African-American women the emphasis falls less on individual acts of physical retaliation than on non-violent forms of familial and communal defiance.

Given the extreme punishments meted out to slaves who raised their hands against masters, physical confrontations often led to escape attempts. Some slaves made getaways for good, whilst others were habitual fugitives who ran away for short periods. Fugitive flights to the North constitute one of the most daring and fabled forms of resistance practised by slaves. From 1732 to 1782, out of a population of around 40,000, local newspapers carried 5,600 adver-

tisements for runaway slaves. This figure represents only recorded instances from limited archival resources, and it is worth noting that both slaves and masters often had vested interests in not advertising successful escapes. Flight was facilitated by a supportive network, dubbed the 'underground railroad' by disgruntled slaveowners, which provided food, shelter, money, changes of clothing and vital information about local terrain and white patrols. The successful escape by a lone fugitive is central to the mythology of slavery, but there were occasions on which larger numbers set out for freedom. Because of the difficulties associated with organising successful mass escapes, however, alternative strategies were sometimes preferred, such as the establishment of semi-permanent sanctuaries in the mountains or swamps. Occasionally these 'maroon' communities forged alliances with Native Americans and poor whites. Collectively, these 'outliers' repelled invasions from surrounding white communities and often 'engaged in guerrilla-like activities, plundering and burning plantations, stealing stock, and attacking, robbing, and murdering whites'.<sup>105</sup>

Rebels, runaways and outliers practised open rebellion, but there were stratagems by which many more slaves practised covert resistance on a daily basis. Those that would never consider raising their hands to a master became highly skilled at threatening his life and livelihood through alternative means: poisoning, arson, theft, the deliberate destruction of crops, livestock, farm buildings and equipment. Another form of property utilised in resistance was the slave's own body. Feigning illness was a means of disrupting work routines and protesting the conditions of punitive labour. A Virginia planter complained as follows: 'I find it impossible to make a negro do his work well. No orders can engage it, no encouragement persuade it, nor no punishment oblige it.'<sup>106</sup> Many slaves perfected the pose of the 'eye servant' to appear productive and submissive before the disciplinary gaze:

You may call me Raggedy Pat  
'Cause I wear this raggedy hat,  
And you may think I'm a workin'  
But I ain't.<sup>107</sup>

The plantation was a conflicted site, both prison and community. In this space punishments were inflicted daily, but vibrant cultural forms (religion, music, dance and folk tales) also appeared. The songs

sung in the field offered symbolic resistance – mocking the master, anticipating vengeance – and could also serve pragmatic purposes by supplying information about secret meetings or imminent danger: 'Sister, carry de news on,/ Master's in de field.'<sup>108</sup>

Resistance to white punitive power since abolition has continued the combination of direct and indirect assaults alongside modes of symbolic defiance. The flight of fugitive slaves was replicated by large numbers of prisoners escaping from convict camps throughout the nineteenth and early twentieth centuries and by spectacular flights by political prisoners in the 1960s, such as Assata Shakur and Angela Davis.<sup>109</sup> Bruce Jackson has tracked direct links between African-American worksongs in Texas prisons and songs sung on Southern plantations in the antebellum period.<sup>110</sup> In *Wake Up Dead Man* he notes that, as on the plantation, these songs served multiple functions: they constituted symbolic assaults on authority and offered protection against punishment, responding to guard movements and establishing a collective rhythm so that individuals could not be singled out for shirking.

Wright's *Uncle Tom's Children* chronicles an increasingly self-conscious resistance to punishment amongst the descendants of slavery. The collection begins with Big Boy's panicked flight from the lynch mob ('Big Boy Leaves Home'), but then progresses to Mann's self-defence ('Down by the Riverside'), Silas' outraged stand against injustice ('Bright and Morning Star'), Taylor's decision to march on City Hall in protest against a night of punishment beatings ('Fire and Cloud') and Sue's decision to shoot a white man and sacrifice herself in the interest of others ('Long Black Song'). *Uncle Tom's Children* progresses from the individual to the collective, from survival instinct to self-immolation, from protecting oneself from punishment to protecting one's family, community and comrades. The titular reference to Stowe suggests that the children of slavery are still in bondage, but the collection insists that they are no longer meekly willing to accept the master's lashes. Following the trajectory of *Uncle Tom's Children*, *Native Son* moves inexorably towards, without succumbing to, fatalism. For Bigger, punishment prefigures an awakening. As he confronts white punitive power in its most naked form, he achieves some degree of liberty – from fear – that was not possible outside his cell. Prison becomes a relative sanctuary and a space of knowledge, of self and society.

In this respect Bigger occupies a position in a long history of figures in African-American art and history who have subverted white

punitive power *from the inside*. The extent to which prisons have been converted into counter-hegemonic spaces, the site of escape, fulfilment, education and resistance, is exceptional. At the forefront of this tradition is Harriet Jacobs. *Incidents* hinges upon a prison sequence that documents the bodily and psychological trauma of incarceration. However, Jacobs shows that even in prison she is not without resources. As Valerie Smith notes, the choice of the term 'loophole' for her retreat is apposite, since it denotes not only 'an avenue of escape', but also a gap in a fortress wall through which to fire at enemies.<sup>111</sup> From this vantage, Jacobs outwits her master by securing freedom for herself and her children. Self-incarceration also inverts the panoptic practices of slavery: the seen becomes unseen, not merely avoiding the disciplinary gaze but usurping optic power by monitoring her oppressor's movements and conversations.

A number of other slave narratives feature self-incarceration as a strategy for survival and escape. Both Henry Box Brown and Cato Beaufort secured passage to the free states by packing themselves in crates, whilst Robert the Hermit spent 14 years in a cave eluding his pursuers. In twentieth-century fiction, Baldwin's 'The Man Who Lived Underground' and Ellison's *Invisible Man* repeat this gesture of escaping into self-made prisons. In women's writing this conceit is articulated through a gothic suturing of tombs and wombs. The underground cell that holds Paul D in *Beloved* is both a coffin and the site of rebirth. The chain, the symbol of white punitive power that binds the convicts, becomes an umbilical cord, a lifeline that drags them up into the air as the flood waters break over the convict camp. In Jacobs' *Narrative*, the cell constricts but is also protective and productive. The loophole is a secure enclosure provided by her grandmother, and this retreat to a figurative womb robs slavery of its means of reproduction. Jacobs' loophole, like the garret occupied by her contemporary, Emily Dickinson, or the attic in Charlotte Perkins Gilman's 'The Yellow Wallpaper', is a conflicted site of confinement and creativity. The patriarchal prison, the (not-so-great) indoors to which many black and white women were confined, might be converted into spaces of maternal power through a recognition, in Dickinson's terms, that 'Captivity's consciousness, So's Liberty'.

African-American history repeatedly demonstrates that resistance is still possible when incarceration is enforced rather than self-imposed. Despite the aspirations of their guardians, neither the plantation nor the prison-industrial complex have functioned as total institutions. In fact, these punitive zones have often been the

site of self-empowerment by their captives through political education and expression. The desire to silence African-Americans with the whip, the gun, the cell and the noose has been integral to the punishment practices of the dominant white culture. Slaves were kept in a state of enforced illiteracy, and strict penalties were imposed on those who assisted in their education; slaves were routinely flogged for talking back or out of turn; silence was sometimes coerced with the bit. Equiano reports that he was greeted upon his arrival at a Virginia plantation by the sight of 'a black woman slave ... cruelly loaded with various kinds of iron machines; she had one particularly on her head, which locked her mouth so fast that she could scarcely speak; and could not eat or drink'.<sup>112</sup> In *Beloved*, Paul D is similarly muzzled with 'neck jewellery' and Sethe's mother 'had the bit so many times she smiled. When she wasn't smiling she smiled' (pp.273, 203). Morrison recognises that the denial of literacy to slaves was mirrored by sadistic inscription on the slave's body. Sethe's back is written on as part of Schoolteacher's punitive pedagogics, and Sixo is given welts to drive home the lesson that 'definitions belonged to the definers – not the defined' (p.190). As Foucault remarks, feudal disciplinary practice demanded that semiotic sovereignty reside in the King. Only the King, or his representative, was entitled to right behaviour by writing on the body of the law-breaker. Slavery sustained this practice by leaving conspicuous signs of punitive violence on the bodies of African-Americans as testimony to transgression and its rewards.

The strict regulations governing communication in prison reflect the institutional legacy of the monastery, but also sustain the gagging of black voices. Communication amongst prisoners is permitted only at specified times and in specified spaces. Letters are censored and reading material closely monitored. At the same time, as on the plantation, education and expression have been possible. Malcolm X's act of copying out words from a dictionary whilst in prison itself copies Douglass' self-education in the *Narrative*. Literacy allowed Douglass to forge the pass that secured his liberty, and once Malcolm X discovers reading,

months passed without my even thinking about being imprisoned. In fact, up to then, I never had been so truly free in my life ... I don't think anybody ever got more out of going to prison than I did. In fact, prison enabled me to study far more intensively than

I would have if my life had gone differently and I had attended some college.<sup>113</sup>

Less sanguinely, Abu-Jamal notes that the prohibition on slave learning is being repeated in a prison-industrial complex where federal government is rolling back on education programmes whilst illiteracy rates amongst prisoners are soaring. *Live From Death Row* hints at the logic behind these developments when its author notes that he is denied access to a typewriter, since it is classified as a potentially dangerous weapon. Jean Genet confirmed this policy in his preface to *Soledad Brother*, a text which was confiscated as contraband throughout the Californian corrections system, and which illustrated that writing can be 'a weapon, a means of combat'.<sup>114</sup>

The letters written by Jackson during his seven years in solitary confinement, like those penned by Jacobs during her seven years of confinement, or Martin Luther King's 'Letter from Birmingham Jail', or Abu-Jamal's letters from death row, are inspired by the same refusal to be muzzled by white power. In both slave and prison narratives the act of writing itself becomes a potent means of resistance, a textual space in which to develop critiques of the dominant culture, which seeks to marginalise its author. White punitive power variously writes on black bodies, but African-Americans have always attempted to write back, to claim the right of self-authorship. In *Beloved* the defined offer their own definitions, reading the marks inscribed by Schoolteacher on Sethe's back as a 'choke-cherry tree', a 'pattern of roses and blood' and a 'wrought-iron maze'. The marks of the master can be at least partly erased; the master's tools used against him. Frederick Douglass pauses to inform his reader, in sexual symbols at least as extravagant as Morrison's, that the cracks in the soles of his feet are so wide he could place the pen with which he is composing his *Narrative* inside them.

Writing back against punishment has been central to a process of self-education. Slave and prison narratives often merge with the *bildungsroman* in their insistence that education, as Douglass wrote, might be 'the pathway from slavery to freedom' (p.85). The whip and the cell have always been deployed with pedagogical imperatives, but often the lesson that has been learnt is of resistance rather than rehabilitation. From Douglass' *Narrative* to X's *Autobiography*, *Soledad Brother* and *Soul on Ice*, imprisonment becomes an opportunity to

unlearn the lessons taught by the dominant culture. Angela Davis recognised that prison life could encourage awareness

of the specific oppressive structures of the penal system in their relation to the larger oppression of the social system ... Black revolutionaries do not drop from the moon ... We are being manufactured in droves in the ghetto streets, places like attica, san quentin, bedford hills, leavenworth, and sing sing. They are turning out thousands of us.<sup>115</sup>

Although the long history of the punishment of African-Americans problematises the periodisation of *Discipline and Punish*, it also verifies Foucault's maxim that there are no relations of power without relations of resistance. The record of oppression is scored by a communal chronicle of subversion and survival. The authors of this chronicle encourage their readers to see them not as exceptions whose situation necessitates empathy, but as representatives whose experiences require action. From death row Abu-Jamal reminds us that '[t]ools change with the times' (p.55). Although the plantation has given way to the SuperMax, the whip to the stun gun and the noose to the lethal injection, the prominence of punishment within the African-American experience remains alarmingly consistent. For African-Americans, from the middle passage to the new slave ship, social relations have always been underwritten by the pervasive threat of punitive violence. Only by recognising this long history and resisting its current practice can the binds that unite a divided nation be untied.

It reminds me of two sets of handcuffs that have all four of us tied up together, holding all black and white flesh in a certain mould.<sup>116</sup>