Incarceration and State Terror:
Racial Capitalism in the American South, 1865-1945

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Abstract

This thesis presents a history of the State of Florida's convict leasing program (1877-1920) and situates critical developments in the prison system within concurrent transformations of racial capitalism in the American South. The social struggles that followed the Civil War forged the legal, political, economic, and ideological practices and strategies for white supremacy and capitalist production that remained predominant in the region until roughly World War II. Drawing extensively from archival sources including the reports of state prison supervisors and physicians, correspondence between prison officials and lessees of convicts, and official biennial reports on the state prison system, this research proposes a three-fold interpretation of the postbellum South's penal system. The prison system was, first of all, among the primary disciplinary mechanisms for planters and industrial capitalists who sought to maintain a pliable, submissive, and impoverished workforce through debt peonage arrangements and corporal punishment. Second, the prison system was a revenue-driven human trafficking network that redistributed labour to various capitalists throughout each state. I document how race, gender, ability, and the demands of industry were the primary determinants in the apprehension of prisoners and their distribution throughout the state of Florida. Lastly, this work argues that the prison system must be understood as a form of institutionalized state terrorism organized to permanently suppress the Black Freedom Struggle. The labour camps were juridically produced spaces of unlimited violence within which prisoners were subjected to debilitating and life-threatening beatings, medical malpractice, and execution. As a whole, this thesis uses Marx’s method to construct a thorough critique of the claim that proletarian labour is necessarily "free wage labour" by detailing the mutually reinforcing relationship between capitalist social relations, as expressed within the process of production, and forms of personal and group domination including enslavement, debt peonage, imprisonment, and male domination.
Preface

This thesis is original, unpublished, independent work by the author, C. McElwee Donegan.
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1 Introduction

For three quarters of a century, the prison system in the American South formed the coercive pillar of a debt peonage system that tied (mostly black) workers to their employers and suppressed wages to bare-subsistence levels. Conviction in white-employer dominated county courts authorized the return of whipping and other forms of corporal punishment as legitimate workplace practices. The convict leasing system, which operated in every formerly Confederate state except Virginia, was a legal means of capturing, transporting, and leasing captive labour to Southern employers. The subsequent "chain gangs" of prisoners constructing roads less marked the end of the system than it did a redirection of convict labour into public works projects. Throughout this period the stories and sight of convicts leased into slavery showed black workers their most likely fate should they choose to resist debt peonage or challenge the racial order. In the post-Civil War South planter-class strategies for reproducing class relations and white supremacy crystallised into definite legal, ideological, and political practices that still inform racial oppression today.¹ This thesis hopes to contribute to our understanding of those practices and their origins by writing a history of Florida's convict leasing program and situating developments in the Southern prison system within concurrent transformations of racial capitalism.

The majority of this thesis discusses Southern history from 1865-c.1945, but the story begins much earlier. By beginning with a chapter on plantation slavery, this thesis attempts to place the Southern plantation/prison system within a larger arc of historical transformation. The most striking contours of the legal, police, and prison systems which I discuss in subsequent chapters first emerged in the early colonial period--particularly the association of blackness with criminality, the extra-legal use of violence by poor and middling whites to oppress black people, the hegemonic rule of a class of

plantation owning capitalists, and the racially selective deployment of coercive state power which cemented together this regional hegemonic bloc. The relationship between European settlers and Native Americans was anything but pre-ordained—not least of all because it would require over two and a half centuries of warfare to close the "frontier"—but the logic of conquest and racial exclusion, tending towards elimination, once begun had implications for the development of capitalism in North America which would be impossible to overstate. Similarly, the incorporation of enslaved Africans into the Chesapeake colonies as the primary, and then exclusive, source of plantation labour only begun after the supply of British indentured servants tapered off in the 1680s. It was in this context that any ties of personal and political solidarity that previously existed between European and African workers in the colony would be severed by an emerging racial order. It is sometimes remarked that capitalism in the United States developed uniquely due to the lack of any remnants of a feudal past. Yet of greater importance than what was 'lacking' compared to Europe was the extended process through which European, African, and Native American peoples were dispossessed or alienated from their inherited social and geographical worlds to be forcibly inserted into the emerging capitalist order, each in definite and distinct ways. In the case of Europeans, their expulsion from the land was followed by taking possession themselves of Native land and of collectively policing Native Americans and enslaved blacks, thus all around accelerating and entrenching the process underway. These interdependent processes of colonization, privatization, class formation, and racial formation were formative in the development of what I think is best called racial capitalism.

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Chapter One explores this history in broad strokes in order to approximate the social relations that constituted plantation slavery. This chapter cannot begin to synthesize the enormous amount of scholarship on plantation slavery, but it does seek to address recurring theoretical shortcomings found in Marxist scholarship. Too often such studies have erred by holding out an ideal-type definition of capitalism and comparing it to the plantation in order to declare it to be capitalist or not. I strive to avoid any such declaration for its own sake and, instead, attempt to construct an historical analysis that may enrich our understanding of the social relations of power that constituted plantation slavery while establishing the necessary historical context for my subsequent analysis of postbellum racial capitalism.

American plantation slavery was an amalgamation of mutually constituting forms of domination—slavery, capitalist production, patriarchy, and white supremacy in particular. If the Atlantic slave trade enabled the slave-relation to flourish to its fullest and most gruesome expression this was in large part because the trade rendered enslaved Africans fully alienable commodities within a rapidly expanding international market. While being held captive by traders and merchants, the condition of enslavement meant above all human commodification. No other social ties, demands, or obligations—such as those of kinship or community—were powerful enough to compete with the potential exchange-value embodied in the slave. The experience of enslavement was thus one of complete social death or, to distinguish Atlantic slavery from less extreme variants, "social annihilation." 4

On the plantation, slavery and the terroristic violence that served as its guarantor proved ideal for creating a highly regimented, disciplined army of labourers. At the same time, enslavement and the commodification of labour enabled planters to intervene in and even "capitalize" the most intimate elements of life, in particular sex and social reproduction. Invested capital fused with patriarchal power (not to be confused with "paternalism") in order to express the planter's full domination over slave life,

to ensure the reproduction of the labour force, and expand his capital. While slavery proved incredibly useful and fruitful for capital in these ways, it also locked the plantation system into labour-intensive production methods (with the notable exception of the capital-intensive, industrial sugar estates), a point that I return to in the second chapter. It was through this extended process of commodification and enslavement that the complete devaluation of black life emerged as the legally and symbolically codified precondition for "the profit of the Master, his security, and the public safety." With an eye for the continuity amongst historical change, we can say in summary that plantation slaves were incarcerated proletarians in a state of social death.

The second and third chapters each provide a different take on the same period of Southern history--1865-1945. Chapter Two tells how two forms of incarceration--debt peonage and convict labour--became central features of Southern capitalism after the Civil War. While Chapter Three discusses the prison system in some detail, the second chapter provides the larger social context within which that system of (re-)enslavement arose and developed. For the three quarters of a century that passed between the Civil War and World War II capital in the South continued to rely on labour-intensive production methods, only undergoing a general process of mechanization and modernization in the 1940s. Not only the plantation economy but also the leading non-agricultural industries in the region--lumber and turpentine--trapped workers in their employment using debt peonage, personal violence, and state coercion. Holding workers against their will while maintaining a strict work routine required spectacles of force, whippings and beatings, armed guards, and systems of regional surveillance and apprehension that made escape attempts appear futile.

Here I return to the question of labour-intensive production methods and uneven development that I left aside in the first chapter. A number of scholars, including Eugene Genovese and Charles Thomas Ruffin, North Carolina v. Mann (13 N.C. 263 1830).
Post, have gone so far as to say that plantation slavery could not have been capitalist in large part because its expansion did not lead the region towards urbanization and industrialization. Based on that argument, one would expect that the end of slavery would be followed soon enough by a change in the South's development pattern. It did not. One reason why scholars of plantation slavery have made this error is because they consider new production technologies only as the result of capitalist competition. Competition between capitalists, however, is not the only force that regulates the introduction of technology into the production process. New machinery is also introduced in order to break worker solidarity, to take control of production away from workers, and to displace workers from production altogether. In cases where the value of labour-power is thoroughly depressed and workers are disorganized, capitalists frequently prefer to forego technological innovation and expand by simply acquiring more workers, squeezing more labour from each of them, and doing whatever is necessary to keep the workforce unorganized and oppressed. Class struggle in production and larger scale processes that create highly compromised populations--such as imperialism and racial oppression--are thus closely related to the uneven development of capitalism (at almost any scale, from the factory to entire regions). For this reason and others, I argue that forms of exploitation--slavery, wage labour, debt peonage, convict labour, et cetera--are variably introduced by capitalists (individually and collectively) in place of or alongside of machinery and new technology; that is, they are all technologies of class domination.

Chapter Two also seeks to contribute to our understanding of the persistence of forced labour in the South by debunking the most common explanation for it. It is argued that Southern planters and industrialists were too undercapitalized to invest in new technology and were forced by debt and perennially thin profit margins to squeeze more unpaid labour out of their employees. But debt peonage, convict labour, and corporal punishment at work was by no means restricted to industries or firms that garnered low profit rates or faced problems attracting capital, such as small and medium-
sized cotton planters. No one has suggested that the booming lumber industry in the South, which was mostly owned by Northern industrialists, had any problems of profitability or financing. Quite the contrary. Similarly, the turpentine industry, particularly by the turn of the twentieth century, was thoroughly dominated by a massive monopoly consortium based in Florida, which was eventually bought out by Chicago financiers. Despite the fact that opulence in the upper tiers of the Southern lumber and turpentine industries is well known, historians continue to attribute the persistence of forced labour to low profit margins and under-capitalization. I can imagine no explanation for this lapse of judgement other than an assumption that capitalists from New England and Chicago would never have behaved so savagely were they not forced to. The typical explanation of the persistence of forced labour in the South has to be amended to account for the fact that debt peonage was not limited to industries or firms with low profit margins. Instead, the use of coercion within the production process was an important source of the high profit margins realized in the upper echelons of industry--fortunes were built on the bruised and bloodied backs of incarcerated black workers in the South.

Chapter Three relies on archival research on the State of Florida's convict leasing program, which ran roughly from 1877 to 1922. Convict leasing remains grossly understudied but my own research benefited greatly from the handful of recently published books on convict leasing in the South. Douglas A. Blackmon's *Slavery by Another Name: The Re-Enslavement of Black Americans from the Civil War to World War II* provides a detailed account showing the pervasiveness of convict leasing throughout the Deep South and stands out from other studies for its thorough account of the county court system. County courts were the foundation of state prison systems and generally acted without constraint from superior courts. With complete autonomy, local officials frequently entered into arrangements with local employers to lease convicts for the length of their sentences. 6 Milfred Fierce's

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Slavery Revisited and Mathew Mancini's One Die's, Get Another both offer surveys of convict leasing throughout the South. Mancini's work concludes by arguing for a reinterpretation of the broad shift from leasing convicts to using convict labour on public chain gangs. Every convict-leasing program generated heated public criticism in the South for their brutality and high mortality rates. As Fierce and Mancini both show, it was only when the cost of leasing convicts came to rival the cost of wage labour, and when the financial savings and "public" benefit possible from working convicts on the roads became apparent, that convict leasing was replaced with chain gangs. Rather than a result of humanitarian reform, Mancini argues that the change simply marked a redistribution of convict labour from private concerns to public infrastructure projects.

David M. Oshinsky's Worse Than Slavery provides an historically rich account of Mississippi's state prison-plantation, Parchman Farm, which remained a profitable and self-sufficient cotton-producing enterprise until the 1960s. The Farm, with its fifteen field camps spread across 20,000 acres, was probably the closest thing to a surviving antebellum slave plantation in the region. Alex Lichtenstein's Twice the Work of Free Labor is a careful history of Georgia's convict leasing program. He argues that the state prison system helped cement an alliance of planters and urban industrialists by supplying the latter with a dependable and pliable labour force without undermining the power of planters over black agricultural workers. Lichtenstein challenges readers to recognize that the prevalence of bound labour in this era hardly represented an anti-modern or backwards-looking force. Rather, "at each stage of the region's development, convict labour was concentrated in some of the

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most significant and rapidly growing sectors of the economy." Lastly, Mary Ellen Curtin's *Black Prisoners and Their World, Alabama 1865-1900* thoroughly critiques historians for their tendency to take for granted that the post-Civil War expansion of the prison population was due to rampant theft committed by freed slaves, sometimes viewed sympathetically as a "moral economy." As Curtin shows, criminal charges were used "to intimidate assertive blacks," whether for demanding their share of the crop or for political activity, and "to squelch black economic gain," particularly by outlawing the nighttime markets that small black and white producers relied on for their success. Remarkably, Curtin's study is the only one that provides a substantial discussion of gender and imprisoned women. Throughout the book Curtin documents, with a great deal of insight, the various ways that convicts responded to incarceration and industrial labour.

My analysis of the South's prison system builds on Curtin's argument that the growth of the black prison population was a result not of black criminality but of social struggle between planters, poor whites, and blacks. If one of the defining features of today's criminal justice system is the racially selective deployment of state power--as seen in the over-policing and incarceration of communities of colour, the symbolic association of blackness with criminality, and the leniency of the justice system towards whites--the social struggles of the postbellum era were of crucial importance in establishing this pattern. Shortly after the Civil War new state institutions, county courts in particular, were created in the South with the explicit purpose of coercing blacks to work (hard) for plantation owners and remain deferent and subordinate to whites in general. In state constitutional conventions, newspapers, and other forums planters debated how they could best dominate black labour after the abolition of slavery. Their answer involved an extension of state-power over blacks through county courts complemented by organized, extra-legal violence and terror. The new state constitutions established

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county court systems and charged them with the authority to prosecute criminal cases. Whereas the South previously relied on a circuit court system which met only periodically in each county, almost exclusively tried whites, and maintained a considerable degree of procedural integrity even when trying enslaved persons, it was understood that the new county court system was for non-whites and procedural concerns for due process were systematically ignored. These new courts were to enforce what became known as the Black Codes, legislation that criminalized blacks for "unlawfully assembling themselves together" and for being found without a white employer. Nine of the eight states that adopted expansive vagrancy laws in 1855 and 1856 also allowed county courts to hire-out--that is, lease as slaves--such "vagrants" and any other convicted "criminal" who was unable to pay their fines and court costs.  

The notion that blacks were inherently "criminal" should be understood as an ideological inversion of reality and, at the same time, a euphemism for black people's refusal to accept their own oppression. Just as whites were attacking and murdering freedpeople, and employers were routinely stealing wages owed to black workers, whites charged that black theft was rampant and that blacks were an inherently criminal class of people for whom strict laws and punishment were necessary. Whites concentrated their use of legal coercion and extra-legal violence on the same points of social conflict--both were instrumental in the suppression of black political activity and in determining who had the first lien on the crop, the sharecropper or planter--with each form of coercion serving as complement and encouragement to the other. While white men were previously required to serve in the slave patrols, after abolition poor whites would enlist for service in the Ku Klux Klan and kindred organizations to enforce white supremacy by committing acts of terrorism with legal impunity. Meanwhile African Americans were rendered "not merely excluded from legal protection but

I examine the convict leasing system from two vantage points. The first is the social context in which criminalization and convict leasing emerged as central components of state power. As outlined above, convict leasing arose simultaneously with the county court system and served as a means for employers to discipline black workers and enforce debt peonage arrangements roughly until World War II. Next, I consider convict leasing in its own right as a system of capturing, distributing, and exploiting labour. Numerous counties across the Deep South established what can only be described as their own slave trading networks. Each of these slaving rings could choose to work convicts on county roads and other public works, to lease convicts directly to an employer, or to send them to the state prison system. I draw extensively from official reports of state supervisors, state physicians' reports, letters from employers who leased convicts to prison officials, official biennial reports on the state prison system, and other state records and correspondence. These files reveal a world of extreme deprivation, disease, medical malpractice, flippant murder, sexual exploitation, and endless labour. Prisoners frequently attempted escape despite the high probability of being shot on site by guards, and hundreds of them succeeded over the years.

Convict labour was highly prized by employers. The largest firms in the leading industries of each state typically enjoyed monopoly control over the convict-labour force. They found that not only could they extract more labour from a convict than from other workers, due to their complete subjection to the employer's authority, but they also could profit considerably by sub-leasing prisoners to smaller employers. In early twentieth-century Florida state prisoners were all leased by the Florida Pine Company, a subsidiary of the monopoly consortium Consolidated Naval Stores Company, who sub-leased convicts to turpentine operators throughout the state. Workers in the turpentine industry

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laboured in the pine forests basically cutting gashes into several hundred trees each day and collecting the gum that was secreted, then boiling the gum into two industrial raw materials--rosin and turpentine. The industry was booming in Florida by the turn of the century and the state prison population expanded drastically in those same years. The evidence suggests that most of the new prisoners had migrated from out of state to work in the turpentine and lumber industries. The numerous arrests likely had a chilling effect on the workforce, most of which was trapped--incarcerated--through debt peonage already. So while state prisoners only accounted for a small percentage of workers in the industry the legal system's readiness to apprehend and enslave errant workers was nonetheless of especial importance to employers whether they leased convicts or not.

The prison system served three distinct purposes. First, the prison system was driven by a desire, and later a criminological proscription, to break the independence, courage, and confidence of 'unruly' blacks. The criminal, as wrote the head of Florida's state prison system Benjamin E. McLin, "is placed in prison to learn the lesson of obedience, submission and energetic effort, or labor." It served this purpose above all by giving workers an ultimatum--follow orders, work hard, and stay on plantation or be tried and sentenced for your "crime." The prison system was, secondly, a fully developed slave trade. It offered capitalists operating in the South a supply of labour unmatched in its pliability and discipline. Some employers hired only convicts, some purchased convicts only to lease them to another employer for a profit, while other lessees benefited from working a mix of convicts and debt peons or other wage labourers. Third, the prison system was a form of state terrorism. If a sentence of hard labour was designed to impart the lessons of "obedience" and "submission," the experience was to be so dangerous and degrading that it would leave a deep impression on black communities. Punishments were not conducted in the public square but neither were prison conditions secret--black men and women were arbitrarily apprehended by law enforcement agents and systematically subjected to extreme violence--including crippling confinement, life-threatening
beatings, medical malpractice, and execution—to create a general climate of fear in the black population for the purpose of permanently suppressing the Black Freedom Struggle.\textsuperscript{14}

Incarceration, like enslavement, entailed a condition of social death that severs the individual from all family, community, and legal ties; thus the convict was a "social isolate" bereft of protection.\textsuperscript{15}

It was almost impossible to commit a crime against a convict. Not only did convicts have no recognizable social value—that is, their lives were demonstrably considered worthless—but convicts were stigmatized as blacks who lacked “obedience,” who warranted “repeated and severe” punishment. For these reasons and others, the prison system became a place of state-sanctioned terror where the widespread but irregular and spasmodic violence of the immediate post-Civil War years was institutionalized and regularized. The prison experience was further defined by the fact that convicts were the private prisoners of capitalists. Capitalists leased convicts with the expectation that they would receive from their incarcerated workforce as much labour-power as was physiologically possible. The convict's person represented to the capitalist only a container of labour-power that he intended to empty. This experience of objectification went almost entirely unchecked—besides scattered instances of state intervention, prisoners in Florida were often exploited until their bodies were "worn-out," to use the words of one state prison physician. Ultimately, the convict's experience of social death, objectification, and incarceration was less exceptional than it was the most extreme expression of the general condition of the black working class at the time.

The turn of the century marked the beginning of a the 'Progressive era' in American politics as corporate trusts, political bosses, and railroad magnets were singled out as corrupting influences on the democratic process. Florida's prison reform efforts confirm Southern progressive Edgar Gardner

\textsuperscript{14} Here I generally accept the Encyclopaedia Britannica's definition of terrorism as "the systematic use of violence to create a general climate of fear in a population and thereby to bring about a particular political objective." http://www.britannica.com/EBchecked/topic/588371/terrorism

\textsuperscript{15} Orlando Patterson, “Slavery in Human History,” \textit{New Left Review} 117, September-October (1979), 34
Murphy's hope that "the conscious unity of race" would form "the broader ground of the new democracy."\textsuperscript{16} Spurred by widespread criticism of the prison system's brutality (itself a still poorly understood occurrence as the criticism was lodged by virulent white supremacists, even known Klan members), and by the collusion amongst lessees of convicts in the bidding process which depressed the amount of revenue collected by the state each year, William Jennings ran his gubernatorial campaign on the promise to reform Florida's prison system. He argued that the lease could and should be continued without abuses and that the state should be collecting at least $100,000 each year for the services of its wards.\textsuperscript{17} In addition to racial and gender segregation, the most important aspect of the reform effort was the construction of a state prison hospital, paid for by the Florida Pine Company. The leading physician, Dr. S.H. Blitch, approached his work enthusiastically. He communicated with physicians, criminologists, and others involved in prison reform throughout the country who likewise found inspiration in Florida's progressive reforms. These reforms effectively garnered the state increased revenue and prison officials reported happily that the stockades in which prisoners were chained each night were much improved from the earlier years. The records from the hospital, however, reveal that many of the prisoners were forced through a harrowing cycle of working to their physical breaking point, recuperating in the hospital, then returning to work until they again became "worn-out." By sending the sick and injured back to work Florida officials solved the problem of overcrowding in the hospital and at the same time increased their revenue stream. Employers also must have appreciated the new system, which maximized labour-time and adjusted the cost of labour to each man's productivity. Florida officials called this "the twentieth century idea of utilizing prison labor" and celebrated these reforms as a sign of the benevolence of the rule of the white race.

\textsuperscript{17} Noel Gordon Carper, “The Convict-Lease System in Florida, 1866-1923” (The Florida State University, 1964), 149-169.
Racial oppression today, no less than in the earlier era of racial slavery, requires constant vigilance on the part of the oppressors to pre-empt and suppress rebellion. Every twenty-eight hours during the year 2012 one black man, women, or child in America was executed by a police officer, security guard, or vigilante. As these "extra-judicial killings" indicate, "the institutionalized violence of white supremacy is not only alive and well, but is, in fact, intensifying."\(^{18}\) While the present age of mass incarceration has its own historical and social conditions, certain trends that crystalized in the era under study here remain definitive practices of the America legal system. "Our communities," writes Glen Ford for the Black Agenda Report, "are Constitution-free zones, and the stigma of guilt attaches to each of our persons. White electorates reward those who put Black people – as a group – on perpetual lockdown."\(^{19}\) Today's prison system is a pillar of white supremacy and state power, not least of all because it breaks apart the communities that surged in a wave of rebellions and growing radicalization during the 1960s and 1970s while simultaneously serving as a "geographical fix" to numerous problems caused by the restructuring of global capitalism over the past four decades.\(^{20}\) As expressed by those who protested the exoneration of George Zimmerman for murdering Trayvon Martin, "the whole system is racist." Studying the history of racial capitalism cannot substitute for analysis of the present but, as I hope this thesis shows, it can contribute to building a critical perspective on incarceration and criminalization as multifaceted strategies for racial, gender, colonial, and class domination.

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2 Origins of Racial Capitalism: Empire, Enslavement, and Capitalist Production

2.1 Introduction

This chapter offers an analysis of plantation slavery and the character of the social relations found therein. In doing so, this chapter also outlines in broad strokes the emergence of racial capitalism in America through successive periods of imperialist expansion of plantation capitalism. Plantations fused together the personal domination of enslavement, patriarchy, and racial oppression with the social and class domination inherent to capitalist production. I start this chapter by presenting some of the methodological considerations that inform my analysis. In addition, the first part of this chapter addresses what I see as a particularly debilitating perspective that has influenced critical studies of slavery in American history. "Political Marxism" essentially argues that capitalism can usefully be identified with industrialization and urbanization and that capitalist class-relations only take the form of "free wage labour." By offering a method-based critique of this argument, I hope also to demonstrate the value of the method that I employ.

The second section of this chapter theorizes the two dominant social relations of plantation slavery--the relation of slavery and the social relations of capitalist production. In this section I present an analysis of slavery as a form of personal domination and capitalism as a form of social production characterized and dominated by the commodity-form of social relations. As I elaborate on each of these I also address some of the most common objections to the claim that plantation slavery was a variant of capitalism. However, my primary purpose is not to "define" the plantation as "capitalist" or otherwise but to construct an analysis that enriches our understanding of the plantation, the social relations of power which constituted it, and its historical tendencies. The final third of the chapter details various aspects of plantation slavery including production, reproduction, punishment, ideology, and expansion. In the conclusion, I venture a summary "characterization" of plantation slavery.
2.2 Appearance and Abstraction in Marx's Method

Developing a methodology capable of piercing through the surface-level appearances of capitalist society was pivotal to Marx's intellectual and political project. As Michael Lebowitz has stressed, Marx consistently warned against beginning ones reasoning from the forms of daily existence or appearance. In capitalist society social relations make their appearance in the market, but "everything appears reversed in competition." Marx writes,

The final pattern of economic relations as seen on the surface, in their real existence and consequently the conceptions by which the bearers and agents of these relations seek to understand them, is very much different from, and indeed quite the reverse of, the inner but concealed essential pattern and the conception corresponding to it.¹

Unfortunately, Marx's critique of market-relations has been misunderstood or ignored by too many critical scholars of slavery. My purpose here is to offer a brief account of certain key methodological principals that Marx developed through his critical engagement with bourgeois political economists whose methods, he argued, were intimately connected to the ideological content of their findings. I then consider the method applied by Robert Brenner to questions of development and underdevelopment in the world economy in his critique of "neo-Smithian Marxism." Ironically, and hardly noticed amongst all of the sound and fury of debate, Brenner's critique of the "neo-Smithians" was explicitly grounded in an acceptance of the premises of Adam Smith's argument as well as its form. This formal logic is, as I will show, nearly identical to that which Marx directed his critique.

To start, Marx had a particular way of constructing his "categories" of analysis. By abstracting from particular historical-geographical conditions, one can isolate common elements of human organization and social relations. We can specify three different levels of abstraction that Marx works

through. Certain categories--such as human labour--are transhistorical. "The labour-process...is human action with a view to the production of use-values, appropriation of natural substances to human requirements," and thus, Marx writes, "it is the necessary condition of human existence, and therefore independent of every social phase of that existence, or rather, is common to every such phase."2 Yet the labour process takes particular forms within different epochs and only by discovering the distinct attributes of the society in question can one learn more about the organization and quality of any particular labour process. Simple categories are those which are not transhistorical but which can be found in various epochs of production.3 By studying similar developments each in detail and in comparison to each other, Marx wrote, "the key to these phenomena is easily found." Orlando Patterson aptly describes this aspect of Marx's method as "world-wide comparativism."4 Co-operation in production, for example, is found in numerous societies. "When numerous labourers work together side by side, whether in one and the same process, or in different but connected processes," Marx writes, "they are said to cooperate, or to work in co-operation." Co-operation not only increases the "productive power of the individual" but also creates "a new power, namely, the collective power of masses."5 A simple category like co-operation is "a rational abstraction in so far as it really brings out and fixes the common element and saves us repetition."6

Yet simple categories are always insufficient by themselves in that they can only assist us in determining the quality and dynamics of any process if they are put into their full context. Thus, Marx explains,

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5 Marx 1967, 309.

the simplest economic category, say e.g. exchange value, presupposes population, moreover a population producing in specific relations; as well as a certain family, or commune, or state, etc. It can never exist other than as an abstract, one-sided relation within an already given, concrete living whole. As a category, by contrast, exchange value leads an antediluvian existence.⁷

Co-operation likewise has its general attributes but its actual character and significance can only be ascertained within its concrete context. The introduction of co-operation to the process of capitalist production has definite results--it decreases the value of each commodity, alters the amount of capital invested respectively in means of production and wages, heightens the collective resistance of labour to capital, and spurs capital to overcome this resistance.⁸ These processes, however, can only be ascertained if one already understands the basic determinants of capitalist production.

Concrete categories strive to capture the "many-sided connection or relation" of an historically specific and determinant social relation. "Capital" is a concrete category that contains within it a complex set of relations, including numerous simple categories each now found in a more or less developed form. Within bourgeois society co-operation is no longer sporadically applied but becomes integral to the production process generally and thus "appears to be a historical form peculiar to, and specifically distinguishing, the capitalist process of production." Marx also theorized wage labour as a concrete category: wage labour "in the strict economic sense...[as distinct from] other forms of labour for day-wages etc.--is capital-positing, capital-producing labour..."⁹ Given the present confusion around this point, it is unfortunate that Marx rarely employed this vocabulary to distinguish between that concrete category of capital-producing labour and the simple category of wage labour. For the purpose of this chapter, it will be necessary to distinguish between wage labour as an "antediluvian" category

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⁸ Marx 1967, 308, 313.
⁹ Ibid, 316; Marx 1993, 463.
and the historically determinant, concrete category of capital-producing labour.

Marx reserved an explicit critique for those political economists who started their investigation with "the living whole" or "the real and the concrete." Every study must of course start with the most thorough investigation of the material beginning with general appearances, but Marx warned against mistaking this initial starting point of investigation for the starting point of the analytical reconstruction of the real process. Political economists who began with general observations concerning the population, its distribution between town and country, between different branches of production, and so forth, began necessarily with a chaotic conception of "the living whole." From that point they were only able to reason downwards to "a small number of determinant, abstract, general relations..." Marx describes his own process in the following terms:

Thus, if I were to begin with the population, this would be a chaotic conception [Vortesellung] of the whole, and I would then, by means of further determination, move analytically towards ever more simple concepts [Begriff], from the imagined concrete towards ever thinner abstractions until I had arrived at the simplest determinations. From there the journey would have to be retraced until I had finally arrived at the population again, but this time not as the chaotic conception of the whole, but as a rich totality of many determinations and relations.¹⁰

While Marx's investigation begins with appearances like any other, it is only by reconstructing the living whole from the bottom up that one can move "towards a reproduction of the concrete by way of thought." By contrast, "along the first path the full conception was evaporated to yield an abstract determination."¹¹ Thus Marx's method was premised on building dialectically from abstract and universal categories, through simple categories, and then finally towards increasingly concrete conceptions of the living whole. Rather than leave behind the "raw material" of investigation for an

¹⁰ Marx 1993, 100.
¹¹ Ibid., 101.
abstract finding of principle, Marx was concerned with capturing, and reproducing "by way of thought," the richness and complexity of historical processes. It is not by coincidence that Marx begins *Capital* with the most abstract analysis before moving progressively into more concrete material, all the way carrying forward, deepening, and complicating his earlier findings. As Banaji argues, Marx developed a "consistent and internally unified" method, "what can now by formally defined as a specific, *non-classical logical type* of scientific thought, a form of scientific reasoning and proof distinct from generalising inductivism, deductive-axiomatic methods, or any combination of these..."12

Thus, understanding Marx’s method, as distinct from accepting any particular postulate or set of definitions, is central to deploying a Marxist analysis.

Before discussing Brenner's work it is important to put his argument in its proper context. Marxist theorists of the 1960 and 1970s, especially following the publication of Andre Gunder Frank's *Capitalism and Underdevelopment in Latin America* in 1967, struggled to understand the causes of persistent underdevelopment in the Third World.13 A debate ensued as to the character of colonial economies and the nature of the imperialist world-economy--is underdevelopment in the (post-)colony the structural corollary of development in the metropole? Or does underdevelopment merely signal the failure of capitalism to implant itself in underdeveloped regions? The debate had its initial impetus in questions of great moment. The common dogma of the Communist Party at that time advised that because Latin America was still ruled primarily by landowners (latifundias), it was not capitalist and would have to go through a bourgeois revolution and a transition to capitalism *before* a socialist revolution would be possible. However, a new generation of socialist militants in Latin America--most famously Che Guevara, Fidel Castro, and Regis Debray--developed a distinct revolutionary praxis for

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the Third World centred on guerrilla warfare.\textsuperscript{14} For Frank, because all of the large enterprises in the Third World were commodity producers they were and always had been capitalist. There was no point in waiting for the bourgeoisie to take control of the state and industrialize the economy because they never would nor could they. Capitalism, in Frank's model, developed by systematically funnelling surplus product out of the countryside and into urban areas, and then out of Latin America and into imperialist countries. Capitalism, then, was the source of underdevelopment and the time was as ripe as any for socialist revolution in Latin America, as far as Frank was concerned. Other theorists, such as Immanuel Wallerstein, followed Frank's lead in considering the relationship between core and periphery as primary organizing principles of modern capitalism.\textsuperscript{15}

Brenner charged Frank and Wallerstein with practising a "neo-Smithian Marxism" for their over-emphasis of market-processes in historical change and the way that they left behind or sidelined questions regarding relations of production. These critical studies of imperialism coincided with Third World liberation struggles and caused a shift in radical thought and activism away from the proletariat inside the imperialist countries and towards Third World anti-imperialist struggles, peasant revolutions, and national liberation movements of oppressed peoples within the imperialist countries. Brenner provided a theory that would, in his words, counter this rising "third-worldist ideology."\textsuperscript{16}

Brenner argued that Frank and Wallerstein premised their market-based arguments in postulates developed by Adam Smith. In Particular, Brenner ascribed to them Smith's thesis that the wealth of nations (the development of productive forces) was determined by the degree of specialization or the


division of labour, which itself developed more or less spontaneously through the extension of markets and trading networks. In short, Smith's model takes as its starting point certain observations regarding the growth of cities and the separation of manufacturing from agriculture and then explains these observations by recourse to the categories of "trade" and "division of labour." Brenner admits that this model "has a certain plausibility" but it nonetheless falls short of explaining Smith's initial observations. The problem is that Smith's model only "'works' under the premise of capitalist social relations of production." In other words, Smith failed to zero-in on the right abstract categories. Here Brenner explains his disagreements with Smith's findings but in the process reveals a remarkable fidelity to Smith's reasoning: "unless agricultural surpluses continue to grow, the urban industrial population is strictly limited; for the proportion of the population in town and country depends on the productivity of labour. Yet these processes rest on certain conditions, beyond an emerging market and the desire to exploit it." As Brenner deduces, Smith's observations regarding changes in the distribution of population were actually premised on "free wage labour."

Through this curiously Smithian detour, Brenner claims to have restored class-relations to their proper place within Marxist political economy, and, as an added bonus, he has apparently made Smith's old model "work." Brenner then takes as his premise what he first ascribed to Smith--that capitalism is indistinguishable from the processes of urbanization and industrialization. From there he repeats his critique of Smith but reverses the order in which he presents the claims. Now, he argues, only when commodity production for profit is based on "free wage labour" will the effect be systematic "development." Brenner's reasoning follows exactly that method that Marx critiqued so adamantly--
he begins with general appearances and then reasons down to the general postulate that capitalism only "works" with free wage labour. Why, if Brenner's argument was in its method so clearly Smithian rather than Marxian, does it still carry weight within the (Euro-American) Left? Certainly, it helps that the targets of his critique leave something to be desired in terms of Marxist political economy--neither Frank nor Wallerstein claim any fidelity to Marxism. More than that, though, Brenner's argument connecting development with free wage labour is powerful by virtue of its own circularity: when it comes to underdevelopment, his premises are self-validating. What Lebowitz writes of neoclassical economics also applies to Brenner: "The conclusions...are already present in the assumptions it draws from appearances." Just what "general observations" one takes as their starting point depends, among other things, on the scope and scale of one's gaze or investigation, which is always determined by one's existing assumptions. In the case of Brenner, the conclusions he deduces from "general appearances" were already implied by the scale of his initial "observation" itself, for if one looks only towards industrialized countries in order to observe capitalism's development patterns then the results could hardly be surprising. Capitalism is development as far as Brenner is concerned. Cases which might upset this conceptual house of cards--such as slave plantations--can be dismissed out of hand because anyone can tell by glancing that they did not "develop" on the same course as Britain did. This is why Marx's method remains so important--it allows us some means to work towards a characterization of a given economy without simply falling back on the assumptions that we have already derived from our "common sense" interpretation of appearances, from reading Marx's Capital backwards, or, as the case may be, from reading Adam Smith.

Brenner did advance a relevant critique of commercial or trade-based models of capitalist serfdom), are both capital and labour power 'free' to make possible their combination at the highest possible level of technology. Only where they are free..." Brenner 1977, 32.

Lebowitz 2009, 12.
development, particularly against their claim that increased trade could itself cause a transformation of class relations on a scale large enough to kick-start modern capitalism. Nonetheless, his impoverished method blocks the formulation of a more fruitful analysis of the actual character of colonial economies, of imperialist-relations within capitalism, and even capitalist production itself. This is because, ironically, Brenner's own analysis inverts Marxist interpretations of market-processes and production relations. For all of the talk about relations of production, in Brenner's model capitalist class-relations (as well as capitalism's laws of motion, which he re-conceptualizes at an individual level as "rules for reproduction") are ultimately theorized as market relations--more precisely, as general "market dependence." In Brenner's model class-relations figure less as historically determinant than they do as either enabling or constraining of market forces. Different class structures impose, Brenner writes, different "limitations and potentialities...on differentially placed exploiters and producers responding to such market forces." As Ellen Wood describes his theory,

both capital and labour are utterly dependent on the market for the most basic conditions of their own reproduction. Just as workers depend on the market to sell their labor power as a commodity, capitalists depend on it to buy labor power, as well as the means of production, and to realize their profits by selling the goods or services produced by the workers.

The predictable result of this market-based analysis is that capitalist class relations are actually obscured in the sense that both capitalists and workers are said to face the same market imperatives. As another case of Smithian deduction, this formulation has a certain appeal to it but, as I will explain shortly, it utterly fails to grasp the character of capitalist production. As a consequence of never properly entering the realm of capitalist production itself (that is, once a given class structure is in place), Brenner's model fails to grasp the content and character of class-domination in capitalist

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2.3 Slavery and capitalist production

The most common stumbling block that scholars face when discussing plantation slavery is a faulty understanding of what precisely the capital-labour relation is and the most common answer is that it is no different from the "wage-relation." If one peruses through Marx's *Capital* such an interpretation might seem to be just what Marx had in mind given his insistence that only when the worker has been stripped of all means of production and freed from bondage does her labour-power become a commodity and can capitalist production occur. Some go so far as to claim that unpaid labour throws a wrench in Marx's theory of value insofar as surplus-value is the difference between the value of wages and the value that workers produce. The second major objection raised to the claim that plantation slavery was a variant of capitalism is that plantation regions did not industrialize and urbanize. If the first objection has to do with the wage-form and a failure to grasp the content of the capital-relation then the second objection pertains to the Brennerian argument concerning "behaviour" patterns or more precisely whether or not planters were "profit maximizers in the way that neo-classical economics postulates." The purpose of the following discussion is to address these objections and enable a more fruitful discussion on the character of American slave plantations by answering the following questions: What is slavery? What is capital-producing labour? What is a plantation? And how did these historical forms "concretely" inter-relate with each other in America from the early seventeenth century until 1865?

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2.3.1 Slavery and social death

It is not enough to define slavery in legal terms as human property. Insofar as this definition takes for granted the legal fiction that property is a relation between owner and object (Roman *dominium*), rather than a social relation between persons, its ability to specify the social relation between slave and master is decidedly limited. Nor does slavery imply any particular kind of economic organization. In other words, slavery is not a "relation of production" in that relations of production correspond to distinct modes of production whereas slavery is adaptable to almost any mode of production. The majority of enslaved people throughout human history were not so held for the purpose of extracting a surplus product from their labour and in many cases the enslaved produced nothing. Any discussion of a "slave mode of production" is thus proceeding on false premises and raising more questions than answers. What is in question is the content of a very particular social relationship that entails the continual manipulation of the social, physical, and psychological attributes of supposedly inferior human beings.

Orlando Patterson's comparative study *Slavery and Social Death* identifies three constitutive aspects of slavery which I generally accept here. First, the slave is typically powerless in relation to another individual, acting as a human surrogate or a bodily extension of the slaveholder's will. As a relation of domination, violence or the threat of it is slavery's necessary precondition and condition. The archetypal slave is the captive whose enslavement stands either as a substitute for death in war or as alternative to execution for criminal behaviour. The slave, in other words, lives under a death sentence that has been conditionally commuted: "the execution is suspended only so long as the slave

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25 As found in, for example, Gavin Wright, *Slavery and American Economic Development* (Baton Rouge: Louisiana State Univ Press, 2013), 7.
27 Patterson 1979, 48; Patterson 1982, 11.
acquiesces in his powerlessness."29 As a result, the master not only acquires the person but their life. The second constitutive aspect of slavery is deracination or natal alienation, the forceful removal of the individual from the protection and demands of her natal group. The slave is a "social isolate" who can claim neither property of her own (unless approved by her master) nor, more substantively, any communal obligations or protections.30 This is most dramatically or unambiguously true for enslaved persons who have been physically removed from their place of origin but it also holds for those who were born into slavery or whose enslavement followed some kind of "fall" from the community as in the case of the convict. Living in a state of "social death," they do not belong to the community nor is the enslaved community afforded recognition.

The slave's powerlessness and deracination generate the third constitutive aspect of slavery, that the slave is generally a person without honour. Honour, according to Patterson, is a critical aspect of the psychology of power. He explains, "the slave could have no honour because he had no power and no independent social existence, hence no public worth."31 Slavery is, then, "the permanent, violent domination of natally alienated and generally dishonored persons."32 This formulation takes us a great deal beyond the common legalistic and economistic understandings of slavery and towards some grasp of what the condition of slavery itself entails. As Patterson leaves absolutely clear, this notion of slavery is schematic, it is what Marx called a simple category. It can only become "concrete" within a particular social context or through what Patterson calls its "systemic articulation." The above definition implies a completed process of total enslavement whereas one way in which slavery varies, we might say, is in the extent to which each of these three aspects is realized, resisted, or undermined by countervailing social relations. In pre-colonial sub-Saharan Africa, for example, enslavement was a

29 Patterson 1979, 33.
30 Ibid., 34.
31 Patterson 1982, 10.
32 Ibid., 13.
process used to obtain dependents who would be incorporated into the family or community. The "newcomer" was forced to relinquish all previous natal ties but would also "acquire certain fictive kin bonds to the master and his family" which, while partial, entailed a process of "rebirth" after their initial social death. The Atlantic trade, by comparison, sentenced Africans to "social annihilation."\(^{33}\)

2.3.2 Capitalist production: social domination and the commodity-form

Just like the simple category "slavery" is insufficient by itself, so too is the simple category "wage labour" understood as the exchange of objectified labour (goods or money) for living labour or services of some kind. This exchange, writes Marx,

> does not yet constitute either capital on one side or wage labour on the other. The entire class of so-called *services* from the bootblack up to the king falls into this category. Likewise the free day-labourer, whom we encounter sporadically in all places where either the oriental community or the western commune consisting of free landowners dissolves into individual elements...\(^{34}\)

Besides cases of simple exchange, such as hiring a personal cook (even *within* bourgeois society), Marx notes that wage labourers (the simple category) may be employed in production—even commodity production—without positing capitalist production. If, to take his example, the nobleman sells the product of his hired labourers but only for the ultimate purpose of luxury consumption then the capital-relation is not present. This is "at bottom only a veiled purchase of alien labour for immediate consumption or as use value." In Poland, such servants emerged and then vanished again "without a change in the mode of production taking place."\(^{35}\) The point here, the limiting factors that Marx continually points to, is that the *aim and end* of these exchanges is the enjoyment of some use-value

\(^{33}\) Patterson 1982, 53-54; Smallwood 2007, 60.

\(^{34}\) Marx 1993, 465.

\(^{35}\) Ibid., 469.
and the content of the exchange thus consists of a swap between two different use-values.

The economic relation between capital and labour may be broken into two distinct moments. There is a sharp disjuncture between what occurs in the sphere of the market and what happens during production. In the first "moment" of the relation between capital and labour the typical proletarian is forced by deprivation and exposure, the threat thereof, or some other means of coercion to approach the capitalist and exchange their services for a sum of money. The second moment occurs within production and is by no means a mere extension of the first. The two moments are "not only formally but also qualitatively different, and even contradictory." Marx describes it thus:

(1) The worker sells his commodity, labour, which has a use value, and, as commodity, also a price... which capital concedes him

(2) The capitalist obtains labour itself, labour as value-positing activity, as productive labour; i.e. he obtains the productive force which maintains and multiplies capital, and which thereby becomes the productive force, the reproductive force of capital, a force belonging to capital itself.36

When considering capital and labour as a whole both moments are essential. This should not blind us to the fact that these two moments are actually separate and need not coincide in time or in space. However important the wage is in mystifying capitalist exploitation, it is the process of exploiting labour itself, the appropriation of labour-power by capital, which constitutes the essential relation between capital and labour without which capital cannot exist.

In that second moment, the worker labours long enough not only to produce the value of her wage, the value of the necessaries of life, but longer still so that she produces a surplus-value which is appropriated by the capitalist without remuneration. As Marx writes, "the relation of exchange has thus dropped away entirely" and the rules of the market undergo "a dialectical inversion." Every drop of

36 Ibid., 274.
surplus value "resolves itself into alien labour, which the capitalist does not appropriate by means of exchange for existing values, but has appropriated without exchange."\textsuperscript{37} In production, capital commands labour as an extension of its own will, "as a force belonging to capital itself." Capital-creating labour is labour appropriated by capital, as a use-value for capital, the only end and aim of which is its own perpetual increase. Thus, in contrast to the market, where commodity owners meet as individuals to engage in exchange, in production "it is labour which confronts capital as subject, i.e. the worker only in his character as labour, and not he himself..."\textsuperscript{38} If the market is a realm where the juridical notions of equality and voluntary association appear to reign supreme, then capitalist production is structured by an entirely different logic. There, human labour is objectified and appropriated as use-value by capital.

Some Marxist scholars have made a strange habit of describing bourgeois society as one of formally "free and equal citizens," in which worker are "formally equal to capitalists."\textsuperscript{39} A similar stance disfigured Nicos Poulantzas otherwise brilliant theorizing on the state. Poulantzas' theory of the state in capitalist society, at least at one point in his career, rested on the premise that market relations determine state structure. He writes that "the state's rationality [is] based on formal, abstract liberty and equality: all men are free and equal in as much as all men are private individuals."\textsuperscript{40} If we accept Marx's critique of political economy in its broadest terms then we have to take seriously when theorizing the state, bourgeois ideology, or various "forms of exploitation"\textsuperscript{41} his argument that processes of market exchange are premised on appropriation and objectification in production. The

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\textsuperscript{37} Ibid., 456-457.  \\
\textsuperscript{38} Marx 1993, 462.  \\
\textsuperscript{41} Banaji 2011, 2.  \\
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\caption{Notable citations.}
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philosophical and juridical notions of bourgeois equality and individuality find their necessary corollaries in state strategies and ideologies that approach the proletariat as a group, and more often as multiple racialized groups, that must be oppressed and excluded from the "Community of the Free."\textsuperscript{42} Marx opens \textit{Capital} with the observation that in capitalist society wealth appears as an "immense accumulation of commodities." As becomes clear through the course of his argument, the commodity is also a logical starting point for his analysis of capitalist production because the commodity-form determines the character of capitalist production and bourgeois class-relations.\textsuperscript{43} The commodity is Marx's "point of departure" but also the foundation of his subsequent analysis. It is the "cell-form" of capital in the sense that we find in Marx's analysis of capital a logically continuous movement from "cell-form" or essence to more concrete and multiply determined historical processes. In short, Marx's analysis of the commodity "already presupposes the bourgeois mode of production in its totality."\textsuperscript{44} My analysis of capitalist production will thus also begin with the commodity and will identify the essential relations of bourgeois society that Marx finds within it. Insofar as every commodity is a useful object with particular qualities, it must have a use-value. As products of human labour, they also have a particular quantity of value that can only be realized in exchange. The commodity thus assumes the form of a unity of use-value and exchange-value in which the latter dominates the former. In the first chapter of \textit{Capital}\textsuperscript{45} Marx explains the inner-connections between the

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  \item \textsuperscript{42} Domenico Losurdo, \textit{Liberalism: A Counter-History} (London and New York: Verso, 2011).
  \item \textsuperscript{43} Harry Cleaver, \textit{Reading Capital Politically} (San Francisco: AK Press, 2000).
  \item \textsuperscript{44} Banaji 1979, 29.
  \item \textsuperscript{45} An interpretation of Chapter One of \textit{Capital} that is contrary to my own can be found in Fredric Jameson, \textit{Representing Capital: a Commentary on Volume One} (London and New York: Verso, 2011). Jameson argues that Marx never leaves the sphere of exchange in Part One (Ch. 1-3) of \textit{Capital}. The first thing Marx does in the \textit{Grundrisse}, his notebooks for \textit{Capital}, is establish the relationship between production, distribution, and exchange. Marx makes absolutely clear that his analysis of the commodity and of money is not at analysis of simple exchange but one which presupposes modern bourgeois society or capital as a whole. His analysis there, as in the first chapter of \textit{Capital}, is rich with discussions on alienation and the domination of value over producers. Like the argument found in Chapter One of \textit{Capital}, “The Chapter on Money” presupposes capital as a whole and all of its contradictions. (This is the basis for his opening critique of utopian schemes for monetary reform.) His analysis presupposes private exchange, and “private exchange presupposes private production.” We can add that private production presupposes the enclosure of the commons or a process of “primitive accumulation.” More importantly, “already the simple forms of exchange value and of money latently contain the
division of labour in society, the commodity-form of social relations, and bourgeois production: "This division of a product into a useful thing and a value becomes practically important, only when exchange has acquired such an extension that useful articles are produced for the purpose of being exchanged, and their character as values has therefore to be taken into account, beforehand, during production." At that point the values of the commodities produced by human labour appear to take on a life of their own, fluctuating independently of their character as use-values. "The character of having value," Marx continues, "when once impressed upon products, obtains fixity only by reason of their acting and re-acting upon each other as quantities of value... To [producers], their own social action takes the form of the action of objects, which rule the producers instead of being ruled by them." The example that Marx provides is that of the hand-loom weaves in Britain whose labour was suddenly devalued by the introduction of the power-loom. The power-loom probably reduced by one-half the labour required to weave a given quantity of yarn into cloth. The hand-loom weavers, as a matter of fact, continued to require the same time as before; but for all that, the product of one hour of their labour represented after the change only half an hour's social labour, and consequently fell to one-half its former value.

In this way the products of labour establish themselves opposite their own producers as an alien power that forces them to produce at the socially average level of productivity.

Out of this analysis of the commodity, Marx develops two concepts. The first is "socially necessary labour-time," in reference to the way in which the values of commodities are determined not by the amount of labour spent producing them but, as the hand-loom weavers learned, by the amount of labour which is "socially necessary." Thus the labour of individuals in bourgeois society takes on a

opposition between labour and capital etc." My reading of Marx thus draws out the class-analysis that is present within his analysis of the commodity. Marx 1993, 98, 248; Marx 1967, 667-724.

46 Marx 1967, 78.
47 Ibid., 79.
48 Ibid., 47; Marx 1993, 453-454
definite social character which constitutes a form of "social domination."\(^{49}\) The second category that Marx develops through this argument is "commodity fetishism." As commodities come to dominate over producers, "a definite social relation between men...assumes, in their eyes, the fantastic form of a relation between things."\(^{50}\) By way of example, the slaveholding South--ruled by *King Cotton*--offers abundant evidence of this commodity fetishism.\(^{51}\)

In capitalist production, the two-fold character of the commodity-form also imparts itself onto the labour process. Just as exchange-value and its quantitative character dominates the commodity-form, when the products of labour *qua* values dominate producers the quantitative, abstract character of labour--as mere force-expenditure--likewise dominates the labour process.\(^{52}\) Capitalist production "is solely quantitative. Here it is a question merely of the time occupied by the labourer in doing the work. Labour counts according to its duration."\(^{53}\) The point at which this process of commodity production becomes capitalist production is when the time spent labouring exceeds that which is merely necessary for reproduction of the labourer (or that which is necessary to reproduce the labour-power spent in production, her wages) and is extended into the production of a surplus-value.\(^{54}\) We find that "the extraction of surplus-labour, is the specific end and aim, the sum and substance, of capitalist production..."\(^{55}\) As Diane Elson argues, the dominance of the quantitative, abstract character of labour is not merely "a mental process, but has a correlate in the real social process...the abstract character of labour is 'objectified' or 'crystallised'; that 'the equality of the kinds of human labour takes on a physical

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50 "The labour-time socially necessary is that required to produce an article under the normal conditions of production, and with the average degree of skill and intensity prevalent at the time." Marx 1967, 77.
51 So begins Woodman's *King Cotton*: "Who could doubt that cotton was king? Production statistics were unnecessary. Travellers had only to look about them to see the king's domination of Southern life." Harold D. Woodman, *King Cotton and His Retainers* (Lexington: University of Kentucky Press, 1968), vii.
52 Elson 1979.
53 Marx 1967, 190.
54 "Considered...as the unity of the labour-process and the process of producing surplus-value," Marx writes, "it is the capitalist process of production, or capitalist production of commodities." Ibid., 191.
55 Ibid., 281.
In the conventional reading of the opening chapter of Marx's *Capital*, the dominance of the commodity-form presupposes or ultimately leads to wage labour, a central condition of which is that labour-power--and not the labourer--becomes a commodity for sale in the market.

I would like to draw three hypotheses based on the foregoing discussion. The first is that there is nothing within the commodity-form or capital as a whole that precludes the commodification of the labourer (rather than labour-power), or even the predominance of slave labour, in whole branches of production. Marx basically said this much when he wrote that capitalist production is impossible "if living labour capacity itself appears as the property of the other side, hence as not engaged in exchange. (The fact that slavery is possible at individual points within the bourgeois system of production does not contradict this. However, slavery is then possible there only because it does not exist at other points...)") Second, the dominance of the abstract character of labour is a defining characteristic--is immanent to--the capitalist production process whether the worker is enslaved or "free." Marx, for one, makes quite clear in *Capital* that he understood how the production of surplus-value, and the form of domination it entails, can be "grafted on" to various forms of personal domination, including slavery. Capital’s only concern "is simply and solely the maximum labour-power that can be rendered fluent in a working-day." Lukacs similarly explains, albeit too fatalistically, that the worker's labour-power is objectified in that its expenditure becomes something "opposed to their total personality...the

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56 Elson 1979, 50. Among the more important proponents of this perspective remains George Lukacs who argued that the capitalist's calculating rationality leads to the fragmentation and rationalization of the production process; the result is that the producer, too, is fragmented, "a mechanical part incorporated into a mechanical system." Whereas Lukacs emphasized that this alienation began in the labour-market, this thesis argues that this process of objectification is inherent to production regardless of how the capitalist acquires the labourer. Georg Lukacs, *History and Class Consciousness: Studies in Marxist Dialectics* (Cambridge, Massachusetts: The MIT Press, 1968), 83-92.

57 Marx 1993, 464 emphasis added. Marx often refers to slavery as a relation found in communal societies or as a simple category. In both cases he counter-poses slavery to the historical conditions necessary for capital to appear. When referencing American plantation slavery he typically indicates that he is doing so and, to my knowledge, always recognizes their bourgeois character. His repetition of the claim that capital requires that labour be released from bondage is perhaps due to his assessment of plantation slavery as an "anomaly," otherwise he is indeed contradicting himself. Marx considers plantation owners as capitalists in the following passages: Marx 1967, 226; Marx 1993, 464 and 513; also see Banaji 2011, 143. On slavery within communal societies see Marx 1993, 489.

58 Marx 1967, 253.
personality can do no more than look helplessly while its own existence is reduced to an isolated particle and fed into an alien system."

Throughout this thesis I detail how slaves, debt peons, and convict labourers endure a combination of the social domination of bourgeois production and the personal domination of enslavement, incarceration, racial oppression, and patriarchy. Lastly, capitalist production cannot be confused or simply equated with any particular development dynamic. Capital's only end and aim is "the extraction of surplus-labour...quite apart from any changes in the mode of production which may arise from the subordination of labour to capital." (Here Marx's use of the phrase "mode of production" refers to the technological organization of production, rather than to the broader meaning which the term currently holds.) Thus whether or not slave plantations exhibited the same development dynamic as British industrial firms may be an interesting question for some scholars but the answer can tell us very little, if anything, about the historical determinants that drive plantation production, the social character of the production process, and the social relations found therein.

2.4 American plantation slavery

In the early seventeenth century the word "plantation" referred to both processes of colonial occupation and entrepreneurial agriculture, so that any location recently colonized by the English could merit the title. By the eighteenth century, "the commonplace definition of plantation was a privately owned domain within tropical or subtropical America that was geared relentlessly toward the transatlantic marketplace." The history of the plantation is one of continual imperialist expansion for

59 Lukacs 1968, 90. To place the argument on a more abstract level, rather than see the commodification of labour-power as unique to wage labour, where the worker sells his labour-power for a wage, I argue that this separation of labour-power from the labourer is found within capitalist production, not just the market.

60 Marx 1976, 281 emphasis added. Marx often used the term "mode of production" to refer to the technical organization of the production process, particularly to note the transformation from independent production to manufacturing. See Banaji 2011, 50.

61 Banaji 2011, 51-52.

the purpose of profit-oriented production. In the 1620s the Virginia Colony experienced its first period of successful plantation production. English merchant-capital combined with proletarian labour on Siouan, Iroquoian, and Siouan peoples' land to produce tobacco for European consumers. The plantation labour force was composed almost entirely of indentured servants from England drawn from the growing population of surplus labourers, "vagabonds," and, soon afterwards, convicts. In the 1680s Virginia planters began replacing indentured servants with enslaved Africans as the cost of European servants increased and their supply became less dependable.⁶³

For planters in the Carolina Colony, however, the trade in enslaved American Indians would remain a crucial source of labour until 1715, with devastating consequences for entire region. Settlers were as dependent on Native Americans--for food, knowledge, protection, trade, and labour--as they were dependent on the 'mother country' for resources and sale of the goods produced by Africans and Native Americans. "The trade in enslaved Native Americans," writes Alan Gallay, "was the most important factor affecting the South in the period 1670-1715..."⁶⁴ By 1708, almost four decades after European settlement in Carolina, one-third of the enslaved population was Native American. Partly because a high percentage of men were killed in the process of capture, "Native American women were enslaved at a rate of three to five times that of Native American men."⁶⁵ Europeans did not introduce slavery to the region but their insatiable demand for slave labour led to the commercialization and proliferation of raiding and kidnapping. The slave trade significantly weakened Native American power and stability in the region, not least of all by instigating a series of wars which threatened nearly every group in the region. "It created a swirl of activity," Gallay continues, "that involved almost all, if

not all, of the South's many peoples. It forced migrations and realignments, bringing misery to
thousands and wealth to others. It existed on such a vast scale that more Indians were exported through
Charles Town than Africans were imported during this period.66 Additionally, those peoples who were
able to repel slave raiders sustained far fewer losses to European epidemic diseases than those whose
"crops were burned, stolen, or never planted at all. The simple ability to feed and nurse the sick was
critical."67 Similar to the process across the Atlantic, where the highly destructive consequences of
commercial enslavement would ultimately facilitate European conquest of the continent, the trade in
enslaved American Indians contributed considerably to the advantages held by the multiple invading
European powers.68

By the turn of the century a new class of wealthy planter-merchants was established in the
colonies. Robert Carter of Virginia was the undisputed "King" of colonial commerce. Carter invested
widely, owning among other things a local iron foundry, a flour mill, and a blacksmith shop.69 Clifford
Dawdey compares Carter's holdings to those of William Fitzhugh and three other leading merchant-
planters of the previous generation:

While Fitzhugh was the largest landholder of his generation, with 50,000 acres, Carter's
more than 300,000 acres was about four times as much as the other three held together.
Where Fitzhugh was pleased when his slaves numbered more than 50, Carter owned
upwards of 1,000. While raising more than two thousand cattle, along with sheep and hogs
and horses, he operated forty-four tobacco-producing plantations in a dozen counties, and
his store made him the biggest importer and exporter in the Colony. Where Byrd's store had
been the center of his trading interests, Carter discounted notes like a banking house,
invested in mortgages and developed his shipping into an enterprise in itself.\textsuperscript{70}

Additionally, prominent planters like Carter would have the privilege of acting as middlemen for slave ships, selling slaves to smaller planters in the area for a ten percent commission. Slaving ships would drop anchor in the York, Rappahannock, or Potomac rivers near the homes of prominent planters who could expect to be treated to wine and entertainment on deck while the ship's captain marketed his wares.\textsuperscript{71}

Planters were frequently disappointed with the human-commodities that too often showed signs of their Atlantic journey. As merchants calculated expected returns on investment based on the purchase price, the cost of maintenance, expected value lost through expiration of goods, and expected value at sale the lives of the enslaved held in the jam-packed helms of ships were less sustained than they were trapped within "the middle ground between life and death where human commodification was possible." After months of systematically managing the depletion of life aboard ship, merchants prepared their captives for the marketplace by providing lime, fresh water, tobacco, and nutritious food, heads were shaved and the various human effluents were washed from their skin. Finally, merchant hands rubbed the slaves' skin with palm oil, lard, or "Negro Oyle" to improve appearances.\textsuperscript{72}

After their sale, captives were no longer held as merchant-capital. Planters held slaves as a form of invested capital, typically offered as primary collateral on loans taken out for yearly provisions and materials, to expand production, and for establishing new plantations. As the most liquid form of capital, slaves were the foundation of the antebellum South's "fully developed, regionally unified credit market."\textsuperscript{73} What Sydney Mintz wrote of Caribbean plantations largely applies their American

\begin{footnotesize}
\begin{enumerate}
\item Davis 1986, 13; Smallwood 2007, 158-166.
\item Smallwood 2007, 51, 159-161.
\item Johnson 2013, 279; Wright 2006, 70.
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counterparts: "While they eventuated in enormous profits for fortunate investors bankruptcies were common..."\(^74\) Unlike feudal production, plantation production was highly competitive, profit-driven, and speculative.\(^75\)

Slaves were held as assets but above all they were producers. Even though the enslaved were capitalized in the same way as land or any other investment, planters never confused their productive investments with non-productive holdings. "In their financial reckonings," writes Max Edelson, "planters put slaves at the center of their calculations as a special kind of animating capital 'stock.' Setting 'good working hands' on the land transformed it into a viable estate that was capable of generating a reliable annual return. Land 'without slaves' languished as an investment."\(^76\) As planters strove to maximize the exploitation of labour they were always aware of, even obsessed with, the average productivity of labour within their industry as measured in bales per "hand" and bales per acre. The productivity of labour was measured and recorded in pounds per hand every night of harvesting. Solomon Northrup explains the nightly routine that he experienced while enslaved in Louisiana:

> The day's work over in the field, the baskets are ... carried to the gin house, where the cotton is weighed. No matter how fatigued and weary he may be--no matter how he longs for sleep and rest--a slave never approached the gin house with his basket of cotton but with fear. If it falls short in weight--if he has not performed the full task appointed to him, he knows that he must suffer. And if he has exceeded it by ten or twenty pounds, in all probability his master will measure the next day's task accordingly.\(^77\)

This attention to the productivity of each "hand" was typical for slave-owners across industries, all of whom had to produce near the social average in order to purchase materials, repay debts, and earn a

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\(^75\) Johnson 2013, 266.

\(^76\) Edelson 2006, 11.

\(^77\) Cited in Johnson 2013, 248.
profit on their investment. North Carolina planters invested heavily in the naval stores industry, which tapped pine trees for their gum, important for shipping and later industrial products like paint, lamp oil, and medicine. An 1855 article in *De Bow's Review* stated that "no business makes better returns for common labor" than turpentine. A "prime turpentine laborer," historian Robert Outland recounts, "could gather $600 or $700 worth of turpentine in a year. After deducting the costs of barrels, hauling, provisions, the overseer's wage, and other expenses, $200 per hand was a moderate return." Planters organized a simple division of labour in turpentine camps and gauged with precision the minimum size of the daily quota for each slave working the various tasks. Whippings, starvation, and creative forms of torture--Moses Roper "was suspended by his arms from the spinning wheel of a cotton press;" one planter "rubbed the worms he found on his cotton crop into the mouths of the slaves who had overlooked them"--compelled slaves to meet their quotas. Through acts of terror, sometimes combined with positive incentives, planters produced a labour force which observers frequently described as a highly regimented army, "field battalions...Brigaded by its chief-officer, the head driver." 

Planters were by no means content to maintain their social status, flatter their neighbours, or simply reproduce their capital--they craved expansion. Between 1820 and 1860 the average productivity of slave labour in Mississippi increased six-fold due to improved planting techniques, new seed varieties, fertilizers, improved instruments such as the replacement of steel with iron ploughs, adoption of horse-drawn instruments, and--on the largest cotton plantations--the introduction of steam powered cotton presses, cotton gins, and gristmills. Steam power was adopted far more rapidly on the

79 Johnson 2013, 174, 244.
80 Thomas Roughley cited in Walvin 1993, 92.
81 Ibid., 244; Moore 1988, 32-71.
sugar plantations—in 1841 over half of Louisiana's 668 sugar estates used the new industrial machinery, and by 1850 steam engines had converted 900 of the estates into agricultural factories operating around the clock.\textsuperscript{82} American cotton exports increased \textit{1000-fold} between 1790 and 1860—or an average of seventeen percent per annum.\textsuperscript{83}

In that same time period, 835,000 slaves undertook a forced migration ("one of the greatest forced migrations of all times") from the "old" Atlantic colonies to the freshly conquered lands named Alabama, Mississippi, Louisiana, and Texas.\textsuperscript{84} The same forces that drove planters to extract as much labour/life as possible from slaves left them with an unquenchable thirst for land. Driven by profit, fear of slave rebellion and regional isolation, and visions of imperial grandeur planters initiated wars for conquest, \textit{almost relentlessly}—all but eliminating the Seminoles from Spanish Florida, removing the Creek, Chickasaw, Choctaw, and Cherokee Nations to present-day Oklahoma through war and the infamous Trail of Tears, taking for the United States the present-day states of Texas, New Mexico, Arizona, Colorado, Utah, and California as the spoils of the Mexican-American War, and then, with much less success and independently of the Federal Government, invading Cuba and Nicaragua.\textsuperscript{85} With new land to cultivate, the Atlantic trade in kidnapped Africans gradually revived. New York City became "the principal port of the world for this infamous commerce ... During eighteen months of the


\textsuperscript{84} Eric R. Wolf, \textit{Europe and the People Without History} (Berkeley and Los Angeles: University of California Press, 1982), 280.

years 1859-1860 eighty-five slavers are reported to have been fitted out in New York harbour, and these alone transported from 30,000 to 60,000 slaves annually." De Bow estimated the value of the slave trade departing from Eastern harbours in 1856 at $17 million.  

Racism, as Albert Memmi writes, is "a form of solution for real problems." White supremacy arose historically in numerous distinct historical situations, always presenting itself as "the predestined order of things." The racist thus "constructs his prey in accordance with his needs." Among the commonalities between anti-black racism and Indian-hating is that each was called forth by and used to reproduce and justify a particular form of domination. White supremacy is inseparable not only from its particular social conditions but also from the very practice of domination insofar as racist ideology is structured by a process of "psychological inversion." The oppressors project their own bestiality and carnality onto the oppressed, and hold them culpable for the very conditions that the oppressors force them to endure. Alex Haley's *Roots* captures this process of projection and inversion well. In the hold of the slave ship, the white ship hands busily beating a recalcitrant slave pause and cringe when the quivering flesh flying off of their whips lands on their own skin; *disgusting*, and they flick it away and continue their work. Or in the slave market when a wealthy white man enters the cage to inspect or call forth a captive African he always holds a white handkerchief over his mouth and nose to guard his refined sensibility from the Africans' stench.  

The association of blacks with carnality and flesh and whites with reason and taste not only reflects the structure of the plantation labour process--which

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86 The *Continental Monthly* cited in Du Bois 1896, 179. Du Bois cites the United States deputy marshal of that district stating, "It is seldom that one or more vessels cannot be designated at the wharves, respecting which there is evidence that she is either in or has been concerned with the traffic."


placed black bodies under the direction of white masters—but was also impressed into consciousness through the practice of punishment. Whippings, torture, and the common practice of branding slaves or otherwise marking them by cutting notches into their ears, often took place "in the slaughterhouses and smokehouses where animal flesh was prepared for human consumption."\(^90\) The "standard operating procedure" of forcing slaves into close proximity with animal flesh—especially "at those junctures...where animals were converted into meat"—and the routine practice of lacerating human flesh, indelibly associated slaves (rather than the butchers themselves) with carnality and lower orders of being. This was not because whites thought that people of African descent were animals, rather it was an "evocation of a degraded but fully present humanity. In other words, an enslaved person was branded 'like' an animal in order to humiliate, not because she was an animal and was insensate."\(^91\) By degrading the enslaved, whites confirmed their own superiority and associated "their own being with the higher-order sensations of satiety and taste."\(^92\)

Discipline and control were primary concerns against which the slave's status as a financial asset could scarcely contend. Fear of rebellion, as much as labour discipline, was a driving force of violence against slaves. From the moment of capture every possible precaution was taken to prevent revolt. This the merchants learned through experience. "It was always taken for granted," wrote the slave ship captain John Newton, "that they will attempt to gain their liberty if possible." Thus "we receive them on board, from the first as enemies."\(^93\) "They had first to ensure their own safety" is how C.L.R. James explained the Caribbean planters' "calculated brutality and terrorism" which was in fact destructive of their own "property."\(^94\) Until the 1780s, for example, Caribbean planters would punish

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90 Narratives of Henry Bibb and Jacob Stroyer cited in Johnson 2013, 190.
92 Johnson 2013, 191.
repeated runaways or thieves by amputating a limb, such as Jamaican bricklayer Drax Hall who had one leg amputated in 1780. Slave revolt was no less on the minds of American plantation owners who, from at least the early nineteenth century, advocated the expansion of plantation slavery into new territories as a means of preventing rebellion by geographically dispersing the slave population.

Among the most dreaded punishments was to be separated from loved ones through sale, but slaves who were unruly or resisted punishment also risked summary execution. Frederick Douglass wrote of a slave named Demby who escaped from a whipping into a nearby river; after calling Demby three times to return the overseer, Mr. Gore, "raised his musket to his face, taking deadly aim at his standing victim, and in an instant poor Demby was no more. His mangled body sank out of sight, and blood and brains marked the water where he had stood." Likewise, Essex Henry of Raleigh, North Carolina witnessed the murder of his grandmother in the field: "De oberseer tried to whup her an' he can't, so he hollers fer Mr. Jake. Mr. Jake comes an' he can't, so he hauls off an' kicks granny, mashin' her stomach in. He has her carried ter her cabin an' three days afterward she dies wid nothin' done fer her an' nobody wid her." (If she was alone at the moment of passing it was not for lack of camaraderie or love--with two black horses carrying her coffin, "six or maybe seben hundret niggers follerin' dey goes ter de Simms' graveyard an' buries her. All de way ter de graveyard dey sings, 'Swing Low Sweet Chariot,' 'de Promised Lan,' 'De Road ter Jordan,' an' 'Ole Time Religion.'" ) As the common Southern saying went, it was "worth a half-cent to kill a 'nigger,' and a half-cent to bury one." If this was questioned the courts themselves clarified the matter. Judge Thomas Ruffin of North Carolina, ruling

95 Walvin 1993, 246.
96 Johnson 2013, 31-32, 46-72.
97 Frederick Douglass, Narrative of the Life of Frederick Douglass, an American Slave (New York: Penguin Books, 1982), 67.
on a case that involved an enslaved woman who was shot while running from a whipping, explained that obedience "is the consequence only of uncontrolled authority over the body. There is nothing else which can operate to produce the effect. The power of the master must be absolute, to render the submission of the slave perfect. This discipline belongs to the state of slavery. They cannot be disunited..." Thus it was that the value of black life--regardless of the exchange-value that somehow was embodied in it--could increase only at the expense of "the profit of the master, his security and the public safety."¹⁰⁰

Black women's reproductive labour was especially valued by planters who violated black women through their own acts of rape--for personal pleasure, punishment, and economic gain--and by arranging forced marriages amongst slaves.¹⁰¹ Thomas Jefferson wrote to his plantation manager, "I consider the labor of a breeding woman as no object, a child raised every two years is of more profit than the crop of the best laboring man...What she produces is an addition to capital."¹⁰² Some enslaved women in South Carolina did give birth to a child almost every second year and, for reasons including seasonal cycles of labour, disease, and food supply, births followed a seasonal pattern that tended to align with the harvest. Women often entered their final trimester of pregnancy during harvest season when their field labour was in highest demand.¹⁰³ Among the earliest myths that European men invoked to claim the naturalness of enslaving Africans was that black women, in their supposed proximity to the animal world, were said to give birth painlessly and return to work immediately after

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¹⁰⁰ Thomas Ruffin, North Carolina v. Mann (13 N.C. 263 1830). Genovese considers a number of cases which show that planters, and especially overseers and poor whites, were punished by social sanction or law for treating slaves too severely. But he concludes that "masters and overseers undoubtedly murdered more slaves than we shall ever know...it probably did loom large enough to strike terror into the quarters. It could happen. It sometimes did. And the arrests, convictions, and punishment never remotely kept pace with the number of victims." Genovese 1976, 39.


¹⁰² Cited in King 1996, 147.

child birth.\textsuperscript{104} It was the slave-owners practice to force enslaved women to work soon after giving birth; thus agricultural labour crowded out the time necessary for reproductive labour. Women were forced to breastfeed in whatever spare moments they could take away from field labour, where they suffered from performing hard labour without the relief provided by feeding. "[T]he conversion of milk into life," Johnson writes, "was diverted by the conversion of labor into...capital."\textsuperscript{105} For these reasons, however highly planters prized women's reproductive organs, infant and child mortality rates remained incredibly high.\textsuperscript{106} It was not the success of any young life in particular that concerned slave-owners rather planters sought the quantitative "increase" of the enslaved population as a whole with minimal loss of productive labour-time. Morgan writes that "the interplay between black desire for emotional sustenance and white desire for economic sustenance remains largely unreadable"\textsuperscript{107} but certainly enslaved women deeply understood the exploitation of their reproductive labour, like the commodification of their children, and had to negotiate the unimaginable conflicts that arose from this.

It would be a grave mistake to confuse the dishonourable status of an enslaved people in the eyes of their oppressor with their own personal and collective sense of worth, however psychically damaging racial oppression is. Direct resistance to sexual assault would certainly risk punishment, but those women who did resist with success, Brenda Stevenson writes, "emerged in the lore and mythology of slave women both as models for black female conduct and symbols of resistance that were unique to the black female experience. Slave mothers, in fact, often told stories of these women to their daughters as part of their socialization and to engender a sense of group pride." Minnie Folkes witnessed her mother being whipped mercilessly by an overseer for refusing "to be wife to dis man." Many years after emancipation she recalled what her mother said to her: "Don't let nobody bother yo'

\textsuperscript{104} Bush 1996, 199-200; Morgan 2004, 48-49.
\textsuperscript{105} Johnson 2013, 198.
\textsuperscript{106} Cody 1996, 72; Bush 1996.
\textsuperscript{107} Morgan 2004, 102.
principle, 'cause dat wuz all yo' had."¹⁰⁸

2.5 Conclusion

"In all forms of society," Marx wrote, "there is one specific kind of production which predominates over the rest, whose relations thus assign rank and influence to the others. It is a general illumination which bathes all the other colours and modifies their particularity."¹⁰⁹ Eric Williams' classic study *Capitalism and Slavery* argues that slavery was only one solution to the Caribbean labour problem--planters found other solutions to the problem by exploiting numerous populations through various labour arrangements both before and after the African slave trade. On these grounds Williams finds that plantations were less structured by slavery than slavery was by them.¹¹⁰ This insight can be confirmed and fruitfully extended to American planters whose career was not ended with abolition, nor did it begin with the Atlantic trade. Enslaved plantation workers produced surplus-value or capital on the basis of co-operation and division of labour. Planters expanded production mainly through increasing the intensity of labour, lengthening the workday, improving techniques, and throwing more land and labour into production. Rather than replace living labour with dead labour (machines), planters increased the mass and rate at which living labour died while (like the North) expanding incessantly through imperial aggression. Banaji is off the mark when he writes that the self-expansion of capital on slave plantations acquired "a purely relative and sporadic existence as a function of feudally-dominated habits of consumption and display."¹¹¹ On the contrary, the value of enslaved labour was socially determined and that social determination exerted itself over production as an


¹¹⁰ Williams 2011, 3-29.

¹¹¹ Banaji 2011, 70.
independent force--as the rule of King Cotton and his exchange-value. Slaves were incarcerated proletarians who were regimented to the production of surplus-value by pain of the lash and worse. The relation of human surrogacy and its legal expression in "ownership" enabled capital to dominate the most intimate aspects of life, through rape and forced unions, organizing an "economy in which human semen and ovum turned into capital." Capitalism always exploits the unpaid reproductive labour of women and capitalists have always been deeply concerned with the reproduction of the labouring population. Planters were not unique for their interest in "breeding" workers--eugenics has its origins in British capitalists trying to do just that—but planters were distinct in the amount of direct control that they took over reproduction. In addition to exploiting women's productive labour in the fields, they exploited women's reproductive organs as "labour machines" capable of multiplying their own private capital. It was through slavery that planters first produced their inverted ideology that castigated blacks as lazy, licentious, dependent thieves who could not be trusted. Torture and mutilation of captive African bodies by white merchants and planters, the slave’s status as "enemy" and the labour process itself, were likewise formative in the production of white supremacist ideology and American law, the consequences of which would extend through the postbellum era and into the present.

112 Johnson 2013, 194.
3 The Persistence of Forced-Labour: Class-Domination and Development in the Postbellum South

3.1 Introduction

When Gainseville District Attorney Frederick C. Cubberly investigated the Wisconsin-based Putnam Lumber Company's Blue Creek Camp, an early twentieth-century turpentine operation located deep in Florida's pine forest, he found that working conditions nearly rivalled those of the state's prison labourers. Indeed, turpentine operators (also known as naval stores manufacturers) such as the Putnam Lumber Company did employ enslaved convicts as well as debt peons until the industry's sharp decline during World War II. Blue Creek was surrounded by barbed wire and policed by armed guards. "After supper the hands were locked-up in their shanties," writes historian Robert Lauriault. A tour of the cemetery, where all "hands" were buried, introduced new recruits to the fate of those workers who lacked proper discipline. For many, this would be the only way out of the camp. As one worker reported, "if you're born on a turpentine camp, you die on one."\(^1\) Blue Creek's system of debt peonage and violent enforcement of labour discipline was unexceptional for the turpentine industry of the time even if camps in more heavily populated areas tended to be less sadistic.\(^2\) Despite the development of new production techniques in Europe and besides the replacement of slave-labour with debt peons and enslaved convicts, the labour process in the Southern turpentine industry remained largely unchanged from the antebellum era to World War II.

The turpentine industry in this sense was similar to the South's plantation economy as a whole--it remained largely technologically stagnant while reliant on various forms of legal and extra-legal

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coercion to discipline and oppress a working class that received bare-subsistence level wages. The regional class-power of the planters lies at the centre of the persistent poverty and oppression of Native Americans, African Americans, and poor whites in the region. "Their control of the region," as Clyde Woods writes, "forms the foundation of powerful national and international alliances which in turn guarantees that the plantation bloc's worldview will remain highly influential in the twenty-first century." The renewal of the plantation bloc's power and profitability, resting on the repression of ethnic and working-class strategies for development and liberation, "has also guaranteed the spread of mass impoverishment, the erosion of human rights protections, and the increased deadliness of daily life; Delta rates of infant, teen, and adult mortality are among the highest in the U.S.A." Rather than view the plantation as the antithesis of capitalism, as too many historians do, Woods sees the plantation as a dynamic pillar of capitalism from the period of European settlement and conquest into the present. Woods' analysis is thematically reminiscent of W. E. B. Du Bois' monumental *Black Reconstruction in America* which similarly highlighted the plantation bloc's success in re-weaving itself into the larger fabric of American capitalism and imperialism following its defeat in the Civil War. Woods and Du Bois alike write Southern history by following the freedom struggles waged by all of those dispossessed and oppressed by the regional-domination of plantation-bloc capitalism. Those struggles have provoked multiple reorganizations of planter-bloc power--from the Seminole Wars against escaped slaves and their Indigenous allies through the violent suppression of the Union League movement by the Ku Klux Klan.

While building on that tradition, this chapter seeks to contribute to historical explanations for the persistence of forced labour and related technological stagnation of the Southern economy between the Civil War and World War II by considering how class struggle and imperialist-relations shaped the

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regional accumulation strategy adopted by capital in the South in that era. The first section of this chapter reviews the struggle between African Americans and planters that ensued immediately after the abolition of slavery and resulted in the emergence of a system of debt peonage that tied black and white workers to the plantation as wage labourers, sharecroppers, and tenants. The most convincing and historically consistent explanation for technological stagnation in this period is Jonathan M. Wiener's thesis that the South's "labour-repressive" system--what Karl Marx would call an "absolute surplus-value" strategy--made the introduction of labour-saving technology relatively unprofitable as well as disruptive of existing forms of social control and labour discipline. In contrast to those who argue that the regular introduction of labour-saving technology is the *sine qua non* of capitalism and that such changes are driven primarily by market competition between capitals, I propose that we consider the variegated implementation of absolute and relative surplus-value strategies to be an important facet of the uneven spatial and temporal development of capitalism. Slavery, debt peonage, and wage labour stand alongside heavy machinery as technologies deployed by capital for the domination of labour and the extraction of surplus-value.

The development dynamics of the South during the period under study were the result of a particular accumulation strategy developed by planters and Northern capitalists investing in the region. This regional political-economy cannot be understood in a vacuum but, instead, has to be placed within the context of American (and global) capitalism as a whole. Rather than following a "Prussian path to modernity," as Wiener argues, black workers in the South shared a structural and social position with plantation regions of the colonial world. Their place within the division of labour (producing industrial raw materials for Northern and European capital), the "dis-articulated" and out-ward turned structure of the economy, and the appropriation of the surplus-value produced there by capital in the core-regions designates the plantation regions as "peripheral" and "underdeveloped" economies. Likewise, the accumulation strategies adopted by capital in the South were partially determined by the region's
subordination to Northern capital. Key turning points in Southern history—including the post-emancipation regime of debt peonage and post-World War II mechanization—were spurred on by the action of the Federal Government and Northern capital.

Historians, for various reasons, continue to rely on remarkably impoverished explanations for the persistence of forced labour in the American South. I argue that the existing explanations for the New South's stunning brutality—namely, a supposed shortage of capital and the persistence of a "non-bourgeois," antebellum culture—contradict the most basic facts of Southern history: namely, that the industries that almost uniformly adopted the most barbaric forms of forced labour—lumber and turpentine—were dominated by Northern industrial and finance capitalists. In short, capitalists (from the North and South) found it most profitable to produce at relatively stagnant levels of productivity anchored by whatever technologies of repression, terror, and human trafficking that they found necessary.

3.2 From emancipation to debt peonage

The closing of the Civil War opened an era of intense struggle between planters and African Americans. Planters wished to conserve their social and economic power by keeping blacks tied to the plantation while dictating terms of employment and all activities of blacks. African Americans strove towards group, family, and personal autonomy through collective and private ownership of land, strikes, boycotts, armed self-defence, education, and elected office. Poor whites, formerly slave catchers and overseers, may have despised planters at times but by and large lacked competent political leadership and organization of its own during the period of Reconstruction. They would ally with blacks in the agrarian populist movement of the 1890s but turned vengefully against them following the
defeat of the movement as planter-controlled governments swept through Jim Crow legislation. The Federal Government held the decisive balance of power, intervening militarily on either side depending on the circumstances—at times forcibly returning blacks to plantations and other times to protect their franchise. The period of Reconstruction, when the Federal Government supported with military force the formation of new, pro-Union state governments in the formerly-Confederate states, officially ended with the Compromise of 1877 at which time the North removed all troops and allowed planters unbridled "home rule," a process which solidified the alliance between the rising industrial bourgeoisie and Southern planters.

The first "free" labour arrangements between blacks and planters in the South were forced contracts—officials from the Bureau of Freedmen and Refugees saw it as their duty to minimize rations and to round up unemployed blacks for forcible return to plantation labour. Du Bois documents that, after distributing twenty-one million free rations, the Bureau transported thirty thousand black men from refuges and relief stations back to the plantations. In Mississippi, blacks who fled to cities were regulated by a new pass system before the mass expulsion of all those not employed by a "responsible white person." Washington's orders (which are not to be confused with the Bureau's actual activities) were that blacks must be free to choose their employers, but almost no one believed that they were free to be unemployed. As Foner puts it, "Freedom meant anything but freedom not to labour." Or as the New York Times advised, "[w]hite ingenuity and enterprise ought to direct black labour." Summarizing

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7 Woods 1998, 63.

the consensus of all but a few radical whites of the time they added that cotton production required "the white brain employing black labour."\(^9\) These first contracts varied in their details but often ensured payment in kind rather than money-wages, partly due to the collapse of the planters' ability to secure credit following the loss of their greatest "assets" (slaves). Widespread default on wage payments, according to Gavin Wright, led black workers to prefer payment in kind or sharecropping agreements over wages. Thus the earliest wage-labourers were already working for a share of the crop.\(^10\)

The plantation labour-process and its spatial organization was shaped through the multiple waves of struggle that followed the war. In the early contracts, planters dictated the terms of work, trying to recreate slavery as best they could. Susan Eva O'Donovan writes,

> Clamoring bells would launch ex-slaves out of their cabins, signal mealtime breaks, and sound the end of the laboring day. The very same overseers who had driven black people in slavery would continue to drive them in freedom, appoint workers to their daily assignments, distribute tools and livestock by morning, inspect them for damage by night, and ensure that laborers maintained a profitable pace in between.\(^11\)

Nonetheless planters seized their new right to expel from the plantation any workers deemed unfit or burdensome, especially the elderly, disabled, women, and children as well as any worker deemed to be shirking on his or her responsibilities.\(^12\) Large planters with access to credit--especially sugar producers--that could offer monthly wages maintained the gang labour system, but on many cotton plantations gang labour was soon replaced by squads of a dozen or fewer workers. Squads were often self-organized, consisting of a single family and unrelated men.\(^13\) Having been devalued and expelled

\(^9\) Cited in Jaynes 1986, 14.
\(^12\) Ibid., 163-170.
\(^13\) Foner 1988, 173.
from plantations, black women along with their children pressed the men in their families—especially their husbands—to demand that their contracts meet their subsistence needs and ensure family access to the plantation. These contracts stipulated that men were to be responsible for their dependents, including the deployment of their labour. When their husbands, fathers, or uncles failed to provide for them, black women took their demands to the Bureau offices to have their labour repaid in the form of economic security for themselves and their children. Likewise, black men "came forward [to the Bureau] in droves to demand that planters be made to pay in full for the services of 'Self & wife' or 'Self & family.'" As O'Donovan argues, the struggle by black women to secure a livelihood for themselves and their children was an important force in determining the shape of the new order based partly on family production units.14

Black workers considered planters efforts to maintain their control over production unacceptable and anathema to freedom. The planters' attempts to maintain complete domination over the labour force failed, as evidenced by the reduction of hours worked per-capita by about one-third after the war. Blacks asserted their freedom by refusing to follow the sunup-to-sundown regime, controlling the pace, rhythm and length of the working day, and fleeing the worst planters.15 Women and children refused to labour in the fields with the men. Blacks organized for better wages, made pacts not to accept contracts for below an agreed upon amount, boycotted the worst planters, went on strike, formed armed militias across the Deep South, and confronted planters who continued to whip workers.16 The Union Leagues, designed to build broad support for the Republican Party amongst blacks, proliferated throughout the South following the Congressional Reconstruction Act of 1867;

14 O'Donovan 2007, 204 and 163.
15 Foner 1988, 139-140; Woods 1998, 70; Jaynes 1986, 87 and 93-94.
16 Jaynes recounts the stories of two strike waves that spread across state lines before being quelled by militias. As one planter screamed, "large sections of the state are overrun by lawless bands of Negroes, who visit plantations, stop all work, threaten the lives of the peaceful and contented laborers, and fill the country with terror." Jaynes 1986, 120; Michael W. Fitzgerald, The Union League Movement in the Deep South: Politics and Agricultural Change During Reconstruction (Baton Rouge: Louisiana State University Press, 1989), 153-154, 166-169.
their democratic structure allowed blacks to write their own platforms while developing popular local and state-wide political movements.\textsuperscript{17}

These organized demands for more autonomy, less supervision, and better pay "set in motion a train of events that fundamentally transformed the plantation labor system."\textsuperscript{18} Black organizing and refusal to follow old routines combined with flooding and insect invasion to produce "abysmal crops" for the first three years after emancipation. By 1868 planters in the Deep South were realizing that the only way to resume profitable production was to reorganize the plantation—they could no longer directly command the labour of black workers. "We can see no remedy," the Livingston \textit{Journal} characteristically reported, "no real protection to the present owners of land, but a speedy change in the system of employing many hands on one large plantation. We believe it is far better to divide up the lands and place them in the hands of other operators, even if one is not disposed to sell."\textsuperscript{19} The Union Springs \textit{Times} made similar pronouncements and reported in the Spring of 1868, after hundreds of rental agreements had been made, that the freedman was "decidedly improving as a labourer."\textsuperscript{20} For the first time since emancipation planters realized "substantial profits; this stabilized tenancy as the norm of agricultural cultivation."\textsuperscript{21} Alongside rental arrangements emerged sharecropping, distinct from "share-wages." Typically, the sharecropper "retained one third of the year's crop if the planter provided implements, fertilizer, work animals, and seed, and half if they supplied their own."\textsuperscript{22} Through renting and sharecropping blacks could escape direct supervision while planters were able to shift some of the risk involved with investment onto labour. If sharecropping spared black workers from white supervision it also gave rise to a novel locus of social struggle, unfolding in the courts, the legislature, and on the plantation, surrounding the question of who had the first lien on the crop--planters,

\begin{itemize}
  \item \textsuperscript{17} Woods 1998, 70.
  \item \textsuperscript{18} Foner 1988, 172.
  \item \textsuperscript{19} Cited in Fitzgerald 1989, 152.
  \item \textsuperscript{20} Cited in Ibid., 159.
  \item \textsuperscript{21} Ibid.
  \item \textsuperscript{22} Foner 1988, 173.
\end{itemize}
sharecroppers, or merchants. While sharecroppers claimed to be "partners in the crop," planters considered sharecroppers to be wage-labourers under their direction.\textsuperscript{23}

One consequence of sharecropping and renting was that they returned the entire family to work in the fields and tied them to the employer for at least the length of the season. By 1870, the typical plantation was sub-divided into plots assigned to sharecroppers and tenants (typically families working independently) and a portion for wage-labourers who worked under the gang system.\textsuperscript{24} While the Union League movement was pressed towards a more radical redistribution of land and independent farming, the decentralization of the plantation had the effect of weakening their political and military organization by dispersing black labour throughout the countryside. The destruction of the Leagues was among the primary concerns of the Ku Klux Klan. Fitzgerald writes, "neither co-optation nor economic intimidation tamed the League insurgency; only massive violence destroyed it. Taking advantage of the dispersal of the freedmen, the nightriders adopted a practice that allowed them to take on adversaries one at a time and neither the League nor the Republican governments devised any effective defense."\textsuperscript{25}

If black workers won their independence through struggle, the Klan solidified the new arrangements, arrested the movement towards black autonomy, and forced into place the vision of sharecropping as a form of wage-labour subject to planter control.

\textsuperscript{23} Ibid., 174.
\textsuperscript{25} Fitzgerald 1989, 233.
Planters practiced what Jairus Banaji calls a "logic of deployment," in which employers "shift back and forth between different types of deployment [of labour]" to best adapt to the distinct needs of
seasonal production and labour discipline. The exact labour arrangements in place and the extent to which sharecroppers were freed from the overseer varied from one plantation to the next and changed over time. By 1900, for what it is worth, the Department of Agriculture was classifying sharecroppers as wage workers--distinguishing them from the more independent, rent-paying tenants--on the grounds that they laboured "under the same kind and degree of supervision and control as ordinary hired wage workers; their pay was half the crops produced on a specified piece of land. They were not tenants who paid a portion of what they produced as rent." Tenant arrangements were also a means of distributing risk--when cotton prices sunk in 1890s, sharecroppers were widely turned into cash renters so that rather than receive a devalued portion of the crop planters demanded a fixed amount of cash. Even tenants who paid rent, however, were often indebted to the planter for advances on supplies and were subject to some amount of supervision. As much as renting and sharecropping (for some families but not all) relieved workers of the degrading overseer and thus afforded them some autonomy, they were nothing like the "voluntary contracts" that economists like Wright still try to pass them off as. Charging rent--whether it be paid in cash or crops--was a means for planters to continue appropriating unpaid labour-time. What is often described as the extension of "credit" to renters or sharecroppers was the planters' means of investing their capital for production (in addition to serving as a debt trap.) In Marx's terms, these relatively independent plantation workers were "formally" subjected to capital in contrast

26 Banaji 2011, 106.
27 Woodman explains further, "The difference was important, and the law made the difference precise: a share tenant was obliged to pay an agreed-upon portion of his production to the landlord; the remainder was his to dispose of as he wished (subject, of course, to merchants' or other liens). The cropper, however, had no right to dispose of 'his half.' All he had was a laborer's lien against the landowner to the extent of the value of his half. Here was, in short, another 'peculiar institution,' a special southern form of wage laborer. Share wages had returned once again, but now any idea that such an arrangement implied a partnership was gone and forgotten." Harold D. Woodman, "Sequel to Slavery: The New History Views the Postbellum South," The Journal of Southern History 43, no. 4 (November 1, 1977): 553.
29 Wright 1986, 99 citing The U.S. Department of Agriculture. The USDA reported the following in 1912: "Since the cotton is sold through the planter, he is sure of his rent provided the crop is raised, but since he can not collect his rent if there is no crop, and since also the tenant is usually indebted to him for supplies advanced, the landlord exercises supervision over the cash renters, except in the case of renters whom he knows to be dependable."
to their counterparts who were still working in gangs, whose labour was more completely organized and dictated by the planter.\textsuperscript{30}

Black workers were bound to the plantation by illegitimate debt and contract enforcement statutes that criminalized labourers who failed to perform to the employer's liking, or who left their employer before the end of the contract, or before their supposed debt had been paid in full. Those workers whose employer did not pay for their county court fees in exchange for a period of enslavement to their employer--what was known as the "criminal surety system"--would be sent through the state prison system to be leased to employers or to labour on a state prison plantation, depending on which state one resided in. Among the most widely applied statutes were vagrancy laws which remained flexible enough to criminalize almost any black person not presently employed. Planters organized extra-legal violence and terror through groups like the Ku Klux Klan in order to supplement such laws, discipline labourers, and maintain the dictates of white supremacy.\textsuperscript{31} Through organized terror and a monopoly on state power, planters turned the new labour arrangements into a form of servitude. Sharecroppers received food, housing, fuel, the right to hunt and fish, and farming materials and inputs during year-long contracts, but planters would charge such "loans" against sharecroppers' earnings. The result was that sharecroppers would often just "break even"--that is, the planter would pay them nothing--or even end the year with an alleged debt to the planter, locking them into another year of labour. Not only blacks but also newly dispossessed white yeoman farmers were increasingly pulled into such arrangements as mortgage debt and the sudden commercialization of their holdings left growing numbers of whites landless and labouring for planters.\textsuperscript{32} Du Bois summarizes the situation thus:

\textsuperscript{30} Marx 1967, 313, 478, 689; For an extended analysis of "capitalist domination of the small peasantry" see Banaji 2011, 277-332.
\textsuperscript{32} Daniel 1972.
For this much all men know: despite compromise, war, and struggle, the Negro is not free.

In the backwoods of the Gulf states, for miles and miles, he may not leave the plantation of his birth; in well-nigh the whole rural South the black farmers are peons, bound by law and custom to an economic slavery, from which the only escape is death or the penitentiary.\textsuperscript{33}

3.3 Regional development and social control

Historians of the postbellum South continue to debate the character of the region's economy and, to a lesser extent, attempt to explain the persistence of forced labour under conditions of near technological stagnation. The question of the postbellum South's continuity or discontinuity with its slave past has been the clearest dividing line and point of debate amongst historians. Neoclassical economists, struggling to recuperate their perspective of capitalism as a benevolent force in spite of its history of oppression, tend to argue either that the Southern economy had a functioning labour market and was \textit{ipso facto} non-exploitative or that blacks were exploited due to 'political interference' with market forces which otherwise would have brought general prosperity.\textsuperscript{34} These kinds of apologetics for the plantation system are hardly helpful for understanding Southern history, though they do demonstrate the ease with which neoclassical economics can adapt itself to justify the most varied forms of capitalist exploitation, no matter how contradictory.

Others have built upon Eugene Genovese's highly influential writings on the antebellum South to explain the continuation of forced labour in the postbellum era. Genovese argues that plantation owners were "precapitalist" and "quasi-aristocratic" with their own non-bourgeois values, ideology, and

\textsuperscript{33} Du Bois 1995, 77.
social system. Slavery—which Genovese defines as the ownership of labourers, in contrast to the purchase of the labour-power of 'free' workers—"provided the basis for a special Southern economic and social life, special problems and tensions, and special laws of development." Among the most prominent and ultimately debilitating differences that Genovese found between the South's non-bourgeois civilization and capitalism was the way in which profits were reinvested. "Capitalism largely directs its profits into an expansion of plant and equipment, not labor; that is, economic progress is qualitative," he writes. The economic progress of the American South, on the other hand, was merely quantitative: "[s]lavery, for economic reasons as well as prestige, directs its reinvestments along the same lines as the original investment--in slaves and land." Mirroring some aspects of the debates over the question of underdevelopment in the Third World--particularly the question of whether or not capitalism necessarily is defined by industrialization in situ--Genovese writes that even if "for a moment" we accept that planters were capitalists, "we are then confronted by a capitalist society that impeded the development of every normal feature of capitalism."  

Harold Woodman extends Genovese's work to argue that despite the abolition of slavery, "[slavery's] culture and ideology lingered and gave the new society that emerged a peculiar, southern form." "Planters and freedmen alike," he contends, "lacked the experience, the discipline, the understanding, and the ideology necessary to create an employer-employee relationship" and on these grounds he characterizes the postbellum South as an "evolving bourgeois society in which a capitalistic social structure was arising on the ruins of a premodern slave society." The South was finally undergoing the process of modernization that the rest of the nation had already completed but was doing so with the historical weight of a premodern ideology still hostile to such concepts as equality between contracting parties.  

Charles Post rightly criticizes this perspective on the South as one that both idealizes relations

between wage-labourers and capitalists and under-appreciates the importance of relations of production in determining regional development dynamics. This critique is far more apt for Woodman than for Genovese, who Post claims did not put class relations at the centre of his analysis. Post's argument is essentially, despite his claims to the contrary, a more fully developed version of Genovese's position. Post shows, much like Genovese, how plantation slavery limited the formation of a home-market for industry, blocked planters from introducing labour-saving technology, and thus led the Southern economy on an "extensive" (quantitative) pattern of growth rather than an "intensive" (qualitative) pattern of technological development. For Post, the "surplus-extraction/social-property relation" of wage-labour, in contrast to slavery, leads to "the systematic and continuous replacement of human labour with machines." Post adds that slave-plantations tended to strive towards self-sufficiency rather than purchase inputs on the market (though they did this too) and would introduce labour-saving technology but only in a "once and for all" fashion. Thus Post concludes, as did Genovese, that planters were non-capitalist masters who had to adjust their behaviour to survive in a competitive world-market-or in Marx's terms they were subjected to the law of value--but slave-plantations could not be capitalist enterprises because planters "behaved differently from capitalists." As with Genovese (and following Brenner), Post simply asserts that the sine qua non of capitalism is the production of relative surplus-value and industrialization. I already discussed in the first chapter of this thesis the theoretical and methodological problems with this perspective but the shortcomings of this argument in terms of historical analysis are just as glaring.

Post's interpretation of the transition to capitalism in the American South is startling succinct: the composition of the plantation labour-force "began to shift in favour of centrally supervised wage-

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38 Ibid., 112.
39 Ibid., 118.
labour after 1890" and this new "social-property relation" of wage-labour presumably transformed the planters into a new capitalist class. "In the first four decades of the twentieth century," Post writes, "the planters' ability to organise the labour-process under their command and fire workers at will allowed them to progressively mechanise Southern agriculture." Post's historical argument rests on the assumption that once planters gained the ability to fire workers and to organize production they began a steady process of mechanization. Indeed, he argues that slave-owning planters were not capitalists primarily because they failed to "behave" in this way. But the historical record lends no support to Post's claim—planters did not begin to mechanize production until after the 1930s at which point they abruptly transformed the production process and reorganized the plantation. Until then, however, plantation production continued to expand "extensively" and to rely on a mix of forms of tenancy and hired labour.

**Figure 3.3. Cotton Production in the South, 1880-1930**

![Cotton Production Chart](image)

*Source: data adapted from Woodman 1968, 343 from U.S. Bureau of the Census.*

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40 Post 2011, 277.
U.S. Census data shows that cotton production continued its "extensive" pattern of growth as the number of bales produced increased steadily alongside the number of acres planted (see Figure 2.3); productivity remained more-or-less stagnant until roughly 1940.\(^4\) Wiener argues convincingly that the late introduction of labour-saving technology in the South compared to other regions had nothing to do with the availability of the technology nor was mechanization limited by the technical requirements of growing and harvesting cotton. The gasoline tractor, first produced in 1903, was introduced to grain farming in the North during the labour shortage of World War I. In 1920 there were six times as many tractors in the North Central states as in the Deep South. Texas and Oklahoma are the exception--planters there relied on seasonal wage labour, and "tractors were introduced at a rate similar to that of the Midwestern wheat region. These two states had three times as many tractors per acre of cropland in 1940 as the Deep South states, with 44 percent of all tractors in the ten Southern states in Texas alone."

The mechanization of cotton harvesting was likewise a geographically uneven process as most producers in California--sixty-seven percent of them--mechanized this phase of the production process by 1955. Meanwhile only two percent of planters in Alabama and Georgia had done so.\(^4\)

Only during World War II when wages rose dramatically did planters begin a rapid process of mechanization, but the system of debt peonage that tied labourers to the plantation began disintegrating first with the Great Depression. Wiener suggests that depressed cotton prices and a growing population of black workers was perhaps reason enough for planters to release bonded labourers and free themselves of the responsibility for providing year-round subsistence to sharecroppers.\(^4\) However accurate that may be, with the Agricultural Adjustment Act of 1933 the Federal Government began paying planters to reduce the number acres in production and many planters across the South used the cash to purchase their first tractors. Both the drop in acreage and partial mechanization led planters to

\(^4\) Wright 1986, 58.
\(^4\) Wiener 1979, 987-988.
\(^4\) Ibid., 988-989.
alter the composition of their workforce; typically a smaller number of sharecropping families remained on the plantation while others were displaced and rehired seasonally for wages.\textsuperscript{44} Between 1935 and 1940 the number of sharecroppers decreased by 20% while wage labourers in Southern agriculture increased by almost 50%. Wage labour (that is, in its "pure" form) had significantly replaced sharecropping and debt peonage as hundreds of thousands of plantation workers--black and white--struggled through unemployment. Finally freed from bondage but left hungry, four hundred and twenty-five thousand blacks migrated out of the South during the 1930s, beginning the Great Migration that would decrease the South's farm population by 20% between 1940 and 1945. Wages rose throughout the decade, curbed only briefly in some states by war-time wage stabilization policies. By 1948, cotton harvesters' wages had risen to $2.90, 360 percent above its 1940 level; in Mississippi wages had risen four hundred seventy percent in that same period.\textsuperscript{45}

The steep increase in wages that accompanied the disintegration of peonage and the mass migration of the labour force provided the impetus for a complete reorganization of planter-class power in the 1940s and 1950s. Previously, cheap and abundant labour supplies were maintained through debt peonage, terrorism, planter-class political domination of the state, and a "justice" system that legally enslaved countless thousands of blacks. Insofar as mechanization "threatened to disrupt, and eventually to destroy" this socio-political order by rearranging both the timing and the spatial organization of the plantation, planters were by and large uninterested in modernizing production.\textsuperscript{46} "Only at this point," Wiener writes of late 1940s when the loosening of restrictions on labour mobility and wartime industrial demand drove wages to "undreamed-of levels, did planters in the Deep South finally turn to mechanization."\textsuperscript{47}

\textsuperscript{44} Daniel 1985, 175-183.
\textsuperscript{45} Wiener 1979, 989-991.
\textsuperscript{46} Ibid., 988.
\textsuperscript{47} "When wartime [Federal] wage controls ended, cotton harvesters' wages rose further to $2.90, 360 percent more
Tractors now entered the South at an amazing rate. Their numbers in Georgia increased from nine thousand in 1940 to almost twenty-five thousand in 1945 to sixty thousand in 1950. Planters who introduced tractors took a decisive step away from re-establishing labor-repressive methods of production. Once the tractors did the plowing, the planter had little reason to coerce tenants into remaining on the land all year; instead, he now hired different wage labourers in different seasons. By 1950 the tractor was a characteristic feature of the Southern cotton farm, and 1955 marks the beginning of the final phase, mechanization of the cotton harvest.48

Starting in the late 1940s the planter-bloc led the region through a Green Revolution not unlike those that the Third World would soon undergo. Not only was production mechanized, but the United States Department of Agriculture, along with the planter-bloc's own National Cotton Council and Delta Council invested resources into developing "every aspect of revolutionized cotton production: genetics, plant breeding, insect and disease control, mechanization, handling, ginning, packaging, fibre analysis, seed analysis, soil nutrients, and fertilizers." Woods calls this strategy, "the institutionalization of starvation based upon AAA-financed tractor purchases and evictions, the end of furnishings, the demolition of housing and communities, and the payment of below-subsistence wages."49 The modernization of plantation agriculture and the complete integration of plantation production with the petro-chemicals and machine manufacturing industries occurred abruptly and in tandem with the efforts of progressives of various stripes to modernize the region itself and to combat the growing isolation of the region from the rest of the country. From roughly 1870 to 1940 the planter-class, including large corporate plantations and small landholders alike, overwhelmingly relied on labour-intensive production methods "anchored" by debt peonage, racial domination, and an oppressive legal system, all

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48 Ibid., 991.
of which served to keep labour unorganized, terrorized, and cheap.\textsuperscript{50} When this accumulation strategy entered a crisis in the 1930s and 1940s planters abruptly modernized production, expelled labour, and developed an inter-dependence with the petrochemicals and machine manufacture industries.\textsuperscript{51}

### 3.4 Uneven development and technologies of class-domination

The introduction of labour-saving technology into the production process is as indelibly tied to processes of class struggle as much as it is to competition. Technology forms one aspect of class domination insofar as the reorganization of the production process is used to undermine worker solidarity, to expel workers from production, to deskill workers, and to minimize their ability to control the pace and quality of production. Ultimately the replacement of living labour with machines cheapens the cost of labour-power whenever it decreases the cost of the necessaries of life.\textsuperscript{52} However, capital also introduces more coercive forms of exploitation—slavery, peonage, and other forms of human trafficking and bondage— for similar purposes, including pre-empting and undermining worker solidarity and organization, repressing wages and other costs of social reproduction, and sowing division and hierarchy within the working class as a whole. Human trafficking and directly-forced labour also achieve things that machinery and markets cannot, such as (re-)distributing the proletariat geographically and tying workers to particular capitalists and regions. For planters, tenant arrangements also served as a means to return the entire family to the fields. Thus, as in the postbellum South, various forms of exploitation may be introduced in place of or alongside machinery as technologies of class domination.

\textsuperscript{50} LeBaron 2012.

\textsuperscript{51} Until then the South’s economy was largely “disarticulated,” an important factor in the underdevelopment of Southern industry. See Samir Amin, \textit{Accumulation on a World Scale: a Critique of the Theory of Underdevelopment} (New York: Monthly Review Press 1974).

Of course, there is an important difference between these two strategies of dominating labour and extracting surplus-value. Marx made the distinction between the production of absolute surplus-value--lengthening the working day, increasing the pace of work, and increasing the number of workers--and relative surplus-value strategies that increase the amount of time that workers spend labouring for capital by decreasing the amount of "necessary labour," or that time which is spent only replacing the value paid by the capitalist as wages to labour. By increasing the productivity of labour via labour-saving technology, particularly in those branches of industry that produce the means of subsistence, capitalists can lower the value of labour-power. 53 What has been less remarked upon however is how Marx uses these concepts of absolute and relative surplus-value as a way of explaining the uneven spatio-temporal development of capitalism at various scales, including within a single production unit, between branches of industry, and between whole regions. For one, Marx argues that the ability of workers to put the breaks on capital's strategies for producing absolute surplus-value are closely tied to the rhythms of technological innovation, just as occurred in the American South when the Great Migration, enabled and combined with a confluence of other forces, caused an increase in wages. Only if the introduction of a machine will cost less than the labour-power it replaces--that is, only if the capitalist expects an increase in profits--will the capitalist adopt a new technology. "Hence," Marx writes,

the invention now-a-days of machines in England that are employed only in North America...The Yankees have invented a stone-breaking machine. The English do not make use of it, because the 'wretch' who does this work gets paid for such a small portion of his labour, that machinery would increase the cost of production to the capitalist. 54

When capital confronts a surplus of cheap labour the introduction of machinery may actually be

53 Marx 1967, 296-300.
54 Ibid., 371.
impeded: "[i]n the older countries, machinery, when employed in some branches of industry, creates such a redundancy of labour in other branches that in these latter the fall of wages below the value of labour-power impedes the use of machinery..." In these cases the use of machinery becomes "superfluous and often impossible." On the other hand, when the Factory Acts led to the creation of a group of "half-timers"--children working part-time--parents refused to sell their children for a lower price; "half-timers" were then replaced with machines. Similarly, only after the Factory Acts abolished the employment of women and children under the age of ten in the mines did the mining companies "[have] recourse to machinery." 55 On a much larger scale, Marx writes of the Factory Acts, "so soon consequently as an increased production of surplus-value by the prolongation of the working-day was once for all put a stop to, from that moment capital threw itself with all its might into the production of relative surplus-value, by hastening on the further improvement of industry." 56

These are all cases in which Marx identifies the class struggle as a force that regulates the introduction of machinery, with the result of uneven development across industries and regions as well as an uneven temporal development of industry. This is quite contrary to the "smooth" and "routine" introduction of labour-saving machinery that "political Marxists" like Post and Brenner contend is the typical "behaviour" of capitalists. But is it too much of a leap to claim that an entire regional economy was shaped so fundamentally in this way, that capital remained technologically stagnant well into the twentieth century because it had secured a cheap labour supply? First, the historical record shows that this is exactly the case. Besides that, there is plenty of reason to believe that Marx also understood colonial economies in precisely these terms. Marx argued that the introduction of labour-saving machinery created a tendency for the average rate of profit to fall, as the source of value--living labour--became replaced with machinery or dead labour. Among the "counteracting influences" on this

55 Ibid., 370-371.
56 Ibid., 386.
tendency was investment in the colonies. "As concerns capitals invested in colonies, etc." Marx wrote, "they may yield higher rates of profit for the simple reason that the rate of profit is higher there due to backward development, and likewise the exploitation of labour, because the use of slaves, coolies, etc. [sic]"\(^\text{57}\) Marx developed a similar though more precise analysis of the colonial peasantry in Ireland and India: the peasantry still held the means of production but were nonetheless subjected to the demands of capitalist production. Producers were forced through taxation, debt payments, subsistence needs, new norms of consumption, and armed men to produce surplus-value for British capitalists. "We have here," Marx writes, "the whole of capitalist production without its advantages."\(^\text{58}\) As Banaji points out, Marx is describing regional economies producing absolute surplus-value, expanding only by making greater demands on producers and by coercing greater numbers of peasants under capitalist control. The colonies, for Marx, buoyed the rate of profit for European capital precisely because they produced surplus-value \textit{without} undergoing the same process of industrialization as the metropolis.

\subsection*{3.5 Imperialism, regional hierarchy, and white supremacy}

Wiener's argument concerning the South's historical development trajectory, however, contains a considerable shortcoming in that he follows Barrington Moore's designation of the "labor-repressive" system of the South as a case of the "Prussian road" to modernity and industrialization. But it is far more accurate and enlightening to consider the American South as holding an analogous position to other colonial plantation zones, as Du Bois first argued. While the settler-colonial regimes of the North and then the West integrated themselves into, and developed their own, core-industrial economies, the plantation regime of the South entered the world-economy as a periphery of British and Northern capital. The postbellum South likewise cannot be understood in isolation from its rapidly industrializing

\begin{footnotes}
\footnote{58}{Marx cited in Banaji 2011, 101.}
\end{footnotes}
counterparts. American capitalism was, and to a lesser extent is, a unity of regional hegemonic-blocs which were constituted and extended geographically through colonial-relations of domination and whose inter-relation was characterized by a hierarchical distribution of surplus-value between regions.

Despite the planters' power within the Federal Government throughout the antebellum era--having chosen "eleven out of sixteen Presidents, seventeen out of twenty-eight Judges of the Supreme Court, fourteen out of nineteen Attorney-General, twenty-one of thirty-three Speakers of the House, eighty out of one hundred thirty-four Foreign Ministers"--plantation owners remained at the mercy of Northern and European merchants when it came to selling and moving their goods. "The price of the slave produce in the open market," Du Bois writes, "could be hammered down by merchants and traders acting with knowledge and collusion."\(^59\) The prices for Southern cotton, tobacco and sugar were set in New York and London to the advantage of merchants, financiers, and industrialists to whom accrued a large share of the surplus-value produced by the slaves. The South's reliance on the North for financing alone had the effect of syphoning profits away from planters.\(^60\) This distribution of profits from South to North and across the Atlantic reduced the profit margins of the planters whose recourse was, Du Bois writes, to increase his profits by "more ruthlessly exploiting his slave labor so as to get the largest crops at the least expense."\(^61\) Isaac Mason describes how his master's indebtedness added to his own burden: 'I was only the property of another, working to pay the debt of another, who I suppose thought he ought to receive interest on his bill; and that interest had to be paid by me in addition to the daily labor, by receiving a whipping every day besides losing a meal.'\(^62\) This inter-regional and international hierarchy of capitals demanded that black workers produce their own subsistence, the profits of the planter-class, as well as profits for merchant and finance capital.

\(^{59}\) Du Bois 1998, 47, 11.
\(^{62}\) Cited in Johnson 2013, 279.
The exact constellations of regional class-power, the organization of financial flows, and especially the economic and political demands emanating from the North changed following the Civil War--but the general pattern of an inter-regional, hierarchical alliance of property remained. In the Compromise of 1877 the renewed threat of Civil War was averted by awarding Republican Rutherford B. Hays the contested Presidency, removing Federal troops from the South, and establishing common cause within Congress between planters and the emerging Gilded Age aristocracy. Southern Democrats were granted complete "home rule" with the understanding that capital, North and South, would form a solid voting bloc in Congress.63 The Compromise of 1877, which unlike the earlier sectional compromises of 1833 and 1850 occurred behind closed doors, was prefaced by the Supreme Court's 1876 rulings in United States v. Reese and United States v. Cruikshank, which revived the federalist doctrine of states rights. The former practically nullified the Federal Government's responsibility to enforce the 15th Amendment's protection of the right to vote while Cruikshank ruled that the First Amendment to the Constitution "left the authority of the States unimpaired, added nothing to the already existing powers of the [Federal Government...]" The Court thus absolved the Federal Government of the responsibility for upholding the Constitution and stated that if "the people" wish to enjoy their First Amendment rights, they "must therefore look to the States, where the power for that purpose was originally placed."64 The Supreme Court's 1883 ruling that the Civil Rights Act was unconstitutional was "only the juristic fulfilment of the compromise of 1877."65 The consequences are impossible to overstate: Southern "Redemption" meant that a bloody dictatorship of capital reigned in the South, blacks were abandoned by the Federal Government, and the industrial plutocracy enjoyed

63 "the United States...was disfranchising a part of labor and on the other hand allowing great capital a chance for enormous expansion in the country. And this enormous expansion got its main chance through the thirty-three electoral votes which the counting of the full black population in the South gave to that section. It was only necessary now that this political power of the South should be used in behalf of capital and not for the strengthening of labor and universal suffrage. This was the bargain of 1876." Du Bois 1992, 626; C. Vann Woodward, Reunion and Reaction: the Compromise of 1877 and the End of Reconstruction (Boston: Little, Brown and Company, 1951).
64 United States v. Cruikshank, 92 U.S. 542 (1875).
the Congressional voting power of the South's entire disenfranchised working class.

If Civil War punctuated America's imperialist march across the continent, Redemption and the Compromise of 1877 propelled American capital into the Gilded Age and conditioned the country's subsequent over-seas imperialist expansion. The Civil War is often considered a bourgeois revolution, or as Barrington Moore put it, "the last revolutionary offensive on the part of what one may legitimately call urban or bourgeois capitalist democracy." But the build-up to the war and the war itself were not driven by the same abolitionist forces that, for a brief moment, led the Republican Party towards the radical reconstruction of the South. The conflict itself might best be characterized as an inter-imperialist struggle between competing regional hegemonic-blocs, in which control over new territory would decide both the balance of power in the Federal Government and each bloc's ability to expand and reproduce their class-power. It was, then, the forces of imperialism and industry that above all shaped post-war America. Following on the heels of war, the representatives of industrial capital transformed the Federal Government to meet their needs, primary among them being the conquest of Native Americans and the integration of their expropriated territory into the expanding industrial economy. The major policy achievements included the cessation of nation-to-nation treaty making,


67 Robin Blackburn makes essentially this argument (regarding inter-imperialist rivalry of hegemonic-blocs) when he characterizes the war as one between rival nationalisms both with "a markedly expansive character...The clash was thus one of rival empires, as well as competing nationalisms." Robin Blackburn, The American Crucible (New York: Verso Press USA, 2011), 404. Moore's description of the heightening sectional struggle for control over newly conquered territory mirrors in certain respects Europe's "scramble for Africa," the prelude to World War I. "The fact that uncertainty was an inherent part of the situation due to unsettled and partly settled lands to the West greatly magnified the difficulties of reaching a compromise. It was more and more necessary for political leaders of both sides to be alert to any move or measure that might increase the advantages of the other." Moore 1966, 136. Walter Johnson argues that greater attention ought to be paid to the South's imperial ambitions regarding Cuba, Nicaragua, and the re-opening of the Atlantic slave trade, and less attention on states like Kansas, as precursors to Civil War. Johson 2013, 330-422.

68 "In 1871, Congress abrogated the treaty system that dealt with Indians as independent nations--a step strongly supported by railroad companies, which found tribal sovereignty an obstacle to construction, and by Radical Republicans, to whom the traditional system seemed a form of local autonomy incompatible with the uniform nationality born of the Civil War. By the time Grant left office, railroads traversed the Great Plains, farmers and cattlemen had replaced buffalo, most Indians had been concentrated on reservations, and although warfare did not end until the massacre of the Sioux at
establishment of a national banking system, massive land-grants in the West and South for railroad and resource extraction industries, an open immigration policy to offset Westward migration, high tariffs, and federal protection of property rights. While the Supreme Court effectively nullified the Reconstruction Amendments in regard to their original purpose, the Court opportunistically cited the Fourteenth Amendment to rule that the Constitution granted corporations, as legal "persons," civil rights that the Federal Government was bound to protect.69

The subjection of blacks to the renewed plantation regime also presaged subsequent over-seas imperialist expansion. Whites interpreted Redemption as a failure of blacks to succeed and adapt themselves to democracy, a sentiment which at once undermined appeals for a universal (male) franchise in the North and West ("Universal suffrage can only mean in plain English the government of ignorance and vice...")70 and fortified the evolving ideology of white supremacy and "duty" which fortified the coming "Age of Empire:"71

International and commercial imperialism began to get a vision. Within the very echo of that philanthropy which had abolished the slave trade, was beginning a new industrial slavery of black and brown and yellow workers in Africa and Asia. Arising from this, as a result of this economic foundation, came the change in the attitude toward these darker people...These inferiors were to be governed for their own good. They were to be raised out of sloth and laziness by being compelled to work. The whole attitude of Europe was reflected in America and it found in America support for its own attitude.72

Southern planters institutionalized their racial world-view by publishing their views in leading

69 Moor 1966, 150; Blackburn 2011, 434.
70 Reformer Charles Francis Adams continues, "...it means a European, and especially Celtic, proletariat on the Atlantic coast, an African proletariat on the shores of the Gulf; and a Chinese proletariat on the Pacific." Adams' hostility towards the franchise was grounded in the new scientific racism and was 'vindicated' by the experience of Reconstruction. Cited in Foner 1988, 497.
sociological journals and were central in the formation of scientific racism in the United States. In the 1890s the United States began its own period of over-seas expansion. American sugar planters and their representatives in government looked forward to "having control of much of the portion of the sugar producing area of the world" so that "both the supply and the price to the world will practically be dictated by this country..." By the turn of the century, American capital owned plantations in Cuba, Honduras, Guatemala, Costa Rica, Panama, Colombia, the Philippines, Hawaii, Haiti, the Dominican Republic, and Puerto Rico. In the following decades, American capital would establish rubber and palm oil plantations in various African and Asian countries as well, including in America's semi-colony Liberia.

Meanwhile, direct investment the American South "mirrored the expansion of Western capital into the colonial world" as the lumber industry, having begun to deplete the forests of the Midwest and Northwest, turned south. Southern land previously reserved for homesteaders was rapidly sold to clamouring speculators and industrialists: between 1877 and 1878 5,692,259 acres of Federal land were sold in the South at fire-sale prices, providing a massive subsidy to industry As Nan Woodruff describes, "[t]he Delta became a periphery of Midwestern, Eastern, and foreign capital, with Memphis as the regional core linked to the metropolitan centers of New York, Chicago, and London." A few European investors at least, such as those from Manchester who formed the Mississippi Delta Planting

73 Woods writes that this was "a central feature of the reproduction of planter hegemony and South/North reconciliation during the 1890s...In essence, [planters and their relatives] were the founders of academic racial discourse and the race relations industry that was built upon it." Woods 1998, 95-103.


Company and later the Delta and Pine Land Company, invested heavily in plantation production in the South.\textsuperscript{78} No less than during the antebellum era, Southern planters and merchants themselves remained perpetually dependent on financing from New York banks.\textsuperscript{79} The Deep South thus resembled contemporary colonial plantation regions in its coercive labour arrangements and bare-subsistence level wages, its subordination to Northern and European capital, its refusal to grant citizenship to a racialized population, and its political reliance on terror and torture.

3.6 Capturing, trafficking, and driving labour: New South lumber

Within a few decades the lumber industry decimated the old-growth forests of the South. Lumber and timber products lead the South in manufacturing employment from the 1880s into the 1920s, with most workers in the industry working on saw-mills and other phases of processing rather than logging. By 1910 the lumber and timber industry accounted for over 44\% of the South's manufacturing employment; but if we add to that the related turpentine and rosin industry, which by that time had been incorporated into the lumber industry both as a pre-logging extraction process and through the ownership of subsidiary companies, then this single industry accounts for nearly 54\% of the region's manufacturing employment.\textsuperscript{80} Company towns and temporary logging camps sprang up throughout the Southern forests in what was one of the only non-agricultural industries that hired black workers in that period. Like the newly built rail lines, the lumber industry was celebrated as an important modernizing force in the New South. Indeed, the new rail lines were necessary for lumber and turpentine operators to connect remote forest camps with port cities and Northern distribution centres.

\textsuperscript{78} The Mississippi Delta Planting Company employed renters, sharecroppers, and day labourers, owned 800 mules, and produced feed crops on plantation. Woodruff 2003, 25. In 1911, "British investors purchased a bloc of thirty to forty thousand acres for $2-3 million. This marked the beginning of the Delta and Pine Land Company, arguably the largest plantation in the world."Woods 1998, 91-92.

\textsuperscript{79} Woodman 1968, 334-360

\textsuperscript{80} See Wright 1986, 134-135.
Even historians sympathetic to the lumber industry describe a world of "feudal conditions" influenced by the "pre-Civil War social system" and still reliant on its "managerial class," the hired overseers.\textsuperscript{81} Through the exorbitant prices at the company store and high rents—in one case, forty cents per night for boarding in a shack deducted from a daily wage of eighty cents—workers would rarely if ever receive more than a portion of their wages and almost never in cash. Workers were typically paid in company "chits" (store credit), preventing them from accumulating savings, changing employers, or spending their earnings elsewhere.\textsuperscript{82} Receiving room and board was also a means of legal entrapment—by accepting any kind of "advance" in wages or in kind workers legally entered an inviolable contract. The legal system, meanwhile, facilitated the development of networks of human trafficking which black men and, to a less extent, women risked entering any time they left their home or place of work. Sheriffs, constables, deputies, and county "judges" earned their personal income by capturing black men and ruling them "guilty" of a crime—often vagrancy or "false pretense" for breaking contracts. By leasing these county convicts, a local employer could secure a steady stream of bonded workers. With so many competitors begging for workers," explains Michael Tegeder, "restrictive labor legislation placed an officer at the center of a thriving market for labor, which no doubt encouraged sizable arrest rates for 'vagrancy, false pretenses, and the like.'"\textsuperscript{83} This system of leasing county convicts operated in addition to the state-level convict leasing systems which tended to be monopolized by the largest railroad, lumber, turpentine, and mining interests operating in the state.

When five black workers in Hollands, Alabama decided to flee the Samples Lumber Company soon after finding that there living accommodations were actually a stockade for prisoners and that the


\textsuperscript{83} Tegeder 1996, 144.
only food provided was prisoner's rations, they were quickly captured and arrested for "jumping" their board bill. After marching them to the town's general store the Mayor held a brief trial in which all were charged "guilty" and fined $6 each plus unspecified "costs." The men were transported back to Samples where the owner, John Pace, paid $37.50 cash to the two men who had captured and transported the workers and then wrote a check for $100. Douglas Blackmon explains that, "just six years after buying his first two hundred acres of Tallapoosa river bottom, Pace reached an agreement with the county judge to lease every prisoner sentenced to hard labor, as well as any unable to pay fines and court costs. As in almost every Alabama county, that amounted to nearly every black man arrested."

After a period of detainment, Pace's "resident magistrate" read a contract to the men explaining that they were bound to labour for at least seven months. The men now laboured under armed guards and were subject to regular whippings and beatings. Pace's arrangements with the county were typical for the Deep South, as Douglas Blackmon's extensive archival research shows. While convicts accounted for a minority of the total labour force their presence had a profound impact on any employee's ability to resist debt peonage, violence, wage theft, and other forms of employer abuse.

Besides county and state convict leasing systems, the lumber and turpentine industries established connections with human trafficking networks located in New York and Boston to capture eastern and southern European immigrants. Just how many thousands of workers were trafficked from the northeast is unknown, though the most significant period seems to be the first decade of the twentieth century when planters, railroad companies, mining companies, turpentine, and lumber operators all lured European immigrants into the South through deceptive New York labour agents such as Sigmund S. Schwartz and Frank and Miller Company. Schwartz was among the most successful

84 Blackmon 2008, 135.
85 Ibid., 153.
labour agents of the time. His "runners" recruited immigrants on the streets of New York by promising well-paying positions tending machines or doing wood work. Expecting a short boat ride, men who boarded ships for the four to five day journey south found no chance for escape from company guards. The Department of Justice's peonage files reveal that lumber and turpentine operators intended to hold these workers indefinitely using armed guards, bloodhounds, and extensive ties to local law enforcement officials, train operators, and "woodsriders" to capture escaped workers. The working conditions of these immigrants were comparable to other workers in the industry--they suffered severe and regular beatings and were worked to exhaustion. John Gindes, a Slavic immigrant who worked for the Jackson Lumber Company in Alabama, testified that workers were whipped or beaten into submission when they were too weak or refused to continue working. Aaron Reynolds describes the dangers of work in the lumber camps:

Men and horses, mules, and oxen worked in teams cutting, loading, and hauling trees to the mill, confronting the dangers of heavy, freshly cut timber, flying splintered branches, and overloaded log trains. Animal strength was crucial to the lumbering process, and men acknowledged their dual status as men and beasts. Animals suffered the labor and injuries just as the men did. While men were "treated like cattle," in Gindes' words, workers also testified to the maltreatment of draught animals, such as one horse name Larry whose "mind was blank" from over-work; he somehow returned to camp after an overseer beat him bloody with a tree-branch and left him for dead. Decades after the Federal Government abandoned Southern blacks to planters, "the sudden appearance of white workers provoked a federal response that called for the immediate elimination of abusive peonage

87 Reynolds, 2013, "Treated like cattle" (n.p.)
88 Ibid.
practices.\textsuperscript{89} The use of immigrant labour was relatively short-lived but reveals as much about the lumber industry as it does the Federal Government and the suddenly outraged American population. While the trade in immigrant labour decreased rapidly until its end around World War I, labour arrangements and conditions for blacks in the South hardly changed at all until the Great Depression.

"Turpentine workers gathering rosin in Lake County" (189-). State Archives of Florida, Florida Memory, http://floridamemory.com/items/show/32250

3.7 Under-capitalized or highly profitable? Peonage and the distribution of surplus-value

The customary response from employers, whenever confronted by organized workers demanding wage increases or improved working conditions, is that the market is too competitive and a wage increase would jeopardize the entire enterprise. Unfortunately, many historians attempting to explain forced labour in the postbellum South have done little more than repeat this employer's plea of helplessness. There are two common theses concerning the persistence of forced labour: the first is the cultural explanation provided by historians like Woodman who contend that the lingering culture of

\textsuperscript{89} Tegeder 1996, 104.
slavery distinguished the modernizing South from the rest of the nation. Pete Daniel's monumental
*Shadow of Slavery* likewise claims that "peonage continued because it was an institution that had deep
roots in history and in custom." The second explanation is that Southern industries were
"undercapitalized." Selling their products in a highly competitive global market with access only to
short-term loans at high interest-rates from financial intermediaries, Southern planters and industrialists
suffered from low profit-rates and were constantly "fighting against financial ruin," to quote Daniels
again.\(^{90}\) Often the two theses are combined: because of low-profit margins Southern industries were
trapped in pre-modern relations of production. These explanations are entirely incapable of contending
with the fact that Northern direct-investment was concentrated in the most brutally repressive industries
in the South, which were also consistently among the regions leading industries in terms of
employment and value until after the Great Depression.

The naval stores industry, which extracted and processed turpentine and rosin from pine trees
for use in industrial products like paint, almost universally utilized forced labour of various kinds.
Naval stores manufactures (also referred to as turpentine operators) typically leased land for three to
five years before moving on to a fresh stand of trees. Lacking significant assets, postbellum turpentine
operators relied on a system of "factorage houses" that supplied them with financing for their leases,
tools and supplies; factors also acted as their agents, controlling the transportation and marketing of
their product. By 1900 the market was controlled by about a dozen factors whose high interest-rates
severely cut into operators' profit margins. Manufacturers were dependent on routine loans and,
according to Tegeder, small manufacturers rarely cleared their debts.\(^{91}\) The turn of the century brought
two important developments: a newly developed "cup and gutter" system of collecting the gum that was
excreted from the trees not only increased the output of each tree but also allowed operators to exploit

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91  Tegeder 1996, 46-49.
the trees for turpentine without causing severe damage to the stands. This allowed the booming lumber industry to enter the turpentine business by leasing their land to operators prior to logging and through their own subsidiary naval stores companies. Tegeder writes,

> with capital at their disposal, they purchased enormous tracts of premium old-growth forests and adopted the most improved and least destructive methods of production to larger than average trees. Over time, smaller independent operators could not outbid or outproduce their competitors. They either went out of business or subleased their timber from fewer and larger naval stores firms that increasingly leased their crops from landholding lumber corporations.\(^\text{92}\)

September of 1902 brought the second major development in the industry: seven of the largest factorage houses merged to found the Consolidated Naval Stores Company, which controlled nearly one-half of the nation's supply of turpentine and rosin within its first year of business. Consolidated owned subsidiary companies at every point of the industry—it had its own operators, a landholding company which both leased and logged forests, a company that leased all of the state convicts in order to sub-lease to turpentine operators, and it owned the company that manufactured the new cup and gutter equipment. In 1923 it was purchased by the Chicago financial group Baker, Fentress and Company.\(^\text{93}\) Increased control by Consolidated, increased competition from the lumber industry, and the rising cost of leasing land all tightened the profit margins of small and medium-sized turpentine operators, as evidenced by the fact that by 1909 eighty-eight percent of operators still could not afford to adopt the cup and gutter system at the price of $350 per crop.\(^\text{94}\)

Turpentine workers laboured at the bottom of this "ruthless pecking order of indebtedness."

Perpetually indebted manufacturers struggled to shift the costs of production onto the workforce.

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\(^{92}\) Ibid., 63-4.  
\(^{93}\) Ibid., 64; Consolidated Naval Stores Co. v. Fahs (1954) in the United States District Court for the Southern District of Florida: "Findings of Fact."  
\(^{94}\) Tegeder 1996, 65.
knowing that "labor costs accounted for the difference between a profit and a loss. And more often than
not the difference between a bad and a disastrous year depended on the willingness to hold workers
against their will."\textsuperscript{95} Tegeder reaches the conclusion that the industry was technologically stagnant and
reliant on forced labour because it was "chronically starved for capital" and "perennially underfinanced
as it tried to meet the demands of an increasingly competitive marketplace."\textsuperscript{96} In his well-received and
highly informative book \textit{Tapping the Pines}, Robert B. Outland III repeats this argument and even
suggests that it be extended to the Deep South as a whole.\textsuperscript{97} But this line of reasoning is entirely
inconsistent with the history that these historians discovered--while small operators scrambled to stay
afloat by driving their workforce beyond all moral and physical limits, the argument fails to account for
their stiffest competitors--the large lumber companies and factorage houses. The market was not
"competitive" for the Consolidated monopoly--instead, Consolidated used market-discipline to exploit
workers \textit{via} their small employers, much like the sub-contracting system that corporations use today to
exploit sweatshop labour at arms-length. The highly capitalized lumber companies and the
Consolidated monopoly dominated the industry and were themselves among the most vicious
employers. Small operators struggled to exploit debt peons and convicts as efficiently as did their
largest competitors, like the Jackson Lumber Company (owned by leading industrialist and Governor of
Maryland E.E. Jackson) and Wisconsin-based Putnam Lumber Company (whose "whipping boss"
Walter Higginbotham caused a national controversy when he beat to death Martin Tabert, a young
white convict labourer from North Dakota. Putnam rehired Higginbotham after a local jury absolved
him of his crime.)\textsuperscript{98} Capitalists in the South scrambled to extract as much labour from each worker as
was physiologically possible through intimidation, terror, bondage, and deprivation. If peonage and

\textsuperscript{95} Ibid., 50.
\textsuperscript{96} Ibid., 1, viii.
\textsuperscript{97} Robert B. Outland III, \textit{Tapping the Pines: The Naval Stores Industry in the American South} (Baton Rouge:
\textsuperscript{98} Shofner 1981, 162.
technological stagnation were the result of a scarcity of capital in the region, then why did these Northern companies follow the same trajectory as their smaller, Southern counterparts?

By investing directly in production, by controlling the distribution of the most productive workers (state prisoners), by extending short-term, high-interest loans to producers for all necessary inputs, by purchasing products below their value, and eventually by buying-out the largest Southern turpentine company Northern capitalists and the largest Southern firms appropriated the bulk of the surplus-value produced by (mostly) black workers in the lumber and turpentine industries. The brutal exploitation and extreme oppression of workers in these industries can by no stretch of the imagination be attributed to low profitability or under-capitalization—quite the contrary, fortunes were built on the bloodied backs of black workers in the South.99

3.8 Conclusion

The postbellum South's development dynamic was grounded in capital's strategy of absolute surplus-value production which dominated labour through debt peonage, human trafficking networks, and whipping bosses. This in no way signals the absence or incomplete formation of capitalist social-relations; instead, these technologies of class domination were integral to the regional accumulation strategy of capital in the South. Capital's geographically variegated adoption of absolute and relative surplus-value strategies is an important determinant of the uneven development of capitalism over time and space. That Genovese, Post, and others use the distinction between absolute and relative surplus-value to argue that the South was a non-capitalist economy prior to (for Post) the 1890s is not only theoretically misguided but also historically untenable.

The subjection of black workers to this renewed plantation regime set the scene for Gilded Age

99 Aspects of this argument apply to the plantation economy as a whole but a more detailed analysis of other industries would have to be undertaken before that case can be made.
capitalism, the conquest of the West, and subsequent over-seas imperialist expansion. As Du Bois argued, the burdens placed on black workers in the South were analogous to those placed on the colonized proletariat of the world. Of course employers in the South were eager to exploit any workers they could catch but news of European workers being whipped and held in bondage led to effective Federal intervention. At the same time the Department of Justice quietly filed away pleas for help from Southern blacks whose loved ones were held in bondage by white employers. Unfortunately, many historians of the South continue to rely on unfounded assumptions and contradictory evidence to explain the persistence of forced labour in the postbellum South. Under-capitalization and slim profit margins supposedly made technological development and "free" wage labour impossible in the postbellum South. Yet debt peonage and convict labour proliferated in large part because they were so profitable for industrial capitalists and large planters. The South then was not a "stunted" bourgeois society but was, as Du Bois called it, a dictatorship of capital. The coercive pillars of that dictatorship--the judicial and prison systems, extra-legal violence, and the blanket criminalization of blacks--are the subjects of the following chapter.
4 Law, Terror, and Progress in America's Master-Race Democracy

They had a huntin' season on the rabbit
If you shoot 'em you went to jail
Season was always open on me
Nobody needed no bail

-Mavis Staples, "Down in Mississippi" (2007)¹

Take notice! Fair warning
Are you at work? If not, why not?
You will have to go to work or go to jail.
...
Find [work] quick or I will find you.

--A flier for African Americans from the Leon County, Florida Sheriff (1920)²

4.1 Introduction

Harriet Miller was never sent to the state prison but its crimes haunted her nonetheless. Miller, the child of a white mother and a Cherokee father, was three years old when she was enslaved to a man named George Naves who worked as an overseer on another man's plantation. She had lived for almost a century when she spoke of being haunted one night by a murdered convict and his rattling chains. "Yes honey," she began, "I believe in hants [haunts]."

I was goin 'long at nine o'clock one night 'bout the Denham fill and I heard a chain a rattling 'long de cross-ties. I couldn't see a thing and dat chain just a rattling as plain as if it was on dis floor. Back, since the war, dere was a railroad gang working 'long by dis fill, and de boss, Captain Wing, whipped a convict. It killed him, and de boss throwed him in de fill. I couldn't see a thing, and dat chain was just rattling right agai' de fill where dat convict had been buried. I believes de Lord took keer of me dat night and I hope he keeps doing

¹ Mavis Staples, We’ll Never Turn Back (Los Angeles: ANTI-Records, 2007).
The Georgia convict killed by Captain Wing, like so many others killed serving their sentences, was never was properly put to rest nor, in all likelihood, did the law concern itself with Wing’s act of murder. The postbellum prison system served punishment’s political ends—“to terrify” and make “the strongest and most lasting impression on the minds of others.”

To summarize the argument made in the preceding chapter, capitalist development in the postbellum American South was in many ways defined by capital's overwhelming, though not uniform, preference for absolute surplus-value production. That is, even the most highly capitalized lumber, turpentine, and cotton producers preferred the use of brute overseers and armed guards to mechanization and heavy machinery. This regional accumulation strategy of industrial and plantation capital rested in large part on new, interrelated forms of state-power and white supremacy. Convict leasing and the county court system quickly emerged and solidified as the coercive pillars of racial capitalism in the postbellum South. The legal authorization to enslave blacks through criminal law (as reserved in the Thirteenth Amendment which ended involuntary servitude except as punishment for convicted criminals) and the social struggles over work, racial, gender, and sexual norms which followed on the heels of emancipation resulted in the proliferation throughout the Deep South of slave-trading networks consisting of sheriffs, judges, hired men, planters, and industrialists. The new system of county courts and the practice of leasing convicts to business interests emerged almost immediately after the Civil War and by the year 1880 every formerly Confederate state besides Virginia solicited

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bids from business for the lease of state prisoners.  

I consider the prison system from three vantage points. First, the prison system was the primary disciplinary mechanism for capitalists in the region who sought to maintain a pliable, submissive, and impoverished workforce through debt peonage arrangements and corporal punishment. Second, through convict leasing county and state officials operated human trafficking networks that apprehended and distributed (mostly black) labour to producers throughout the state. Third, I argue that the prison system must also be understood as a form of state terrorism. Black men were arbitrarily apprehended by law enforcement agents and systematically subjected to extreme violence—including life-threatening beatings, medical malpractice, and execution—to create a general climate of fear in the black population for the purpose of permanently suppressing the Black Freedom Struggle.

This chapter opens by discussing the social struggles that ensued in the aftermath of emancipation and which gave rise to the postbellum (extra-)legal order. This was in large part a process of state-transformation—the struggles between planters, black labour, and white labour were decided by, and resulted in, newly formed state institutions and crude but novel legal practices. Thus the first section of this chapter analyzes the social context which gave rise to the county court system, convict leasing, and the criminalization of African Americans. The rest of the chapter relies mainly on primary documents from Florida's convict leasing program and details the internal dynamics of Florida's prison system in the period dating roughly from 1870 to 1920. The available documents from Florida's convict leasing program reveal a world of disease, medical malpractice, endless labour, punishment, torture, and murder. Prisoners' resistance to enslavement is found in official reports of "unruly" prisoners and, above all, in the dozens of escapes which occurred each year in Florida's pine forests. Hundreds of

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6 Here I generally accept the Encyclopaedia Britannica's definition of terrorism as "the systematic use of violence to create a general climate of fear in a population and thereby to bring about a particular political objective." http://www.britannica.com/EBchecked/topic/588371/terrorism
prisoners liberated themselves in this way while others became injured or were killed attempting to do so.

Convict leasing attracted heavy and regular criticism in Florida and across the South. In response to these criticisms and as a means to increase revenue, Florida officials introduced substantial reforms which included the construction of a prison hospital, racial segregation, and the removal of female prisoners from hard labour. In the final section of this chapter, I consider the moral coordinates which guided Florida's Progressive Era prison reforms as well as the substance of these reforms. In sum, Florida's progressive reforms were guided by the broader white supremacist ideology of Manifest Destiny which was at that time legitimizing American over-seas imperial aggression through a discourse of progress and duty.\(^7\) The prison system became an object of ideological struggle as white progressives used their prison reforms--such as cleaning prisoners' cages and treating prisoners' for the life-threatening injuries that were routinely inflicted on them--to demonstrate to others, and perhaps prove to themselves, the benevolence of the white man's despotic rule over his wards.

**4.2 Criminalization as plantation discipline: emancipation, state-transformation, and the rise of convict leasing**

The overseer and his lash constituted the primary means of planter domination over the antebellum slave labour-force. Torturous corporal and psychological punishments--whippings, beatings, blood hound attacks, rape, selling slaves away from their families, and other, more creative punishments--were meted out on the plantation without state interference. Slaves rarely entered the courts, which would not accept slave testimony against whites, but slaves would occasionally appear in

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special slave courts if charged with off-plantation assault or theft. White men were legally obliged to work as slave patrols (though those of means could opt to pay a fine instead), riding the roads at night, checking the passes of any slaves they find, punishing those without just cause for being outside of their quarters, breaking up slave meetings, and searching slave quarters for stolen goods, runaways, signs of literacy, or weapons. Standing militias, and ultimately federal troops, intervened to put down slave insurrections when these regular police measures failed. Because many believed that only such systematic violence could preserve the racial order emancipation struck fear into whites. As blacks began organizing in the Union Leagues, demanding dignified treatment, forming local and statewide associations, and attending constitutional conventions, planters debated how they could best protect their monopoly command of fertile land, state power, and black labour. Even during the brief period of Congressional Reconstruction the outlines of the new legal order were apparent: extra-legal violence, modelled on the old slave patrols, would supplement a new system of planter-dominated county courts enforcing laws that would be flexible enough to criminalize any black person. The origins of convict leasing in the South lie squarely within this immediate post-war context of state transformation driven by planter-class strategies for re-establishing their domination over black labour.

The first wave of violence appeared as a spasm of resentment following the Confederate's defeat in war and the sudden freeing of the enslaved. With *de facto* legal impudence whites unleashed a torrent of violence against blacks at the same time as they accused the freedpeople of harbouring an inherent criminal disposition. Historian Charles Nordhoff wrote that the war-torn South, "up to the year

1868, or in some cases 1870," was in "much disorder, and a condition of lawlessness towards the blacks--a disposition, greatest in the more distant and obscure regions--to trample them underfoot, to deny them equal rights, and to injure or kill them on slight or no provocation."\(^{13}\) After these few years of chaotic and indiscriminate whippings, shootings, and beatings there congealed a more organized campaign of terror. By 1870, "the Ku Klux Klan and kindred organizations...had become deeply entrenched in nearly every Southern state."\(^{14}\) The Klan was united much more by purpose than central leadership and its membership tended to be largely composed of farmers and labourers while local ringleaders were "respectable citizens" and "men of property." A wealthy merchant led the clan in Jackson County, Florida but throughout the black belt planters controlled the organization and directed the attacks.\(^{15}\) Whippings, tortures, disfigurations, killings, large "Negro chases" and "riots"--which was the preferred term for organized mob attacks--proliferated as secret organizations vied to destroy the Republican Party's basic infrastructure and leadership, restore total racial subordination, and re-establish undisputed control over black labour. "[C]owardly midnight prowlers and assassins who scourge and kill the poor and defenceless" is how an 1870 Congressional report on the Klan's widespread reign of terror described its members.\(^{16}\)

In those few states where the Governors used force to suppress the Klan--Texas, Arkansas and North Carolina--a crippling political backlash followed, sweeping Democrats into office.\(^{17}\) In April of 1871 the Grant administration passed a temporary law for Klan suppression. "In Mississippi," Du Bois recounts, "640 persons were indicted under these enforcement laws, and 200 arrested, but not a single one convicted." In the twenty-seven year span of 1870 to 1897, "5,172 cases were tried in the South, and 2,200 in the North. Of these, 5,046 were dismissed, 1,432 convicted, 903 acquitted. The testimony

\(^{13}\) Cited in Du Bois 1992, 673.
\(^{14}\) Foner 1988, 425.
\(^{15}\) Ibid., 432-433.
\(^{16}\) Cited in Du Bois 1992, 689.
\(^{17}\) Gillette 1979,76-103; Foner 1988, 440.
was overwhelming, but conviction was impossible in the South."\textsuperscript{18} Moreover, the Congressional intervention in state affairs called for by the Ku Klux Klan Act already strained the allegiance of moderate Republicans in Congress to enforcement of the Reconstruction amendments as many worried aloud that in defeating the South's cry for "state sovereignty" they had steered the country too far in the opposite direction of federal control.\textsuperscript{19} Safe from state interference, representatives of the various secret organizations met in New Orleans from May through July 1874 and formed the White Leagues. The Leagues began their work in Mississippi where members from various regions assembled to suppress the black vote in Jackson and Clinton.\textsuperscript{20} Woods follows the course of events which soon became known variably as the Mississippi Plan of 1875, Redemption, or the Shotgun plan:

Approaching the 1875 election, Black and White Republicans were beaten and killed, schools and churches were burned, and cannons were shot into rallies. Massacres also occurred in the Delta towns of Yazoo City, Friars Point, Rolling Fork, Vicksburg, and in the state capital, Jackson. In nearby Clinton, trainloads of White Democrats from throughout the state came to participate in a massacre of between twenty and fifty Black Republicans. The riots and assaults began to multiply, and every black candidate in every county was 'threatened, shot, or forced to resign.'\textsuperscript{21}

The Mississippi Plan spread throughout the South and by 1877 the three remaining Reconstruction governments--Louisiana, South Carolina and Florida--were also so "redeemed." Jackson County, Florida alone saw an estimated 153 assassinations between 1868 and 1871. Black political leaders were singled out for attack. Sister Cornelia McPherson who was described as the "bone and sinew" of the prominent African Methodist Episcopal Church, which promoted small farm ownership and opposed plantation labour, "was assassinated--cut down at point blank range with multiple shotgun blasts--by

\textsuperscript{18} Du Bois 1992, 684.
\textsuperscript{20} Ibid., 685.
\textsuperscript{21} Woods 1998, 74.

the Ku Klux Klan."

From the moment of emancipation freedpeople were everywhere accused of rampant theft, indolence and a general criminal disposition. No longer constrained by what Florida's provisional Governor called the "fostering care and protection of their old masters," blacks supposedly went on a crime spree and "[b]y 1868 planters in the Black Belt complained profusely about small-scale crime, particularly the theft of animals." Indeed, some such theft of livestock and garden produce almost certainly did occur. Labour contracts signed between planters and black labourers in the years after the war provided scanty protection from starvation. As one Freedmen's Bureau agent explained, "[p]lanTERS universally are curtailing their advances to laborers, in many instances they are issuing rations to laborers only, leaving them to supply their families as best they can. This compels them to divide their scanty rations with their families or resort to stealing as the only alternative." Wage theft by employers was widespread, including the practice of firing workers just prior to the end of the contract for a supposed violation so as to escape making any payments at all. So one-sided were the terms of employment in the new contracts--which blacks were forced into signing by Freedmen's Bureau agents and Union troops--that the courts could only side with employers (not only planters but railroad companies and others as well) when blacks brought forward such cases.

Besides this, as Mary Ellen Curtin argues, many of the charges of black "theft" and "larceny" actually hinged on competing claims to the products of labour in a time when actual ownership within sharecropping arrangements, particularly during the growing period, was "indeterminate." As sharecropping arrangements emerged, there was continuous disagreement over who had the first lien on

22 Ortiz 2005, 25.
23 Cited in Du Bois 1992, 139-140.
24 Cited in Mary Ellen Curtin, Black Prisoners and Their World, Alabama, 1865-1900 (Charlottesville and London: University Press of Virginia, 2000), 48
the crops and the answer was only decided through social struggle. Indeed, state laws swung from the merchant's, to the sharecropper's, and finally to the planter's interest as state government changed hands from former-Whig Democrats seeking to attract Northern capital by privileging the merchant's lien, to Republicans backed by blacks and poor whites to, finally, planter-led Democrats.26 When blacks took a portion of the crop that they grew to sell at night-time markets (known as "deadfalls," necessary for those who were busy working during daylight), planters cried theft and had such markets outlawed, though many of the vendors were actually renters and small landowners with undisputed ownership over their crop--that is, until they attempted to sell it.27 The reason planters attacked the deadfalls so vehemently, Curtin argues, is that they provided blacks with some economic independence from white merchants and planters. Unsurprisingly, these same points of legal friction--crop liens and deadfalls--were also the targets of extra-legal violence by whites as well as black protest and political action.28

This close association between extra-legal violence and legal repression was characteristic of the time. Rather than cracking down on violent crime the courts supplemented extra-legal Klan violence by arresting and convicting black political leaders, even arresting the very same blacks who were attacked by white mobs. At times, police even led such mob attacks. The line between extra-legal violence and legal repression blurred both because white hysteria filled the courts and because the courts' indifference to Klan terrorism emboldened such whites. "The two forces," Curtin writes of the courts and the Klan, "often acted in concert."29 So rather than hold a monopoly on the 'legitimate' use of

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26 Foner writes, "Republican laws awarding laborers a first lien on the crop reinforced blacks' contention that they owned their share and did not just receive it as a wage from the planter. Indeed, property rights in the growing crop remained indeterminate during Reconstruction..." Only after Redemption were crop liens clear cut: "Lien laws now gave a landlord's claim to his share of the crop precedence over a laborer's for wages or a merchant's for supplies, thus shifting much of the risk of farming from employer to employee." Foner 1988, 211, 406, 542 and 594; Jaynes 1986, 155-156.
27 Shofner 1974, 130; Curtin 2000, 54.
28 Curtin 2000, 54-55. Foner writes, "Blacks who disputed the portion of the crop allotted to them at year's end were frequently whipped, and as in 1865 and 1866, violent bands drove freedmen off plantations after the harvest, to deprive them of their share...But the most 'offensive' blacks of all seemed to be those who achieved a modicum of success..." Foner 1988, 428-429.
29 Curtin 2000, 58.
force, the state enabled, encouraged, and organized extra-legal violence against blacks while by and
large reserving the use of state coercion and police powers for the legal suppression of any
manifestation of black independence. As during slavery, black "criminality" was simply a euphemism
for black people's refusal to accept their own oppression. Yet it was also a perfect ideological inversion
of reality.

If blacks were the express target of the new laws then this fact was central to understanding why
poor whites continued to support the rule of planters. White supremacy was the key to planter-class
hegemony in that it simultaneously provided the grounds for the use of coercive force against blacks
and enlisted the active participation of whites in planter-class rule. The white united front was not
'natural,' it had to be constructed and refortified as conditions changed.30 In the 1850s, planters became
anxious that high prices for slaves and competition in the labour market between white labour and
hired-out slaves was eroding support for slavery amongst poor whites. If slaves were too expensive for
a poor white to imagine buying one then white farmers were far less likely to fight in defense of
slavery. This problem was among the reasons why many planters in the Deep South were so interested
in reopening the slave trade and cheapening the price of slaves.31 Planters faced the greatest internal
threat to their hegemony from the Southern Populist movement of the 1890s that united white farmers
and workers with blacks under a common political program. Planters stopped the movement from
taking control of state governments by stealing black votes and registering them for Democrats,

30 This analysis of white supremacy is informed by Antonia Gramsci's writings on hegemonic politics, and by
Manning Marable's Gramsci-inspired analysis of American politics. Marable discussed how the state in the 1980s gave a
number of "green lights" to white supremacist organizations and individuals, unleashing a torrent of police and white
vigilante lynchings of blacks, the purpose being to direct white anxiety over capitalist restructuring towards the greatest
victims of it while protecting upper and middle income people from crime and poverty. Manning Marable, How Capitalism
Underdeveloped Black America: Problems in Race, Political Economy and Society (Cambridge: South End Press, 1999),
105-132, 231-254; Manning Marable, Beyond Black and White (London and New York: Verso, 1995), 26-54; Cf. Stuart
Invention of the White Race, Volume 1: Racial Oppression and Social Control (London and New York: Verso, 2012);
Antonio Gramsci, Selections from the Prison Notebooks, ed. Quintin Hoare and Geoffrey Nowell Smith (International
31 Johnson 2013, 375-376.
goading white Populists to blame blacks for the defeat, and then instituting Jim Crow legislation.\textsuperscript{32} Florida's Independent Party, a failed black-led attempt in the mid-1880s to unite whites and blacks for progressive reforms, foreshadowed the Populist movement in its aims and its outcome. Democrats responded by intimidating sympathetic whites, calling for the complete exclusion of blacks from government, instituting a poll tax, and placing further restrictions on the right to hold public office.\textsuperscript{33} In sum, white supremacy was important to planters both because it attracted whites to their political leadership and because it motivated whites to take an active part in the oppression of blacks rather than find commonality in their class position. Postbellum Southern law--or more precisely, the racially selective deployment of state power--acted both positively and negatively to cement the inter-class alliance of whites against blacks. By taking punitive action against blacks for trifling offenses, county courts placed the poorest and most dishonourable white person above his black neighbours. And insofar as the courts had no interest in prosecuting a white man for attacking a black man, woman, or child, or one of their white allies, any white man could take it upon himself to enforce the racial order and assert his superiority. The following example encapsulates the general tenor of things. In the 1880 election Cuffie Washington of Ocala, Florida "was denied the right to vote because he had once been convicted of stealing three oranges, while his white neighbour A.J. Harrel was given a ballot even though he admitted to 'shooting a nigger.'"\textsuperscript{34}

The county court system which served as the foundation of this legal order was, in fact, novel and was created precisely for the purpose of filling the void of coercive powers available to planters after emancipation. Prior to emancipation, county courts generally lacked the constitutional authority to prosecute criminal cases. Instead, circuit courts--judges, prosecutors, and practicing attorneys--travelled

\textsuperscript{33} Ortiz 2005, 41-46.
\textsuperscript{34} Ibid., 33.
from one county to the next staying in each for about one week while local "justices of the peace" were granted only restricted authority over minor legal and administrative matters. These courts, unlike those that followed, demonstrated a consistent concern for procedural and legal integrity, even if they dealt more harshly with slaves and free blacks than with whites. Some planters opposed instituting a new county court system on the grounds that blacks would only respond to corporal punishment. "No one used law to make a mule work" encapsulates their world-view. However, opponents of the county court system appear as outliers from the general consensus amongst planters--most seemed to agree that the law and an efficient county court system could be used to supplement organized terror as well as to legally grant employers the right to use corporal punishment. Under the Johnson Administration's plans for Reconstruction, former Confederates were allowed to re-write their state Constitutions and form new governments. These unrepentant Confederate governments wrote the infamous Black Codes, far-reaching legislative measures that mirrored the former slave codes and provided numerous avenues for the re-enslavement of blacks and even their return to their former masters. This, combined with startling news of massacres across the South, strengthened the hands of the Radical Republicans in Congress who passed the Fourteenth Amendment, negating the explicitly racial content of the Black Codes and paving the way for the First Reconstruction Act of March 2, 1867 which returned the South to military rule and restricted the franchise to loyal unionists. Key elements of the Black Codes would

35 David J. Bodenhamer, *Fair Trial: Rights of the Accused in American History* (New York and Oxford: Oxford University Press, 1992), 63. "The astonishing facts--astonishing in view of postemancipation outrages--are that public opinion usually remained calm enough to leave the matter [of a slave's crime] in the hands of the courts and that the courts usually performed their duty scrupulously. The appellate courts in every southern state threw out convictions for rape and attempted rape on every possible ground, including the purely technical..." Genovese 1976, 34.


37 Gillette 1979, 4-6. Gillette explains why the Republicans responded so strongly to the Black Codes and political violence in the South: "...most northerners saw such occurrences as a refusal to lower the Confederate flag. Many northern Republicans began to fear that with dissension in the North and disorder in the South the southern and northern Democrats would regain control of Congress, recapture the presidency, and then undermine the results of war and kill the proposed reforms for peace." Just as emancipation was a war-time measure designed to undermine the Confederacy, Reconstruction and the granting of citizenship to black men were post-war measures to secure the political alignments won in war. Fear of Confederate rebels and civil war, not a commitment to racial equality, compelled white-supremacist Northerners and Republicans to support Reconstruction.
remain, however, including the criminal surety system,\textsuperscript{*} expansive vagrancy laws, and the county court system itself.

Those who advocated the court system expressed clearly its strategic and structural impetus. The special legislative committee that drafted Florida's Black Codes, Jerald Shofner recounts, "lamented the loss of the excellent institutions which had existed on each plantation for punishment of those minor offences to which Negroes were addicted...It recommended as a solution the establishment of a criminal court in each county."\textsuperscript{38} The proposal did have a precedent in Florida--the state's 1861 Constitution, also its Ordinance of Succession, provided for County courts, "to try all cases of felony committed in their county by slaves, free negroes and mulattoes." The state's 1868 constitution provided for county courts, sheriffs and court clerks but without any limitations on their jurisdiction.\textsuperscript{39} This process was not at all unique to Florida. South Carolina, for one, did provide such racial stipulations for its new courts.\textsuperscript{40} In Mississippi, the county court system was commonly referred to as "the Freedmen's court" and in many ways resembled the slave courts. County courts bypassed grand juries by allowing cases to be tried purely on the basis of an "information" brought forward by prosecutors or county clerks accusing a person of a crime, they discouraged trial by jury in favour of a panel of judges, and were originally granted the authority to impose "corporal punishment, by suspending the party convicted by the thumbs." In any case, the discussions in Mississippi that precipitated the county court law also dealt solely with the question of disciplining blacks given the loss

\textsuperscript{*} The criminal surety system allowed men to pay the fines that another person owed to the court; the convict was then enslaved to that man and laboured to pay off the debt.

\textsuperscript{38} Shofner 1974, 54.


\textsuperscript{40} Du Bois 1992, 176. "South Carolina established special courts for colored people, to be created in each district to administer the law in respect to persons of color. The petit juries of these courts were to consist of only six men. The local magistrat 'shall be specially charged with the supervision of persons of color in his neighborhood, their protection, and the prevention of misconduct.' Public order was to be secured by the organization of forty-five or more militia regiments."
of the previous system of punishment. Meanwhile, Southern cities--including Atlanta, Savannah, Richmond, Memphis, Augusta and Nashville--established uniformed police forces, abruptly replacing the slave patrols. The practice of leasing convicts to planters and other capitalists has its roots in the antebellum era. In antebellum Florida, Alabama, Arkansas, Louisiana, South Carolina, North Carolina, and Georgia the practice of "hiring out" convicts was used to enslave free blacks, at least temporarily. The practice was nearly identical to the postbellum criminal surety system: free blacks convicted of a crime would be issued a fine and those unable to pay were to be "hired out." Planers expanded this procedure almost immediately after emancipation. A special ordinance issued from Florida's 1865 constitutional convention authorized the arrest of "strolling and wandering" persons and stated that such vagrants may be fined up to five-hundred dollars or be sold for up to one year. By the end of 1865 all Southern states besides Arkansas and Tennessee had outlawed vagrancy, so defined that "virtually any freed slave not under the protection of a white man could be arrested for the crime." Du Bois explains how vagrancy laws and the Black Codes institutionalized a new form of slavery and suppressed the potential bargaining power of the black working class:

Negroes were liable to a slave trade under the guise of vagrancy and apprenticeship laws; to make the best labor contracts, Negroes must leave the old plantations and seek better terms; but if caught wandering in search of work, and thus unemployed and without a home, this was vagrancy, and the victim could be whipped and sold into slavery.

Thus the new court system proved instrumental in re-subordinating black labour to the plantation

41 Waldrep1996, 1437-1438.
43 Carper 1964, 4-5.
44 Shofner 1974, 42.
45 Blackmon 2009, 56.
Federal authorities hardly differed from planters in their expectations of freed slaves. In the period of military rule, between Florida's state constitutional conventions of 1865 and 1868, blacks who broke contracts by leaving before the end of the season were arrested by Union soldiers and returned to work, pursuant to the Bureau of Freedmen and Refugees' "Rules and Regulations" which stipulated that all contracts were "inviolable." The army likewise continued to round up unemployed blacks and march them to plantations or otherwise yoke them to public works. Importantly, the Freedmen's Bureau never established its own courts, opting instead to delegate the authority of Bureau agents to county courts so that by 1868 the practice of convict leasing was "well established" in Florida though a few counties housed convicts in jails and worked them on public roads. Columbia County, for one, sold its convicts to the highest bidders. The leasing of convicts was common enough that by 1866 at least one employer began sub-leasing convicts for profit. George Scribner of Jefferson County took a drifting log and sold it to a mill; for this he himself was sold for forty days but was then sub-leased for a price double the amount of the fine.

Federal Courts were also instrumental in cementing the new legal order in the South. If not for a Supreme Court fully willing to respect the states' right to oppress non-whites then the new county courts and convict leasing would have faced a serious challenge. The Supreme Court was willing to authorize Federal intervention to protect corporate property rights against local, state, and federal regulation but appealed to "Dual Federalism" to rule that the Federal Government had no right to apply the Bill of Rights to local criminal procedures. Northern corporations were anything but

48 For example, The military commander in Monticello, Florida was ordered to arrest a group of freedpeople who were refusing to sign contracts with planters and work them on public roads until they chose to return to the fields. "This procedure," the military order stated, "has worked well in Jacksonville. The vagrants disappear when they find the military after them." Shofner 1974, 52.
49 Carper 1964, 193.
50 Shofner 1974, 88.
51 Blackburn 2011, 434; Bodenhamer 1992, 75-76.
disinterested observers in this process—they had settled their differences with Southern planters and began sharing more directly in the exploitation of Southern black labour. At the time federalism was taken to be, at face value, the principle of Constitutional equality of state and national governments, with each said to possess sovereignty within their own designated legal realms. "There were exceptions, of course," writes David Bodenhamer, "but in matters of criminal process states retained almost exclusive control." On these grounds the Supreme Court considered the South's kangaroo courts to be constitutionally sound, or more precisely, exempt. When Judge Emory Speer ruled that Macon County, Georgia's convict leasing law violated the Fourteenth Amendment by depriving citizens of liberty without due process, the Supreme Court overruled Speer's decision for the federal district court on the grounds that he had acted outside of his jurisdiction. The case began when Macon County authorized the recorder of Macon to sentence residents to the county chain gang for minor municipal offences. Speer found that rather than trial by a jury of peers Macon County residents were tried by a single man who was "entrusted by the state with practically arbitrary power to impose cruel and infamous punishment for offences of the most trivial" nature. The efforts of Speer and a very small number of other judges and prosecutors to enforce the reconstruction amendments would remain futile until the Civil Rights Movement, propelled by a realignment of global forces (above all national liberation struggles and the Cold War), forced the Federal Government to dramatically alter its conception of constitutional authority. In the meantime, Federal agents would turn a deaf ear to slavery, peonage,
lych-law, and the arbitrary tyranny of county officials.

It is not true that the South, as Edward Ayers writes, "more or less stumbled into the lease, seeking a way to avoid expenditures while hoping a truly satisfactory plan would emerge." Ayers makes this judgement based on his analysis of the state prison systems, which did indeed formalize and regularize convict leasing over a period of fifteen years. Ayers notes that the options available to state prison systems were constrained by fiscally conservative governments. States "stumbled into the lease" as they struggled to deal with growing prison populations without enough money to construct penitentiaries. Ayers analysis takes for granted the growing population of convicts, whereas I consider the increase in the number of convicts to be one of the primary historical question. The state prison system was only one avenue down which convicts were sent. The practice of leasing convicts was a strategic response from planters to the void of coercive powers available to them following emancipation, when the region's black proletariat was seizing upon the opportunity to overcome and overthrow the burden of enslavement. The criminalization of blacks was a strategic response to the sight of blacks asserting their freedom; they were "inherently criminal" insofar as their freedom struggle threatened to overturn the plantation regime. The new legal system drew as much from the more modern sections of the country as it did from antebellum strategies of domination, including the practice of leasing convicts and the encouragement of a collective responsibility amongst white men to police racial and class norms by legally sanctioning vigilante violence and terror. Ultimately the success of the new (extra-)legal order required that the Federal Government be unwilling to intervene on behalf of the racially oppressed.


Ayers 1984, 189. A very similar argument to Ayers' is made in Carper 1964, 7-9.
4.3 The prison system as a slave trade: race, gender, ability, and the demands of industry

Where a convict was sent to after sentencing depended on a number of factors. If the court had an agreement with a particular individual to contract for all of the convicts then there would be little or no question as to where he or she would carry their sentence of hard labour. Other cases are less clear. Carper writes that misdemeanour offences—like house-breaking, pretty larceny and vagrancy—would remain in the county system serving sentences ranging from one to six months while felons would be sent to the Florida's state prison system for at least one year. Blake McKelvey, on the other hand, contends that county judges had nearly complete discretion over where prisoners were to bear their sentence and "where local authorities were failing to make profitable use of this labor supply, the judges usually handed the great majority over to the state." Florida's state records suggest at least some truth to Carper's claim. There are no records of state prisoners serving sentences for vagrancy, one of the most common offences of the period. However, one would be foolish to expect consistency on any matters from a police system that holds arbitrary power as its modus operandi. Each year there was a large number of state prisoners admitted for sentences of less than one year and as short as two months. Seventy-two of the 588 prisoners admitted to the state prison system in 1899 had sentences of less than one year. In 1893, and then again in 1895, Commissioner of Agriculture L.B. Wombwell complained of this fact, writing, "[i]t would be much better for contractors, and therefore enhance the value of convict labor, if no persons should be sent to the state prison for a shorter period than one year...Three or six months in the state prison is no punishment..." By far the most common charges against state prisoners were larceny and other acts of theft including "breakage and entry" and "being a

57 Carper 1964, 200.
thief." Various charges of larceny, theft, and breaking and entering account for well over half of the prisoners admitted to the state system each year. However, the legal proceedings that produced these charges remain far more important and telling than do the charges themselves. Charges of larceny especially, as already discussed, were often dubious while the courts themselves hardly seemed to have any standards regarding documentation of evidence. "In many cases," complained one state official investigating requests for pardon, "...the evidence was not taken down even in capital cases and I have found it quite difficult to get statements of fact upon which to base my opinion." As products of the county court system, the reported details of prisoners must be read cautiously--neither the magnitude of the crime nor even guilt necessarily determined whether a convict was sent to the county chain gang, to a wealthy individual nearby, or into the state prison system. Instead, the distribution of convicts between county road work, local enterprises, and the state prison system was often a matter distributing convict-labour in the manner most favourable to the county officials in charge based both on industrial demand and the physical attributes of each labourer.

State prisoners in the South were typically leased to firms in the leading industrial sector. Three successive industrial boom periods drew from Florida's prison system for labour--railroad construction, phosphate mining, and naval stores. Florida state prisoners were first held in a makeshift penitentiary at a former federal arsenal. Legislation provided the state with the authority both to lease them out and to work them at the old arsenal and during the first decade convicts were worked in both manners irregularly. Convicts often worked on the warden's own profitable vineyard. In August of 1870, the state contracted fifteen prisoners "for the space and time to cut and hew two hundred thousand feet of lumber...for the trussle work of the railroad now being built near the Apalachicola River..." Between June and November of 1871 state prisoners were contracted to make two million bricks for the Jacksonville, Pensacola and Mobile Railroad for bridges and sewers. The St. Johns and Lake Eustis Railroad Company was the next to lease the state's prisoners. After labouring in marsh and swamp their
numbers were reduced from seventy to thirty-four. "Of the thirty-four convicts received by [the next lessee]," Carper writes, "four died almost immediately, three were discharged and of the remaining twenty-seven, seventeen were sick and two were dying. These were taken to camps where ten or twelve of them soon died." The *Weekly Floridian* reported that "the disease was mainly malarial fever..." The next two leases were for turpentine and plantation work respectively but the latter was interrupted by the discovery of phosphate in Florida. E.H. Bailey, the lessee, opened two of the first phosphate mines in the state and transferred thirteen women and 202 men to his new mines. About 170 others were subleased to turpentine and railroad companies. By 1899, the majority of state convicts (507) were leased to phosphate mines while a smaller number (190) was being leased or sub-leased to the growing naval stores industry.

But by this time the phosphate boom was cooling down and naval stores was taking off. In 1903 the turpentine and naval stores industry produced ten percent of the state's total export value, following behind only the lumber and cigar industries. That year 700 convicts worked in naval stores compared to only 300 on phosphate works. As the naval stores industry decimated the pine forests, operators migrated south from North Carolina to South Carolina, then Georgia, and finally Florida in the 1890s. Turpentine and lumber companies alike relied on the newly expanded railroad lines, built in part by a previous generation of convicts, for access to Florida's old-growth forest. This was not unique to Florida--convict labour was instrumental in the production of the transportation networks necessary for shipping New South industrial commodities northward, including reconstruction of rail lines destroyed

60 Carper 1964, 11-37, 48-49; a detailed description of the conditions in the state penitentiary and the John and Lake Eustis Railroad Company camps, and much more, is provided in J. C. Powell, *The American Siberia or Fourteen Years’ Experience in a Southern Convict Camp* (Chicago: W. B. Conkey Company, 1893), 1-14.
in the war. Convicts in North Carolina laid some 3,500 miles of new track during the 1870s and 1880s, while Georgia convicts laid many of the six hundred miles of track during the state's Reconstruction years (1867-1871).\textsuperscript{63}

\begin{figure}[h]
\centering
\includegraphics[width=\textwidth]{figure4.1.png}
\caption{Florida State Prison Population, 1889-1910}
\end{figure}

\textit{Source:} Florida Department of Agriculture, Biennial Reports of the Commissioner of Agriculture. Data for years 1901, 1902, 1905, and 1906 unavailable.

The turn of the century spike in the state's prison population--the number of prisoners increased by 45% between 1900 and 1903, far exceeding the state's 4% annual population growth--is almost entirely accounted for by black men from out of state.\textsuperscript{64} Most of these men had in all likelihood migrated to Florida with the lumber and naval stores industries--some moved with their employers, some came searching for work, while others were picked up by Florida-based companies who recruited workers in Georgia's declining areas of turpentine production. The Commissioner of Agriculture

\begin{itemize}
  \item \textsuperscript{63} David M. Oshinsky, \textit{“Worse Than Slavery:” Parchman Farm and the Ordeal of Jim Crow Justice} (New York: Simon and Schuster, 1996), 58; Lichtenstein 1996, 44.
  \item \textsuperscript{64} The Commissioner of Agriculture estimated in 1905 that the state was gaining 20,000 new residents each year through immigration. This would have meant a 3.7% population increase between 1900 and 1901. Census figures show a 42% population increase between 1900 and 1910, or roughly 4% growth per year. The state prison population grew by 83% that decade, just as it had the decade prior. Florida Department of Agriculture 1905, 28.
\end{itemize}
himself attributed the increase in the prison population to "the rapid growth of the turpentine and lumber industries in Florida" which "caused an influx of a floating population that follow this class of work. From Georgia, Alabama and North Carolina, the turpentine and lumbermen have been followed by this undesirable and expensive class of people..."\textsuperscript{65} Such workers, however, were anything but undesirable. Turn of the century industrial growth caused a labour shortage which employers responded to by trafficking European immigrants into the region while lobbying state governments to strengthen contract enforcement and vagrancy laws. The Georgia-Florida Sawmill Association lobbied for more effective vagrancy legislation and in 1906 Florida's vagrancy law was amended to encompass "rogues and vagabonds," "common nightwalkers," "persons who neglect their calling or employment and misspend what they earn," "all able bodied male persons over eighteen years of age who are without means of support," and many others.\textsuperscript{66} The following year Florida's contract labour law was revised "with the provision that any failure to perform labor in partial fulfilment of an advance would be 'deemed prima facie evidence of intent to defraud.'" The increased incarceration of black men in the opening years of the twentieth century was thus one of a number of means used by employers in Florida and across the South to secure a growing workforce and counteract the increased bargaining power of highly-demanded workers.\textsuperscript{67}

Just as emancipation shifted certain disciplinary powers from masters and overseers to new state institutions, it also altered the social conditions for reproductive labour and shifted the responsibility for medical care and provisions for non-workers. Emancipation obliterated the planters' customary

\textsuperscript{65} Florida Department of Agriculture 1905, 318. The Commissioner also attributed the increase to the movement of blacks to the cities, "leaving the quiet country home where industrial pursuits kept him from the evil effects of street loafers and the immoral dens of vice..."


\textsuperscript{67} The suddenly increased demand for labour was felt across the South and, according to Tegeder, "Southern employer's appealed to legislative officials and state adn local boards of trade for a solution to the problem...planters and manufacturers demanded strict enforcement of state and local anti-enticement and vagrancy statutes, and, as usual, compliant legislators heeded their calls with further restrictions on labor mobility." Tegeder 1996, 112 and 153.
responsibility to provide sustenance and medical care for young, sick, injured, and elderly labourers. "Condemned as 'superfluous help,'" writes O'Donovan, "those reckoned incapable of producing to their old master's standards—the very old, very young, the feeble, and the infirm—were sent packing, usually with nothing to go on and nowhere to go."68 The labour of black women in particular was devalued as their reproductive capacities, previously highly valued by planters, became a liability. From the 1830s onwards Southern states developed relief systems for the poor including food and clothing distributions as well as poorhouses and child apprenticeships. These services, however, were exclusively for whites, a rule that was left unaltered by emancipation. Federal and state officials alike were highly averse to providing aid to freed men and women for fear of spoiling their work ethic. Needy blacks could and often did turn to their neighbours for support and, somewhat more rarely, black workers and church-goers acted collectively to meet community needs. Some protection was also afforded by men able to bargain for family support in their contracts with planters, securing "rations and other supplies to the nonworking members of their families, as well as access to garden plots and woodlots and, not infrequently, guarantees of medical care." State provisions for freedpeople varied from Mississippi's tax on black residents to support "all colored paupers" to South Carolina's first Reconstruction government's order that family members support all indigent freedpeople. A third state response to the problem was to criminalize those in most need of support and forcibly return them to production.69

Official state reports addressed to the Governor consistently document that children and men who were disabled, severely sick, or elderly were admitted to the state prison system in alarming numbers. E. H. Bailey, among the first lessees of Florida's state convicts, reported that

...the penitentiary seems to be a dumping ground for men likely to prove a burden on the charitable institutions of the state...In many cases men are sent here in the last stages of disease, some afflicted with mental disorders, others not 13 years of age, and others

68 O'Donovan 2007, 158.
69 Ibid., 163-164, 171-172.
absolutely inadequate for work. This seems especially the case from counties who have
chain gangs.\textsuperscript{70}

Bailey's observations confirm McKelvey's claim that labour requirements were among the primary
determinants of the distribution of convict-labour throughout Florida. But while counties did tend to rid
themselves of "burdensome" prisoners, employers were by no means averse to purchasing them.
Supervisor of State Convicts R.F. Rogers noted in December 1900 that turpentine and phosphate
companies were sub-leasing convicts "at a price ranging from $10 to $13 each per month...and this
price is being paid by sub-lessees not for able-bodied laborers only, but to include old, maimed, infirm
and women as the convicts happen to be..."\textsuperscript{71} Prison administrators later lamented the fact that such
persons were still being sent to hard labour rather than to a suitable institution. “Again,” Commissioner
of Agriculture B. E. McLin reported in 1909, “we have the unfortunate distinction of standing \textit{alone}
among the other states of the Union in leasing out the aged, the imbecile and the young. Have we
stopped to consider that there is no provision in law for the care, maintenance and improving of their
condition?”\textsuperscript{72} McLin's and Bailey's reports, both addressed to the Governor, provoked no response on
the part of the government. McLin himself would soon lead the prison system through a period of
significant reforms but rather than challenging the enslavement of the disabled, sick, and elderly
McLin's reforms would systematize this practice in a way favourable to both state coffers and lessee
profits.

\textsuperscript{70} Florida Department of Agriculture, “Report of the Commissioner of Agriculture of the State of Florida, for the

\textsuperscript{71} Florida Department of Agriculture, “Report of the Commissioner of Agriculture of the State of Florida for the
Period Beginning January 1, 1899, and Ending December 31, 1900” (Tallahassee, FL: Tallahasseean Book and Job Print,
1901), 50.

\textsuperscript{72} Florida Department of Agriculture, “Tenth Biennial Report of the Commissioner of Agriculture of the State of
Florida for the Period Beginning January 1, 1907 and Ending December 31, 1908,” 1909.
The vast majority of state prisoners were black men. White men encountered the legal system on terms entirely distinct from non-whites but once in the system were subjected to similar treatment as their black counterparts.\(^73\) White women *almost* never entered the system while a relatively small number of black women were imprisoned each year. They suffered extreme violence and sexual exploitation from camp "captains"\(^74\) while for decades state administrators tolerated rape and violence against women to the same, if not an even greater, degree they did all other forms of violence that prisoners were systematically subjected to. "To lease our women prisoners indiscriminately to average with all others," McLin reasoned, "is wrong. To lease this class for pay and then demand of the Commissioner that he see to it that their conduct is correct, that they do no work except along lines compering with their sex and that they receive such care and provision as our people expect and demand and that my judgement suggests...*is unreasonable and impossible to perform.*"\(^75\) Florida was

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\(^73\) Ayers 1984, 198.

\(^74\) Curtin 2000, 111-129.

\(^75\) Florida Department of Agriculture 1909, 381 emphasis added. McLin and his predecessors made identical statements concerning the treatment of disabled, elderly and sick convicts.
then the only state to lease out female convicts as slave-labour, though it was not the first.\textsuperscript{76}

Marie Davis, who was imprisoned at a turpentine camp in Luraville, Florida, was raped regularly by the warden and worked daily in the kitchen.\textsuperscript{77} The state inspector who questioned her reported that she was entering her second trimester of pregnancy. "She says that Capt. Daniels forces her to stay with him," wrote the inspector. Davis also reported a companionship with another prisoner whose name she refused to divulge. "He or Daniels one [sic] will have a young convict," concluded the inspector.\textsuperscript{78} At the camp of O. L. Williams & Company the inspector found that Capt. Sykes "is a very severe man. He has punished both his women, one of them twice and to use his wives [sic] words, 'he likes to tore her to pieces.'" Commissioner McLin sent a summary version of the inspector's report to the Florida Naval Stores & Commission Company--which was at that time leasing all of the state's convicts for $150 each per annum so as to sub-lease them for a profit to numerous turpentine and phosphate companies\textsuperscript{79}--with the order that Davis "be removed from this camp at once." As to O.L. Williams & Company he simply remarked that captain Sykes "must learn to control [his] temper."

Given that the report itself documents widespread disregard for the terms of the contracts and state rules for sub-lessees there is little reason to suspect that orders such as these would have ever been followed.

A decade later all female prisoners were to be confined to working at the state prison hospital

\textsuperscript{76} Alabama leased black and white women to coal mines. "Black women prisoners were seen as inherently immoral," writes Curtin, "while white women prisoners convicted of sex crimes lost their racial privilege. Prostitution was indeed illegal, but no white prostitutes were ever sentenced to county work camps or the penitentiary. In constrast, the crimes of adultery and miscegenation threatened the racial order. White women who transgressed racial and sexual mores were indeed considered criminal--far more criminal than the functional behavior of a prostitute." Curtin 2000, 115.

\textsuperscript{77} In Alabama as in Florida such work was essential: "Besides growing food for prisoners to eat, they washed, sewed, and mended prison clothing. At no time did women consist of more than 10 percent of the prison population, but their labor provided food and clothing to all prisoners." Curtin 2000, 124.

\textsuperscript{78} “Report from State Inspector to Governor Jennings” (Tallahassee, Florida: Florida Department of State Institutions, April 1, 1902), Convict Lease Program Subject Files. Box 6, folder 3, Florida State Archives.

\textsuperscript{79} The Florida Naval Stores & Commission Company was one of seven naval stores companies that merged in 1902 to form the massive Consolidated Naval Stores Company which was that year expected to purchase and distribute the output of 500 naval stores producers. “Naval Stores Concerns to Merge,” \textit{New York Times}, September 29, 1902, http://query.nytimes.com/gst/abstract.html?res=FA081EFE35591B728DDD90B94D1405B828CF1D3.
and its adjacent farm but there may have been exceptions. In March of 1913 a letter from the Florida Pine Company arrived to the Board of Commissioners of State Institutions requesting exemption from this rule. "As to what service she is performing," the letter reads, "will say she is used as a domestic at my house doing the usual things that a servant does, and that a strict watch is kept upon her and at night, the usual precautions are taken to see that she is safe for the night [sic]." This gentleman had met with the Board of Commissioners only days before:

it was my understanding that the Board of Commissioners of State Institutions would reconsider their order to the extent of allowing the several persons leasing prisoners to carry at their camps women for such duties as washing etc., and as I have an application filed there for women I hope you will not insist on carrying my woman to Ocala before I can hear from them.80

The fate of his "application...for women" is unknown but the forced obligations of maids in the South is certain--domestic workers confronted sexual abuse "as one of their major occupational hazards" as white men looked upon black women as "legitimate prey."81 While the State of Florida eventually sent imprisoned women to the prison hospital and farm where they performed necessary reproductive and care work for the prison system, the State of Georgia leased imprisoned black women to white housewives for domestic service. In 1908 the Georgia Legislature "ended" convict leasing but, at the same time, made provisions for the leasing out of imprisoned black women, who had already served their sentences in the chain gang, as domestic servants in private white households.82 The prison system itself reflected the intensely gendered constitution of white supremacy, but it also was used to bolster that same social order.

80 “Florida Pine Company to Commissioner of Agriculture,” March 20, 1913, Convict Lease Program Subject Files, 1890-1916. Box 5, folder 5, Florida State Archives.
81 Davis 1983, 90-91.
4.4 The meaning of hard labour: the prison system as state terrorism

Incarcerated workers confronted death at every turn. Trigger-happy guards, severe beatings, filthy stockades, negligent and vindictive medical practices, and unrelenting labour were the main causes of injury, disease, and death. Florida's state prisoners experienced death rates that averaged nearly five times as high as that for the state as a whole--though to appreciate this disparity one has to keep in mind that the majority of prisoners were in the prime of their lives. The following letter from lessee E.B. Bailey to the Commissioner of Agriculture was typical in its contradictory reports of good health and death:

Dear Sir--The general health rate of the convict camps for the past two year has been exceptionally good. I should say the dead list numbering 33, contains 3 accidentally killed, and a large majority of the others were due to diseases contracted prior to their arrival at the state penitentiary, and were absolutely incurable.

Yours Truly,

E.B. Bailey

The three "accidentally killed" is most likely a reference to Jessee Spear, "Killed by mine caving in," John Council, "Killed by falling tree," and Warren Greenleaf, "Compression of the brain." Bailey should have been more careful with his words, however, since "accidental killings" did occur, such as on September 9th, 1904 when Thomas Williams, three years into his five year sentence for manslaughter, was "Killed by accidental discharge of gun." Lessees, camp supervisors, physicians, and chaplains invariably spoke highly of camp conditions but even the most transparently falsified

83 In 1899 the annual death rate was 6.1%, or over nine times greater than Florida's general death rate of 0.66% (6.6 per 1,000). A comparison of prison deaths to the state's adult death rate would show a much greater disparity in death rates because over thirty-five percent of the state's deaths are of children under the age of fifteen while very few prisoners are under that age and a large portion of prisoners were in the prime of their lives. The state death rate is based on 1905 data only. Florida Department of Agriculture, “The Ninth Biennial Report of the Commissioner of Agriculture State of Florida for the Period Beginning January 1, 1905, and Ending December 31, 1906” (Tallahassee: Capital Publishing Co., State Printer, 1907), 37-43.
84 Florida Department of Agriculture 1893, 132.
85 Florida Department of Agriculture 1905, 372.
reports often could not help but reveal a world of flippant murder and extreme duress.

**Figure 4.3 Florida State Prisoner Deaths, 1889-1910**

![Graph showing Florida State Prisoner Deaths, 1889-1910](image)

*Source:* Florida Department of Agriculture, Biennial Reports of the Commissioner of Agriculture. Data for years 1901, 1902, 1905, and 1906 unavailable.

**Figure 4.4 Age of Florida State Prisoners on Date of Entry Distribution and Range (Select Years)**

![Graph showing Age of Florida State Prisoners on Date of Entry Distribution and Range](image)

*Source:* Florida Department of Agriculture, Biennial Reports of the Commissioner of Agriculture for the years 1895, 1896, 1903, 1904, 1907, 1908. Data for years 1901, 1902, 1905, and 1906 unavailable.
Lessees consistently claimed that death and disease were the results of pre-existing conditions to which they bore no responsibility. The records show, on the contrary, that every phase of the prison experience degraded prisoners' bodies and threatened their lives—apprehension, transportation, confinement in stockade, punishment, poorly administered medical treatment, and hard labour itself were all potential causes of injury, disease, and death. After the reforms of the early twentieth century state prisoners were taken to a headquarters camp, also called the "concentration camp," prior to their distribution to the various labour camps. In 1905 state prison physician Dr. S.H. Blitch recommended improvement of "the minor places of confinement within the state of Florida" after finding that "the greater part of the prisoners handled as disables have been recruited from the ranks of new arrivals."

Thoroughly aggravated by the situation, he reported the following:

IT HAS FURTHERMORE BEEN MY OBSERVATION THAT PRISONERS RECEIVED AT HEADQUARTERS CAMP WERE IN NINE CASES OUT OF TEN IN SUCH A FILTHY, UNSANITARY AND DEBILITATED CONDITION THAT THEY WERE NOT FIT, WITHOUT THOROUGH RENOVATING AND REMOVAL OF VERMIN, TO COME IN CONTACT WITH THEIR FELLOW PRISONERS. 86

Not everyone survived this middle-passage. E. Payne and Elliot Forney both "Died from effect of overheat before reaching prison camp" in September of 1904. Conditions in the stockades—the sleeping quarters in which prisoners were chained together and to their beds each night—were often filthy and poorly ventilated. Confinement and labour in Florida's pine forests thus exposed prisoners to tropical diseases like malaria and typhoid as well as ailments more common to congested urban-industrial settings. In one year alone the diseases listed as cause of death included inflammation of bowels, bilious colic, typhoid fever, grippe and syphilis, pneumonia, pulmonary tuberculosis, pulmonary consumption, dropsy, chronic dysentery, malaria and general debility, malarial fever, spinal trouble,

86 Ibid., 324.
heart trouble, and chronic diarrhoea and inanition as well as suicide, sunstroke, three "Killed trying to escape," three phosphate miners killed from "Bank caving in," and nine causes of death listed as "Not given." Unfortunately, such information must be read with caution for physicians have a record of "misdiagnosing" convicts. Martin Tabert, a young white man from North Dakota, was beaten to death with a five-foot leather strap by Putnam Lumber Company's whipping boss Walter Higginbotham. As Tabert lay unconscious on his deathbed, "the company doctor examined him and left quinine, for what he diagnosed as 'pernicous malaria.'"

Prison system administrators instituted regulations on work hours and punishment but the extent to which these were followed was limited, if not negligible, as employers strove to extract as much labour as possible from each convict by lengthening the hours of the working day and keeping up the pace of work with severe whippings and beatings. It was well known that sub-lessees extended the working day beyond the regulation sun-up to sun-down routine. The Southern Timber Company was not the only sub-lessee who complained of the regulation workday, writing that "the actual time for work is not sufficient for the men to do a reasonable days work." To manage corporal punishment the state required that all whipping bosses self-report each incident of whipping, the number of "licks" administered, and the reason for punishment. A typical report would document five to ten "licks" received by a dozen or less prisoners each month. Yet stories of horrid beatings continued to reach prison officials and the public. The *Live Oaks Suwanee Democrat* quoted a guard admitting that "the stench from the convicts' sore backs is so great that the guards can scarcely stand to go in the stockade.

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87 Florida Department of Agriculture, 1901, 58-59.
88 "This rule is being extensively violated by the sub-lessees," McLin wrote of the rules regarding working hours. B.E. McLin, "Commissioner of Agriculture to Florida Naval Stores & Com. Co.," April 5, 1902, Convict Lease Program Subject Files, 1890-1916. S42, box 6, file 7, Florida State Archives.
90 "PRISONER PUNISHMENT RECORDS, 1914: Osceola County - Southern Timber Co.," 1914, Convict Lease Subject Files, 1890-1916, S 42, box 2 file 4, Florida State Archives.
to examine the convicts' chains..."91 Prison supervisors would sometimes express concern with the number of men with visible signs of punishment such as one official who found that six of eleven men in one squad "showed signs of Laceration. I took this matter up with the captain and he explained that this was a squad he could get no work out of and he had to punish them."92 This the supervisor considered too severe a penalty. Commissioner of Agriculture B.E. McLin, on the other hand, defended "repeated and severe" corporal punishment for new prisoners, especially those from the cities who "have never learned the lesson of obedience, are indisposed to labor and are insolent."93 Former prisoner S.P Horne testified to the Florida Legislature in 1901 that he witnessed prisoner Lynch Butler beaten until "the skin came off his hips and back and thighs..." According to Horne, foreman Thomas Allen "would beat sick men that died two days later, some would be so badly beaten that they could not lay on their backs for weeks, this treatment went on under the eyes of Jack Camp and in the knowledge of W.N. Camp and Clarence Camp, who are lessees of convicts." Horne witnessed eight or ten men falling to the ground "in one day from over-work, over-heat and starvation...and dragged in the shade until able to stand again, and put back to work, and often beaten while in that condition."94 Convicts were occasionally worked to death in Florida's blistering summer heat. For example, on July 17 of 1907 twenty-three year old Aaron Milliner died of "sunstroke." Just three days later twenty-eight year old Dave Bryant completed his life sentence after less than one year of hard labour. He too passed from "sunstroke."95

Work in the turpentine industry, including convict labour, was organized on a task system with a simple division of labour. Wounded pine trees secrete a gum called resin which can be boiled down

91 Carper 1964, 118-119.
92 Office of Supervisor of State Convicts, “J.D. Ferrell to Commissioner of Agriculture W.A. McRae,” May 17, 1913, Convict Lease Subject Files, 1890-1916, S 42, box 6 file 1, Florida State Archives.
93 Florida Department of Agriculture 1905, 302.
94 Ibid., 168-169.
95 Florida Department of Agriculture, 1909: 488.
into turpentine and rosin, the former of which became particularly important in the mid-nineteenth century for paint and medicines. The job of gashing open the trees and collecting the gum was broken into four tasks--cutting, cornering, chipping, and dipping. Cutters made the initial gash on the tree and secured the box underneath. An experienced cutter in the antebellum period could expect to have a quota in the range of seventy-five to eighty boxes per day or 450 to 500 per week. Another gash was needed to guide the resin into the box. Some operators would expect a worker to "corner" 500-600 per day while others expected from 600 to 800 per day. Because the pines would only bleed so long as the cuts were fresh they had to be "chipped" as frequently as once per week. Tasks ranged from chipping around 1,000 boxes per day to 1,500 per day for more experienced workers. After four to six chippings it would be time to collect the gum from the box. If working a new stand of trees, which were more productive than older stands, a worker might dip between two and three thousand boxes every day, enough to fill around forty-five barrels with raw turpentine per week.96 Because the production process was almost exactly the same in the early twentieth century as it was in the mid-nineteenth century South (in Europe turpentine producers utilized an entirely different extraction process), convicts in Florida performed the same tasks as did enslaved workers a century before them, with similar equipment, and likely with comparable quotas. In fact, many antebellum turpentine operators also leased slaves and earned the industry a reputation amongst slaveholders for having "ruined more hands than anything else in this country."97

97 Ibid., 93.
Prisoners frequently attempted escape and hundreds were successful. Directly fighting guards was too costly for most prisoners, but some appear indomitable. Ben Bingum was receiving a severe whipping when he stabbed the captain of his camp. The State Prison Supervisor writes that he:

> found no complaint except from a prisoner Ben Bingum, who complained of being punished too much. This prisoner stabbed the Capt with his cutter [used for turpentining] about 16 months or two years ago, while being punished. He was shot twice by one of the guards, he recovered from the shooting and is a big strong able bodied man and is very stubborn and unruly.  

Alex Handy, imprisoned at Riverland Turpentine Company, "knocked down guard with his hoe took his gun and made escape." Guards were quick to shoot in the case of attempted escape. J.N. Smith died from gunshots to his arm and abdomen after he "made a dash from the squad and was ordered to

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98 “State Prison Supervisor to Commissioner of Agriculture,” April 5, 1913, Convict Lease Subject Files, 1890-1916. S42, box 6 folder 1, Florida State Archives.

99 “State Prison Supervisor to Commissioner of Agriculture,” April 10, 1913, Convict Lease Subject Files, 1890-1916. S42, box 6 folder 1, Florida State Archives.
stop, which he refused to do, and he was shot while still running. Each year's death roll usually reported one or more men "Killed trying to escape" or "Shot while being captured." There were seven of such executions in 1898. John Williams made his escape attempt just one month into his two year sentence but was "Killed resisting recapture."  

Black labour-power was indispensable to Southern capitalism. The law in general and convict leasing in particular effectively conformed to this fact by tying black workers to white employers. Convict leasing has been described as worse than chattel slavery because through it employers maintained their total control over black workers but no longer found financial incentive in the longevity or reproduction of the labourer. It must be said that the extent to which chattel slavery actually provided this incentive varied drastically depending on the price and availability of slaves, the potential profit to be made, and--if the last variable is not too great--the disposition of the master. "But these convicts, we don't own 'em. One dies, get another," remarked one lessee characteristically. In this context convicts' bodies wore out like so many pieces of machinery. C.K. Dutton's turpentine and saw mill camps rafted timber down the Suwannee River to the mill downstream. "Many times," explained Judge Ellis C. May of Banford, Florida, "bodies of convicts lodged on the rafts, but so far as I know, none were ever taken from the water, but were pushed aside, and floated on down the river toward the sea." Yet the condition of the convict labourer was less "exceptional" than it was the condition of the black working class as a whole taken to its most extreme conclusion. As I discussed  

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100 N.A. Blitch, “Supervisor of Convicts to Governor of Florida,” April 5, 1906, Convict Lease Subject Files, 1890-1916. S42, box 6 folder 3, Florida State Archives.  
103 Cited in Carper 1964, 85.  
in the previous chapter, severe corporal punishment and debt peonage were characteristic of the turpentine and lumber industries in the South. More broadly, lynching and Klan violence imposed swift and extreme punishment for real and imagined transgression of the racial and class order of Southern society. The prison system too brought "repeated and severe" punishment to those who lacked "obedience" and thus should be understood as a form of state terrorism, or as a constellation of juridically produced spaces of unlimited violence, that complemented extra-legal terror for the purpose of permanently suppressing the Black Freedom Struggle in all its individual and collective manifestations.

"Convicts leased to harvest timber" (191-). State Archives of Florida, *Florida Memory*, http://floridamemory.com/items/show/35256

"Dogs being trained to find escaped convicts" (c.1941). "The end of the trail - The convict in the tree is one of the trusty trainers." State Archives of Florida, Florida Memory, http://floridamemory.com/items/show/34930
"A convict hauling distilled turpentine 'in the boreght' (metal banded barrels) to the river for shipment - Alva, Florida" (191-). State Archives of Florida, *Florida Memory*, http://www.floridamemory.com/items/show/31161

"Display showing 'Old Chain Gang Wagon' at the Authentic Old Jail in Saint Augustine, Florida" (19--). The Old St. Johns County Jail, also known as the Authentic Old Jail, was built in 1891. State Archives of Florida, *Florida Memory*, http://floridamemory.com/items/show/93620

4.5 "Evidence of the growing civilization of the world:" racial domination in the Progressive Era

In 1899 the State of Florida passed its first prison reform act and created the position of Supervisor of Convicts. The first Supervisor, W.J. Hillman, resigned within the first months of his appointment and returned to his turpentine company where he leased convicts. He hoped to "correct many of the evils complained of" but found that "the camps will require more attention than I can possible spare from my private business..." His successor Robert F. Rogers soon reported substantially improved conditions and claimed, based on the whipping bosses self-reporting, that no punishment exceeded fifteen lashes. The 1899 law, like Rogers and other officials, paired the need for improved conditions for convicts with increasing the revenue derived from their labour. "The present system of leasing convicts," the law's preamble read, "deprives the state of thousands of dollars, as the lessees invariably pool their bids...under the proper management this can be done in such a way that the state will receive a proper remuneration for the services of the convicts and that they will receive better and more civilized treatment." William Jennings ran his campaign for Governor on the issue of prison reform arguing that the lease could and should be continued without abuses and with annual revenue exceeding $100,000. Jennings won the election and went to work reforming Florida's reviled slave trade.

Commissioner of Agriculture B.E. McLin, Governor Jennings' appointee, responded to public outcry and perhaps his own sense of justice with a slue of reforms. McLin's reports at first appear to express his own inner-conflicts over the leasing system. He offered caution, writing, "...I must state, as I have intimated before, we are treading on dangerous ground. Our people must not allow their minds and consciences to be warped into the idea of forcing revenue to defray governmental expenses out of

105 Carper 1964, 135-139; W.J. Hillman, “W.J. Hillman, Supervisor of State Convicts, to L.B. Wombwell, Commissioner of Agriculture,” October 9, 1899, Convict Lease Subject Files, 1890-1916. S42, box 6, folder 1, Florida State Archives; Florida Department of Agriculture 1901, 48-50.
106 Carper 1964, 149-169.
the unfortunate criminal class." Nonetheless he adamantly defended the lease. "This class," he exhorted, "should labor, should be wealth-producers in or out of prison." McLin explained it thus:

As criminals, they have forced a heavy expense upon the law-abiding, and should return, insofar as is a reasonable demand, a recompense by their labor. With Shylock, we may demand the pound of flesh and obtain it to our dishonor. Reasonable hire that can afford proper care and treatment, is humane, proper and honorable.  

McLin's tongue was as forked as any ever was--criminals ought not be treated as a source of revenue yet they "should be wealth-producers" while convict leasing is at once "dishonorable" and "proper and honorable." The bottom line was that the criminal "is placed in prison to learn the lesson of obedience, submission and energetic effort, or labor." On these grounds McLin introduced a series of reforms to realize his ideal of a "proper" system of criminal punishment and reformation.

Under McLin's leadership the State took greater control over the hiring of guards and had each sworn in as a state official answerable to the State Supervisor of Convicts. McLin improved the stockades, demanded that physicians be made available for the sick and injured, discontinued contracts with the worst employers, discharged poor guards, segregated prisoners by sex and by race, and practised greater vigilance in preventing and recapturing escapees by keeping files on each convict with photographs and other personal information to be published in case of escape along with notice of a $100 reward for the capture of runaways.

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107 Florida Department of Agriculture 1905, 309.
108 Ibid., 314. McLin was only expressing the general consensus of the day when he said that criminals should be "wealth-producers in or out of prison." Amos W. Butler, President of the National Prison Association, argued "[n]othing is more important than labor, steady, systematic, productive labor, being the prime essential in the betterment of men, whether in or out of prison." Cited in Florida Department of Agriculture, "Eleventh Biennial Report of the Commissioner of Agriculture of the State of Florida for the Period Beginning January 1, 1909, and Ending December 31, 1910" (Tallahassee, FL: T.J. Appleyard, State Printer, 1911).
109 One reward offer reads: "Convict High A. McLean (white) Number 5407...For the apprehension and delivery of this convict to sub-lessees, J.B. McNeill & Co., at their camp near Riverland, Florida, and upon presentation of their receipt, this company will pay the sum of ONE HUNDRED DOLLARS as compensation for such service." Florida Naval Stores and Commission Company, "$100 Reward," February 14, 1902, Convict Lease Subject Files, 1890-1916. S42, box 6, folder 3, Florida State Archives.
The most substantial reform was the construction of the Central Hospital in Ocala which was operated and funded by the Florida Naval Stores Company. As State Prison Physician Dr. S.H. Blitch was to oversee the new hospital and to inspect each camp at least once per year and in any case of emergency as declared by the Commissioner of Agriculture. Dr. Blitch would also visit "the concentration camp monthly, that he may examine the physical condition of all new prisoners before being distributed to isolated camps." Thanks to his success in Florida and to satisfy his zeal for reform Dr. Blitch served as Vice President of the Physician and Surgeon's National Prison Association, a group within the National Prison Association. He exchanged ideas and experiences with physicians, criminologists, military personnel, and prison administrators from the United States, Canada, western Europe, and Japan. Excitement and debate surrounded their conferences and the various proposals for reform, such as parole, indeterminate sentencing, and Dr. Henry Hatch's proposal to empower the courts "to exterminate all degenerates." When Dr. Blitch attended the larger International Prison Congress, the reform-minded men were received at the White House and applauded by President Taft as "evidence of the growing civilization of the world." Engrossed in his efforts to improve Florida's prison system, Dr. Blitch requested the State of Florida be represented at all such gatherings, the only possible result being "BENEFIT TO THE STATE'S PRISONERS!

According to Dr. Blitch and other state officials the Central Hospital at Ocala was "successful to a remarkable degree." The facility had special accommodations to isolate prisoners suffering from contagious diseases, particularly tuberculosis, and was segregated by race and sex. "The prisoners as a whole were in excellent physical condition," wrote Dr. Blitch in his first annual report. With only two prisoners suffering from malaria ("the great common enemy of Florida") and none from tuberculosis

111 Florida Department of Agriculture 1905, 319.
112 Florida Department of Agriculture 1905, 338; Florida Department of Agriculture 1910, 554-555.
113 Dr. S.H. Blitch, “Report on the 1903 Convention of the National Prison Association,” January 1, 1904, Convict Lease Subject Files, 1890-1916..S42, box 6, folder 3, Florida State Archives.
Blitch boasted that "such a condition is unparalleled in any institution of like kind in the world." Supervisor of State Convicts, Senator, and lessee of convicts N.A. Blitch reported that the state's new standards were being "carefully and cheerfully maintained by contractors." Like the State Legislature, reports from the Supervisor and Doctor often elided claims of good health with increased revenue and labour-time. Dr. Blitch calculated that, besides those prisoners admitted to the hospital, the "condition of the population generally from a health standpoint is very excellent, the reports from all camps throughout the State during the entire year ending [Dec. 31, 1904], total about one-half of 1 per cent. of services lost through temporary sicknesses, rheumatism, malaria, dysentery, etc. ...the health rate is astounding." Despite Supervisor Blitch's official statements to similar effect, the relationship between the health and labour-time of prisoners was, if anything, the inverse of that suggested by the State's official reports--without rest to recover from sickness, injuries, or twelve hour work-days, convicts laboured until they became "worn-out."

Prisoners were sent to the Central Hospital only after reaching a state of complete physical exhaustion. Dr. Blitch described prisoners admitted to the hospital as "the decrepit, chronic, and otherwise worn-out prisoners of the State of Florida, whose wornout condition on arrival showed that the treatment that they had received in years gone by had not been such as was due the State prison of Florida [sic]." The doctor marvelled at the low death-rate in the hospital, "in view of the advanced stages of the prisoners received." Prisoners sent to the Central Hospital were "recuperated" and then returned to hard labour. "Frequently," Commissioner McLin noted, "it is found necessary to return these prisoners to the Central Hospital." This was all supposedly "for the benefit of the prisoners" but "at the same time, the interest of the state is being protected." Because the exchange value of prisoners

115 Florida Department of Agriculture 1905, 326, 334.
116 Ibid., 324-325.
only lasted so long as their use-value was preserved, the physicians learned to find "the boundaries of the middle ground between life and death where human commodification was possible." Thus Dr. Blitch and the new hospital served as a form of life support that enabled the State of Florida to continue reaping revenue from convicts who laboured on the brink of death.

But not all sick prisoners made it to the hospital. "The prisoners dying at the several camps from illness [three from sunstroke, three from dysentery, one from apoplexy, four from fever]," Dr. Blitch wrote, "were in each case found to be too exhausted to make the trip to the Hospital and were treated at the several camps." What did it mean to be "treated" in a turpentine camp or phosphate mine? Lessees were required by their contract to call for a physician when needed and to build a "hospital" room for the sick. "Hospitals" varied drastically in their cleanliness. Reports tended to describe them as either "filthy" or "good" with scarcely any information. The "hospital" at P.H. Baker's turpentine camp, for example, "is in the stockade and is in an awful dirty filthy condition. There was one sick man here and his clothes were filthy." Some camps were supposedly visited weekly by a local doctor while other camps, such as those owned by the South Florida Naval Stores Company, only saw the physician by appointment. Late in the afternoon on March 29, 1906, G. Campbell died at a South Florida camp from "congestive chill," according to Dr. Hunkell. The doctor had previously showed Captain Douglas of the camp how to treat the ulcer on the top of Campbell's foot and advised Douglas to call again only if Campbell's condition deteriorated. Douglas reported that, "he gave the prisoner his personal attention, dressing the foot just as the doctor had told him to do." On the same morning of Campbell's death Douglas called for the doctor who arrived the following day. It was not unusual for a Captain to do his own "doctoring."

When treating prisoners local doctors were at times negligent and unreliable; at worst, their

118 Ibid., 334.
treatment amounted to cruel, unusual, and deadly punishment. A fire at the turpentine camp owned by Aycock Brothers Lumber Company took the lives of at least nine state prisoners on October 7, 1905. A brief investigation by the Supervisor of Convicts found that the fire was caused by "gross neglect" and drunken guards who smashed an oil lamp against the floor. As flames engulfed the stockade prisoners hung from the windows by their "night chain," some of them "begged witnesses to cut off their feet or legs so they could be free before being burned alive." Company physician J.O. Kinol and Dr. J.S. McGeachy treated the surviving prisoners.119 State Supervisor J.D. Clark found the following in his brief investigation of the fire:

I then proceeded to the mill of Aycock Brothers Lumber Co. and found on arrival at the mill stockade two convicts, both with legs cut off and one with food badly burned and one badly burned all over. Some of the wounds had never been dressed by a physician. One man, in my opinion, will recover, the other, lying there unconscious, will die. I found these two men lying on common [illegible word] mattresses without sheets and two blocks of wood for pillows...I ordered some sheets and new mattresses and secured help to change bedding. I found, when beginning to move unconscious prisoner that his wounds had stuck to the mattress and moving caused intense pain. Upon examination I found that wounds were full of maggots. Judging from the size, looks and quantity of them, they must have been there at least ten days....I sent for the attending physician and Mr. Aycock...they both seemed much surprised and doubted the fact that the convict had maggots in wounds. We then made another examination of prisoners and found that wound on underside of prisoner was completely in a work with maggots. Then the attending physician said that he did not know that this prisoner was burned on both sides and he had kept him lying on this side in order to keep the burned side up, but we found that the underside of prisoner was considerably the worse burn from the beginning. I will further state, in my opinion, that if this prisoner had had proper medical attention he would have recovered with the exception of loss of one leg.120

120 Charles D. Clark, “Statement of Superintendent of State and County Convicts, Charles D. Clark.” (n.d.) Convict
Governor Boward was in all likelihood unaware of the post-fire treatment of convicts when he called the incident "one of the most horrible crimes ever committed in the state." Hardly any deaths of convicts were investigated in this way and official reports never mention what kind of treatment, if any, convicts received prior to their deaths. The only other mention in official reports and communications of how convicts died is from a Chaplain who preached to convicts in 1895. "Have seen some of the most triumphant deaths I ever witnessed," is all that he cared to share.\textsuperscript{121}

In the antebellum period plantation labour, particularly on rice plantations, was organized on a task system that relied on a related grading system that determined the size of each worker's task. A "full hand" completed a task twice as large as that completed by a "half hand" and four times as great as a "quarter hand." A woman recovering from pregnancy, for example, might have had her status temporarily reduced from full or three-quarter hand to half hand, and a number of elderly and young "could be brought together as various fractions of a hand to work a full task."\textsuperscript{122} Most postbellum Southern prison systems adopted a task system of some kind as long as they leased convicts to industry. Alabama's warden in 1880, for example, listed the following prices for prisoners: five dollars per month for full hands, half of that for medium hands, and "nothing but keep for 'dead hands.'"\textsuperscript{123} The language of the grading system--which reduces persons to a single anatomical part (\textit{hands}) or to only a fraction of a part (\textit{quarter hand})--is a precise linguistic expression of the way in which capitalist production \textit{fragments} the producer and drives to break her into mechanical parts like any object of production.

Capital's endless thirst for surplus labour-time severs and isolates the worker's capacity to labour from

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\textsuperscript{121} Lease Subject Files, 1890-1916. S42, box 3, folder 6, Florida State Archives

\textsuperscript{122} Florida Department of Agriculture 1897, 26.

\textsuperscript{123} Larry E. Hudson, \textit{To Have and to Hold: Slave Work and Family Life in Antebellum South Carolina} (Athens: University of Georgia Press, 2010), 3. The use of the word "hand" to refer to a "hired workmen" dates to the 1630s.

\textsuperscript{123} McKelvey 1935, 160; Lichtenstein 1996, 126-151. "Under the new [pricing] system [in Alabama] female prisoners inevitably received a lower classification and thus brought in far less income to the counties. New unable to ask the same price for men and women prisoners, counties began sending more female and indigent prisoners to the state." Curtin 2000, 123.
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herself as a whole, living person. The worker becomes "no more than the carcase of time...Quantity alone decides everything; hour for hour, day for day..." When Marx wrote that in capitalist production the abstract character of labour, as mere force expenditure, dominates its concrete or qualitative aspects he meant little more than: one half hand + two quarter hands = one hand.

During Dr. Blitch's tenure as State Prison Physician Florida leased its convicts at a flat rate, though the doctor did "insist on light employment" for disabled prisoners. The State's 1910-1913 contract with the Florida Pine Company instituted the state's first grading system. The new State Prison Physician R.A. Willis worked with Dr. Blitch, now serving as Surgeon at the Central Hospital, to develop a grading system that enabled them to lease out hospital-prisoners so that those capable of a limited amount of labour would at least be made "self-supporting." The arrangement would also prevent "an overloading or congestion of the hospital." The plan was to identify those prisoners that were "unfit for regular service" but whose affliction was "of such a nature that they could perform some remunerative service" and to then place them on the pay roll at a level consistent with their ability. Florida's period of prison reform had reached its grotesque crescendo.

The physician's new task was to examine each hospital-prisoner quarterly and assign each a grade, placing every one "on a pay roll based upon the physical condition of each prisoner separate and apart..." Certain turpentine camps were now referred to as "hospitals" as interested companies leased a large number of, and in some cases confined themselves exclusively to, "hospital prisoners." Rogers-Tiller Company in Lynne, Florida was one such "hospital." Dr. Willis examined and graded forty such men and women at Roger-Tiller's camp in April of 1913. "On my visit to this hospital," so Dr. Willis informs us,

I made a very close and careful examination of all the prisoners confined there, and

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125 Florida Department of Agriculture 1911, 530.
according to my judgement they should be graded as follows. In my grading below as 1/2, 1/4, etc., is that a man graded as 1/2 is in my judgement capable of doing half as much work as an able bodied-worker, and cases as 00, the prisoner is not capable of doing any manual labor.¹²⁶

Starting the very next day his description of a "00" was revised, now defined as one who "is not capable of doing more work than sufficient to pay for his keep." Caesar Givins was one prisoner leased to the Roger-Tiller company at a discounted rate. Givins suffered from "rheumatism and kidney troubles" and was graded and placed on payroll at the rate of 1/4. Fred Jones was graded "00" and suffered from "consumption." John Peterson was graded as 1/3 with a broken shoulder while Julious Goodwin, "gunshot wound in left arm," was graded as 1/2. Charley Wilson sustained a "gunshot wound through the face...00." Rheumatism was a common affliction and many prisoners laboured with multiple ailments. Will McIver was diagnosed with rheumatism and kidney disease (1/3) while George Coldwell had "a very week heart and general debility...1/4."

Turpentine companies shamelessly haggled over the grades of prisoners. A representative of Herty Turpentine Cup Company complained that many of his "No. one" men were in poor shape and hoped that Dr. Blitch would class "somewhere between fifteen and twenty of these men as hospital subjects." The official wrote that he was, "inclined to think that your criticism in regard to our camp doing too much punishing is due to the fact that these men are classed as able bodied men while they should really be classed as No. two men..." To remedy such situations the State Physician would frequently backdate prisoners’ gradings so that the purchase--price would better approximate the amount of labour-power received. The classing of prisoners was hardly as systematic and precise as the State Physicians liked to believe. County convicts especially continued to be leased at "full pay" with

¹²⁶ R.A. Willis, “R.A. Willis, State Prison Physician, to W.A. McRae, Commissioner of Agriculture,” April 1, 1913, Convict Lease Subject Files, 1890-1916. S42, box 5, folder 5, Florida State Archives.
life-threatening ailments as detailed by State Supervisors who still, after being granted in 1909 the authority to enforce all state prison regulations in county convict camps, lacked the authority to remove disabled and sick county convicts from the camps of lessees.

Commissioner McLin was unabashed in his pride for prison reform, or what he described as the "important advancements and improvements that have been gradually but continually developed in the lifting of our system more nearly up to the present twentieth century idea of utilizing prison labor." He liked to remark that Florida's "death rate is surprisingly low" compared to other state prison systems in the South. Bringing in $156,687.78 in 1903, Florida's convicts were also the most valuable prisoners in the country and probably in the world. Still it would be wrong, and scarcely insightful, to think that the moral pronouncements on the part of Florida's bourgeois reformers were nothing but self-interested deceit. Self-interested they were indeed but their efforts were part and parcel of the larger Progressive Era movement for reform. The progressive movement was as prevalent in the South as the rest of the country and it not only "coincided" with the crest of white supremacy in the South but was entirely complementary to it. Reformers like Governor Jennings, B.E. McLin, and Dr. Blitch, no less than the towering Progressive Era figures of Presidents Teddy Roosevelt and Woodrow Wilson, took white supremacy to be constitutive of progressive reform in the sense that the purpose of reform was not only to offer a "square deal" to white labour but was equally to assert the benevolence of master-race democracy. They decided it was time to clean the cages in which they held the enslaved at night and to treat them for the wounds they themselves continued to inflict upon convicts' bodies.

Some historians surmise that the convict leasing system did more to undermine the legitimacy of planter-bloc rule in the South than anything else because it so completely revealed the myth of white

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127 Florida Department of Agriculture 1911, 530.
128 Woodward 1974, 90-93.
paternalism. Governor Jennings, Commissioner McLin, Dr. Blitch, and Dr. Willis worked feverishly to erect a facade of civilization over the State's slave trade. They sought to bolster capitalist-class hegemony by recasting the bedrock of state coercion in the light of Progress. (Today, the Florida Department of Corrections labels a timeline of its own history "Centuries of Progress.") Their reforms were presented as proof that by advancing the interests of capital, the state, and white supremacy all could be lifted to a higher level of civilization, even criminals. Convict leasing was the coercive pillar of racial capitalism in the South but it also encompassed all of the contradictions, historical momentum, lofty ideals, and sordid foundations of America's master-race democracy, which celebrated the equality and self-determination of those within the Community of the Free and spat on the rest. Prison administrator's and lessees of convicts approached each other as buyers and sellers on the market, as "equals," while convicts were objectified, sold, and used up.

4.6 Conclusion

The expansion of Florida's prison population had little to do with "crime." Instead, "crime" was fabricated through law in the service of white supremacist, planter-bloc rule. As in the antebellum period, behaviour that advanced, or potentially advanced, black interests and autonomy was recognized as threatening to the social order of racial capitalism. A free black not under the control of a "responsible white person" was necessarily a criminal. Planters dealt with emancipated slaves the same way that they had previously dealt with free blacks--they arrested them and sold them into slavery. The South's county court system was created for the express purpose of replacing--and in cases of

129 At also drew the ire of organized labour, nowhere more than in Tennessee where convict leasing was abolished following an insurrection of mostly white miners that engulfed five mountain communities for more than one year. Karin A. Shapiro, A New South Rebellion: Tennessee Coalfields, 1871-1896 (Chapel Hill and London: University of North Carolina Press, 1998).
conviction, reauthorizing--the whip as a tool for racial- and class-domination. Extra-legal violence remained nonetheless central to maintaining the social order. The most vulnerable to arbitrary arrest and sentencing to state prison were black men who were outside of their home state, almost certainly because they lacked a "responsible white person" to appeal to. A sentence of hard labour was, for many, a death sentence. Generally speaking, prisoners were apprehended and then distributed throughout the prison system based not on their criminal offence but rather their race, gender, ability, and the demands of industry. Prisoners were subjected to almost unlimited abuse, torture, and exploitation by prison guards, camp Captains, and lesees. In summary, the prison system institutionalized state terrorism in the form of a revenue-generating slave trade.

This same prison/slaving system was recast in the early twentieth century as a beacon of progress not at all unlike the kind of "progress" that the United States was then delivering to its newly acquired overseas territories, or the kind it provides for its co-called "domestic dependent nations." The belief that racial domination and capitalist exploitation would lift the world up to a higher level of civilization was nothing new but in the U.S. it was taking new forms and reaching new heights, bolstered by the pseudo-scientific racism of physicians, criminologists, and other professionals. Reformers like Commissioner McLin and Dr. Blitch, who elaborated on the merits and inevitability of master-race democracy, displayed a white-supremacist zeal that few whipping bosses could ever match. They constructed, monitored, reformed, and, in McLin's words, "made more perfect" Florida's prison system. Concerned with the preservation and improvement of convict leasing, they proved themselves capable only of indulging capital's "vampire thirst for the living blood of labour" and of driving to nightmarish depths the objectification of incarcerated black workers.
5 Conclusion

Incarceration has always been a pillar of racial capitalism in America. The process of state-transformation that occurred in the years following the destruction of chattel slavery, including the emergence of county court systems and the expansion and re-organization of state prison systems, were integral to the transformation of the plantation regime, to the reproduction of planter-class rule, and to cementing the 'white united front' against all non-whites. Blacks were "criminalized as always already the object and target of law," while even the poorest whites could act with the force of law against their black neighbours. The cry from whites that blacks were inherently criminal was an ideological inversion of reality but it was also a euphemism for black people's refusal to accept their own oppression and the threat this posed to the racial, gender, and class order of Southern society. The purpose of the law and the prison system was precisely to maintain this social order through force, fraud, and terror.

This study of the Florida state prison system has confirmed many of the findings from other state convict leasing programs, deepened our understanding of the relationship between Florida's prison system and industrial development in the state, and contributed to our knowledge of the various forms of oppression and violence that prisoners in Florida experienced. The population of the state prison system was determined by a paradoxical combination of industrial demand for labour, the apprehension of "unruly" blacks, and the previous expulsion from production of workers who were deemed undesirable by planters. The point is not that all prisoners were innocent of the crimes for which they were convicted, but that county authorities were vested with such extraordinary authority that innocence or guilt had little to do with one's conviction nor would the severity of the crime have any substantial relationship to the punishment received. The prison system served to force convicts--

1 Cacho 2012, 5.
whether they be disabled, elderly, "recalcitrant" or dangerous to society--back into production as
convicts who, due to their compromised condition, could be exploited without respect to any moral or
physical limitations. The lessees' only concern was to extract "the greatest possible daily expenditure of
labour-power, no matter how diseased, compulsory, and painful it may be..." While there is every
indication that black and white convicts were exploited and punished on 'equal' terms as socially dead
proletarians, the labour process was highly gendered. Women held positions as cooks and performed
other reproductive labour in camps, they were held as domestic servants by camp captains, and they
were additionally exploited as enslaved sex workers. Florida's Progressive Era reform efforts removed
female prisoners from private labour camps, but Florida's prison reform process also vividly
demonstrates the relationship between progressivism and the rejuvenation of the ideology and practice
of master-race democracy.

This thesis also seeks to contribute to ongoing debates concerning the method of historical
materialism and interpretations of Marx's critique of political economy. I argue that political Marxism
is constituted by a form of reasoning that not only conflicts with Marx's method but also unabashedly
replicates the method of the bourgeois political economists who were the very target of Marx's critique.
The result is a market-based theory of capitalism which never truly enters the realm of capitalist
production and which mistakes exchange-relations for the capital-relation. For this and other reasons, it
has become an especially obstructive analytical framework for studying plantations. I argue that
slaveholding plantations in America were dominated by capital in the precise sense that Marx describes
in the opening chapter of Capital when he writes, "the products of labour establish themselves opposite
their own producers as an alien power that forces them to produce at the socially average level of
productivity." In capitalism production is social production that creates an historically unique form of

2  Marx 1967, 253.
3  Ibid., 47
social domination which forces private producers to meet the production standards set by every other private producer. It appears, however, that the products of labour themselves are living beings with their own subjectivity—such as King Cotton—because their values rule over their own producers. This form of social domination is never the only form of domination present in capitalist production or society. As I have shown, chattel slaves, debt peons, and convict labourers all endured a combination of the social domination particular to capitalist production and various forms of personal domination that are inherent to enslavement, racial oppression, and patriarchy.

The history of capitalism in the American South confounds prominent theories of "agrarian capitalism" and uneven development. The concept of agrarian capitalism as found in Robert Brenner's work has been used to describe highly innovative and capital-intensive agricultural producers, with Britain and California taken as paradigmatic cases. Charles Post offers the most rigorous attempt to apply this theory to Southern history but, as I show, rests on faulty historical claims. While Post argues that once planters took "real possession" of production, that is, once they had the ability to organize the production process and fire workers at will, they began a process of progressive mechanization, this process occurred neither in the plantation economy nor in the region's leading industrial sectors. This history calls attention to the need for a rigorous theory of uneven development. Insofar as the most prominent theory of uneven capitalist development is based on the autonomous development of capital and presupposes the process of industrialization, it too appears less than satisfactory in light of Southern history. Capital is not an autonomous force operating above society as Harvey assumes, nor can it be confused with market processes as Brenner and Post claim—it is above all a social relation between capital and labour. I call attention to the role taken by class struggle in Marx's writings on machinery and argue that the introduction of new technology into the production process is regulated

by class struggle as much as it is by competition. The historical analysis that I present here shows that the above approaches are incapable of explaining the patterns of capitalist accumulation that predominated in the American South until roughly World War II. Plantation production in America was from the start geared towards the production of surplus-value. Rather than expanding production by replacing living labour with dead labour, however, planters raised the rate at which living labour died, increased the size of the workforce, and colonized new territory. After the Civil War, plantation production and the leading industrial sectors continued to expand mainly by putting new land into production, by locking workers into arrangements that returned every member of the family to the fields, and by introducing coercion into the production process to terrorize and incarcerate labour. Insofar as directly-forced labour--and racial domination, gender oppression, and imperialism more generally--disempowers and devalues labour it generates distinct axes of class struggle and has important effects on the rate at which new technology is introduced to production, the geography of industrial capitalism, and rates of profit.

If the South was "backwards" in this sense then it is all the more remarkable that the political, ideological, and legal practices which crystalized in the post-Civil War years still inform white supremacist strategies for racial oppression. Just as county courts approached black people as a criminal class and the target of the state's coercive power, today the justice system relentlessly incarcerates non-whites for crimes that whites commit with equal or greater frequency. The Obama administration's approach to drug sentencing, for example, indicates the Federal Government's interest in keeping black men behind bars regardless of any crime they have or have not committed. The Obama administration successfully pressed Congress to pass the Fair Sentencing Act of 2010 to

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As Professor William J. Stuntz, the late Harvard criminal law professor, has observed, 'persistent bias occurred with respect to the contemporary enforcement of drug laws where, in the 1990s and early 2000s, blacks constituted a minority of regular users of crack cocaine but more than 80 percent of crack defendants.' Martin Merritt, Circuit Judge writing in USA v. Cornelius Blewett Appeal from the United States District Court for the Western District of Kentucky at Bowling Green. No. 1:04-cr-36—Joseph H. McKinley, Jr., Chief District Judge. Decided and Filed: May 17, 2013.
eliminate the sentencing disparity between crack and powder cocaine; Congress reduced the sentencing disparity from 100-to-1 to 18-to-1. Recently a split Sixth Circuit panel decided that the new law may be applied retroactively in order to reduce existing sentences that were determined under the previous, discriminatory mandatory minimum sentencing laws. Obama's Justice Department, however, is challenging the decision on the grounds that the 1986 100-to-1 sentencing law "did not violate the Equal Protection Clause because there was no intent or design to discriminate on a racial basis."7 The Obama administration, as numerous commentators note, is now acting to extend the discriminatory sentencing laws “for as long as possible to as many defendants as possible.”8 The U.S. attorney’s argument is similar to those advanced by the Supreme Court in defense of the racist outcomes of the justice system. “The Supreme Court,” writes Michelle Alexander, “has gone to great lengths to ensure that prosecutors are free to exercise their discretion in any manner they choose, and it has closed the courthouse doors to claims of racial bias.”9

While much has changed since the period under study here, understanding the connections between slavery and social death, capitalism, and the prison system is as important today as it was one hundred years ago. As Obama shows, the prison system concerns itself neither with crime nor public safety. The prison system remains trenchantly embedded in, and critically supportive of, the various relations of domination that constitute racial capitalism. This means that the struggle to eliminate the prison system, police terrorism, and extra-legal violence against communities of colour must be

grounded in a broader struggle for social transformation, and at the same time, it suggests that prison abolition is a crucial element of any movement for socially transformative justice. "Imprisonment," writes Angela Y. Davis,

is associated with the racialization of those most likely to be punished. It is associated with their class and, as we have seen, gender structures the punishment system as well. If we insist that abolitionist alternatives trouble these relationships, that they strive to disarticulate crime and punishment, race and punishment, then our focus must not rest only on the prison system as an isolated institution but must also be directed at all the social relations that support the permanence of the prison.  

10 Davis 2003, 112.
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