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WHITE SUPREMACY AND THE RACIAL CONTRACT IN THE UNITED STATES

By

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A Thesis

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Abstract

This thesis project conducts an investigation into the evolution of the American polity through the lens of the racial contract. By relying on Charles Mills' *The Racial Contract*, I show through three episodes of American history how the racial contract has been instituted and revised over time. The three periods of history I investigate are: the end of Reconstruction to the rise of Jim Crow in the nineteenth century, suburbanization in the mid-twentieth century, and the rise of mass incarceration as a means of replacing slavery since the end of the American Civil War. Through this analysis, I hope to show that the American polity is fundamentally based in and functions mainly to support white supremacy.

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Chapter I—Introduction

In the wake of the election of the 45th president of the United States, Toni Morrison wrote:

“Personal debasement is not easy for white people (especially for white men), but to retain the conviction of their superiority to others—especially to black people—they are willing to risk contempt, and to be reviled by the mature, the sophisticated, and the strong... The comfort of being ‘naturally better than,’ of not having to struggle or demand civil treatment, is hard to give up... So scary are the consequences of a collapse of white privilege that many Americans have flocked to a political platform that supports and translates violence against the defenseless as strength,” (2016).

She reflected here on an explanation for Donald Trump’s election, an event many thought would be impossible, not only due to his complete lack of political savvy, but most importantly because of his overtly racist, sexist, and otherwise discriminatory statements, which at times drove his supporters to acts of violence against reporters and protesters. One young Trump supporter even went as far as participating in a pro-Nazi march in Charlottesville, North Carolina. He ran a car into a crowd of counterdemonstrators, striking and killing one woman. As Morrison suggests in her essay, the election of Donald Trump is symptomatic of a wider problem in American politics and society. Morrison identifies the cause of this wave of as a desperate effort by white people, especially men, to preserve their political power and superiority. White American men have worked since this country’s inception to create a center of white masculine power, paid for through the expropriation of black labor. They have worked over the centuries to preserve that power through multiple social upheavals and changes. The efforts of the white polity produced a set of institutions in America that maintain this system of oppression and domination, long after the end of slavery. This paper examines the roots of white power in America and many of the systems the white polity relied upon to uphold what Charles Mills first termed “the racial contract” in his book by the same name. By using the lens of the racial contract, the somewhat

conspiratorial nature of white suppression of blacks is revealed, which was only maintained through the creation of economic, social, and political systems that mandated white superiority and created an American consciousness centered on whiteness. Through an understanding of the racial contract, as Mills shows, it becomes clear that black suppression is not simply an accident or shameful footnote of American history, but rather an ingrained social way of being that is best understood in terms of a contract of the white polity.

This chapter outlines Mills' main arguments made in *The Racial Contract* and provides an overview of the arguments I make in subsequent chapters. Chapter II will examine the period immediately after Reconstruction and into the 20th century in order to show the transformation in racial attitudes which occurred during this period and the institutions created immediately in the wake of emancipation that would shape anti-black sentiment and behavior up to the present moment. Chapter III turns its attention to the post-World War II era until the 1970s in an investigation of the suburban housing movement and the corresponding ghettoization of predominately black, urban city neighborhoods. This period saw the creation of institutions which aided in the transformation of the racial contract from one which relied mainly on explicitly racial language and methods to produce black subjugation, to one which could rely almost entirely on implicitly racial methods to maintain the centrality of the racial contract. Finally, chapter IV focuses the advent of mass incarceration as a method of securing a free black labor force and denying civil, social, and economic rights to primarily poor black men in an effort to continue the subjugation perpetrated by whites since the time of slavery. In the conclusion of this project, I address the obvious question of whether or not these transformations of the contract have served to weaken the primacy of white supremacy in American society, or if

the racial contract will continue to hold Americans captive in a system with no recourse for eventual escape or change.

Part I—The Racial Contract

Charles Mills' *The Racial Contract* is a groundbreaking work of political theory greatly influenced by *The Sexual Contract* by Carol Pateman. Both of these texts are critical challenges to traditional contract theory from the likes of Jean-Jacque Rousseau, Thomas Hobbes, and John Locke. Traditional contract theorists wrote about society as being formed out of some ancient state of nature, which was ended by men's agreement to band together and establish a governing body in order to preserve their life or property (Mills 1997). Pateman and Mills gave critical responses to foundational contract theory by suggesting that these contracts were not between all for the betterment of all, but between some at the detriment of many, for the betterment of a few. They suggest that the issue does not lie in rejecting political life entirely, but that political life was fashioned in such a way that excludes certain groups. Here is where Pateman and Mills diverge from one another.

Pateman, in her assessment of the female condition in the social contract, sees no equity for women either before or after the institution of the contract, because the sexual contract merely formalized the biological inequities between men and women in the state of nature (Pateman 1988). She rejects contracts in which the physical body is the subject of the contract, which for her would mean the marriage contract, which she views as men securing exclusive sexual access to a woman's body, or the prostitution contract, in which a man may pay for temporary sexual access to a woman's body (Pateman 1988).

Mills, on the other hand, traces the origin of the racial contract back to a very specific moment in global history, claiming that the racial contract was fashioned in order to solidify the

system of domination that emerged during trans-Atlantic slave trade and European colonization which took place largely between the 15th and 19th centuries (Mills 1997). Unlike Pateman, he does not fully reject the possibility of an equitable contract of the physical body, nor does he trace the origins of this inequality back to some original biological inequity. The racial contract, then, is vastly different both from Pateman's sexual contract and traditional social contract theories, in that there is an explicit historical record of its emergence and the social, economic, and political systems used to secure its existence throughout history.

The Racial Contract was written in response to conventional contract theorists who generally posit that the basis for government emerged out of a desire to achieve some formal protections over life and property. Rousseau, Locke, and Hobbes all contrast some original state of nature, which is lacking in the rule of law and leadership, to a civilized state in which men have forgone some of their natural freedoms in order to receive the protection of law which comes from having government. While these theorists differed in the particulars, they generally agree that all men agree to a contract in which they submit themselves to the rule of a government, and in return, receive protection of their lives and property from that government. Charles Mills is critical of this version of the contract. He claims there is another, more primary contract present in modern society which better explains how power is distributed. That contract is the racial contract.

Unlike the contracts conceptualized by Hobbes, Locke, and Rousseau, which were purely thought experiments with no true historical record of their establishment, the racial contract emerged in the age of European colonization and has established a global regime of white supremacy in the five hundred years since (Mills 1997, 20). In this period, ethnic, cultural, linguistic, and religious differences melded into the essential distinction between white and

nonwhite (Mills 1997, 21). Mills characterizes this dichotomy as “white” and “nonwhite”, but I will draw the racial distinction in this thesis between that of “white” and “black”. While this is an oversimplification of racial difference, I prefer to make it clear that I am only characterizing this contract between black and white in this paper. While the terms white and nonwhite make it clear for Mills’ global scope that the racial contract serves to subjugate all nonwhites in order to empower whites, the scope of this paper is restrained to that of American racial relations between blacks and whites. I do not feel I could adequately evaluate the intricacies of the contract which exists between whites and natives, whites and latinx, or whites and other people Mills terms “off-white”, all within the scope of this project. Therefore, this paper is by no means a complete picture of racial relations in America, but rather a glimpse at how the racial contract between white Americans has created enduring black subjugation.

I have chosen to focus specifically on the methods by which white Americans have constructed this racial contract around white oppression of black Americans for two principal reasons. First is that blacks make up the largest racial minority in the United States. Second, the institution of slavery was foundational to the formation of this country, shaping the Constitution, the formation of states’ rights, and the only civil war in American history. In the American context, whites and blacks have a unique history which demands exclusive attention. The story of dispossession of natives by whites is also a story of a racial contract, but I view that contract as being distinct from that of the version which exists to ensure continued white oppression of blacks. That is the history on which I chose to focus this paper.

The contract itself forms an ideology which necessitates the intervention of white men in order to form society—in other words, there is no civilization or proper social relations outside of the authority of white men (Mills 1997, 13). By these means, white men situate themselves as

men, full human beings in possession of rationality, in contrast to the “savage” of the world, subpersons requiring the intervention and continued oversight of men in order to preserve the social order. In this way, the social order is a racial order, “securing the privileges and advantages of the full white citizens and maintaining the subordination of nonwhites,” (Mills 1997, 14).

Therefore, the racial contract serves to organize society in terms of white male supremacy, granting white men that power to determine what is considered moral and even factual (Mills 1997, 17). Mills calls it “an agreement to *misinterpret* the world,” (18) that has been so successful that even whites have fooled themselves into thinking their “officially sanctioned” ways of knowing are objectively correct, making it difficult for they themselves to understand the stipulations and consequences of their contract (Mills 1997, 18). Therefore, it is hardly an accident that whites are unaware of their own race. Mills claims it is a necessary function of the contract to disguise whiteness as natural superiority in order to allow for the brutal system of “conquest, colonization, and enslavement” (1997, 19). The racial contract, then, is a contract by which whites have secured epistemic, moral, political, social, and economic superiority for themselves by means of subordination and oppression of blacks. This is definitionally how the contract functions, and the following section will address the various mechanisms by which it is secured.

In his second chapter entitled “Details”, Mills provides four mechanisms by which the contract is maintained. These are: demarcating “wild” and “civil” spaces, establishing “personhood” and “subpersonhood”, being continually rewritten, and enforcing it using violence and ideological conditioning. In the following section, I will demonstrate how the process of creating mass incarceration of black Americans has done all of these things, and how this

institution is therefore an example of how the racial contract functions in American society. This section explains how Mills sees each of these mechanisms as functions of the racial contract.

Space is a particularly important aspect of racial dynamics to consider because, as is claimed by Mills, the assignment of individuals to certain racialized spaces results in the norming of that individual as belonging to that space (1997, 42). White Europeans assigned moral and epistemological value to space, designating Europe as the center of culture and knowledge production, and denying anything of value originated in the African continent (Mills 1997, 44). Morally, blackness came to be associated with darkness, “blankness”, and emptiness in the world, simply awaiting European “discovery” in order to provide it with purpose and meaning (Mills 1997, 45). In this way, white Europeans, through a process of writing and creating a mythology around their discovery of the world, created a narrative which assigns their spaces as containing power, knowledge, and culture, while denying that to black spaces and the inhabitants.

In a similar fashion, the racial contract serves to permanently establish who can be considered a full person and who is sequestered to subperson status. Mills argues that in antiquity, human/subhuman status was assigned based on belief in the Christian god (1997, 54). However, this system of demarcation proved insufficient for continued subordination because one can always convert; race, conversely, came to represent natural, unchanging categories of humanity, something one could never escape once it was assigned (Mills 1997, 54-55). Once humanity was assigned to racial groups, it became justifiable for whites to restrict the rights of subpersons and treat them in ways a full human would not treat another full human (Mills 1997, 56). Mills makes the point that the legacy of racialized colonization and slavery is treated as a “regrettable deviation from the ideal,” instead of as a purposeful enforcement of the white

supremacist polity (1997, 56; 2015, 543). This is exactly the purpose of revealing the racial contract, in order to show that race belongs at the center of political theorizing—white hegemony defines the international, and American, system. Mills claims that the racial contract represents the ideal political system for whites, not a deviation from it (1997, 56; 2015, 543). Recognizing this is essential for any project to undo this contract.

Mills next claims that the racial contract is constantly under revision in to order preserve the racial polity. He claims that at its founding, the racial contract was explicit. The slave contract, the colonial contract, the expropriation contract-- they were all explicit agreements that privileged whites at the expense of non-whites (Mills 1997, 73). He contrasts this to the current period, in which he claims the racial contract has, “*written itself out of formal existence,*” (1997, 73). He expands on this idea of white ignorance of the contract in his chapter, “‘Naturalized’ Merits.” Mills describes the process by which whites have developed an *epistemology of ignorance* surrounding the racial contract. By this he means that whites can often find it difficult to identify their own racist institutions and patterns of behavior because of the racialized moral psychology manufactured by the contract (Mills 1997, 93). This racial moral psychology transforms racist acts, thoughts, words, and systems into *moral* acts, thoughts, words, and systems. In this way, Mills argues the contract demands signatories to agree to the epistemology of ignorance, without which racism would no longer be perceived by whites as the moral high ground, and the contract would give way (1997, 95). This ignorance by whites of how their own thoughts and actions contribute to racist institutions generates bewilderment when faced with racial atrocities. Only those complicit in the racial contract (whites) feign ignorance when they are forced to confront it (Mills 1997, 110). Whites are now able to take for granted their superior status and the privileges granted to them by this status in the racial contract. They are

comfortable in their own personhood and have completely rejected the idea that the identity of “human being” is denied to others through the very means by which they grant it to themselves.

This idea that race has become concealed in the consciousness of Americans is not unique to Mills; the Fields sisters and Eduardo Bonilla-Silva have also written extensively on that front. Karen Fields and Barbara Fields, who together wrote the book *Racecraft*, trace the origins of race as a biological category carried through blood and DNA, something natural with no moral judgment, “an empirical fact,” (Fields and Fields 2014, 95). When we consider race to be something natural, we deny its construction and the power its construction has granted those who have posed themselves as white. In this way, they argue that whites have crafted acts of racism to occur without the participation of racists (Fields and Fields 2014). In other words, the racial contract has become obscured by white moral and epistemological methods that have systematically denied humanity to blacks so much so that it is now taken as a natural fact not requiring inhumanity from the oppressor to sustain the system. Perhaps it is not that the racial contract is now implicit, but so cleverly disguised as a natural fact of life that it no longer requires explicit recognition from white participants.

Bonilla-Silva as well addresses this concept in the title of his work *Racism without Racists*. He makes the claim that today in America, a large portion of whites make claims of color blindness, saying they cannot be racist because they simply are unable to see color (Bonilla-Silva 2018). The people who pronounce this philosophy attack advocates of racial equity policies like affirmative action by saying those who continue to discuss the legacy of racism in the United States and its consequences are preventing us all from “getting along” (Bonilla-Silva 2018). Bonilla-Silva shows through his text that this new version of “seeing race” is a racist way of being which allows the participants to believe they are not racist at all. By

ignoring the racial legacy of institutions such as housing discrimination or black incarceration, these people are able to tell themselves and others that it is simply a coincidence or a fact of nature that black people find themselves more frequently living in poverty or incarcerated than whites. They say there are deficiencies in the black family structure or in black communities that have created these social issues, refusing to believe racism has anything to do with it. This version of racism conceals white fault or responsibility in the creation of these unequal institutions while asserting that any person who brings up race is, in fact, the racist.

For blacks, the contract has never disappeared into a mythic shroud. For this reason, Mills argues that the contract requires violent enforcement and ideological conditioning in order to maintain its power (1997, 82). Mills claims the enforcers of the state (penal code, police, military) must be viewed as enforcers of the racial contract, since the state is a racial polity established by the racial contract (1997, 84). Frantz Fanon justifies the use of violence against colonial occupation by the colonized using a similar theoretical claim. Fanon claims that under the rules dictated by the colonizer, politics is violence and that the colonizer has true or exclusive claim to moral violence, while in fact, Fanon argues, the colonizer is the immoral actor and the colonized, in his use of violence against the colonizer, has the only true claim to justified bloodshed (2004, 54). Mills explains that attacks of this nature, of black against white, colonized against colonizer, are sources of particular outrage from whites because they represent an attack on not only the physical person, but also on white superiority and moral domination (1997, 85). Therefore, the contract requires violent indoctrination, a forced compliance with its terms in fear of death. There is also enforcement of the contract that is not physically violent, but, for Fanon, is an act of violence because of the trauma and psychological damage it causes is similar to that caused by physical violence. An example is the violence experienced by a child seeing a “whites

only” sign outside of a bathroom, movie theater, or restaurant in the Jim Crow South. While this event causes no physical damage to the child, Fanon would argue this is another form of violence which reinforces the conditioned subperson status of black Americans (2004).

These four mechanisms work in conjunction with one another to both justify the racial contract in the minds of whites and prevent rebellion from the objects of the contract. Mills’ *The Racial Contract* made clear that white supremacy is the structure under which international relations and, for the purposes of this paper, American politics functions. When race is centered on political questions, it becomes obvious that social, political, economic, epistemological, and moral relationships have all been determined by the racial contract. The following section examines the institution of mass incarceration in the United States in order to show that it is not a just or impartial system, but one that has been shaped by the racial contract and which exists to maintain the contract in modern life.

Part II—An Introduction to the Case Studies

This section discusses some of the sources and themes I will use as the basis of my case study in the subsequent chapters. Here I will build on the work of Michelle Alexander, Martin Luther King Jr., George M. Fredrickson, and Jessica Rothstein in order to outline the history of white reaffirmation of the racial contract at several key points throughout American history. These authors did not initially view the inequalities and social systems established during this time as products and pieces of the racial contract, however my work here is to branch Charles Mills’ conception of race relations in the United States to the work of other scholars and historians in order to show how the racial contract shifts our understanding of these events. This

in turn reveals how white America has invented itself and preserved itself at the top of the constructed racial hierarchy since the state's inception.

I begin in the era leading up to the American Civil War and with writings from Fredrickson's book *Racism: A Short History*. He writes that the rise of abolitionist movements in the American Northeast, and a strong desire from the Southern white establishment to maintain the profitable agricultural slave industry, gave rise to biological justifications for the continued enslavement of black Americans (Fredrickson 2002, 79). These biological justifications claimed that blacks were inherently inferior intellectually and incapable of living outside of the "protections" provided to them by slavery. These biological theories were not new products of the time. Such thinking had deep Christian roots in the biblical story of Ham, who was cursed with darkness and doomed to be the servant class (Fredrickson 2002, 80). This line of thinking led to the rise of the eugenics movement, which believed in the preservation of historically "pure" bloodlines and the rejection of blackness, mental illness, and physical deformity. The ideas of eugenicists survived emancipation, becoming synonymous with truth, so much so that in the wake of the American Civil War, former slaves were not assimilated into American culture and society as full citizens equally deserving of rights and protections, but instead as sub-humans, an inferior class of people without the mental or biological prowess of whites (Fredrickson 2002, 81). Fredrickson writes,

Emancipation could not be carried to completion because it exceeded the capacity of white Americans—in the North as well as the South—to think of blacks as genuine equals. A sectional consensus emerged after Reconstruction to the effect that the nation was well rid of slavery... But efforts to extend the meaning of emancipation to include black civility and political equality awakened the demons of racism to a greater extent than the polemical defense of slavery had

done. The rhetoric of the latter had been leavened by a good deal of condescending paternalism that had stressed the inherently “childlike” nature of African Americans (81-82).

Here, Fredrickson demonstrates how the racial contract evolved from the era of slavery to the postwar period. However, this narrative of former slaves as inferior subpersons was threatened by Reconstruction era reforms and political gains for the black population. In order to preserve whiteness as economically, socially, and politically superior, Congress ended the era of Reconstruction and federal enforcement of black civil rights in the name of reconciliation and economic advancement for white southerners. Fredrickson claims that economic turmoil during the postwar years was prevented from transforming into class warfare because poor white laborers could at least be satisfied with the fact that they were superior to blacks (2002, 85).

This subhuman status for African Americans took on the system of Jim Crow in the American South and other housing and employment policies in Northern cities to ensure the economic and physical separation of the white from the black (Fredrickson 2002, 110-111). These systems were not new ideas, but rather a successful method of preserving the physical separation of blacks and whites as was present in the slave era. The racial contract relies on these racialized spaces (Mills 1997, 50). These spaces, according to Mills, provide for whites a “geographical locus of the polity proper,” (1997, 50). Jim Crow policies and less obvious, yet equally effective, segregationist policies that existed in Northern cities universalized this racialization of space, securing for black Americans spaces which received less funding, less resources, less security, and less political power. Jim Crow and similar movements secured in the post-slavery world a system that ensured blacks would still occupy spaces that were inferior to those occupied by whites. With these racialized spaces came unequal opportunity and an enduring separation which persists to the present day. The reliance of the racial contract on racialized spaces made it necessary for this system to transform throughout the centuries,

however, in its essentials, it has remained much the same. The next major transformation in these spaces occurred in the Post-WWII era when returning soldiers presented an opportunity for whites to further solidify their own superior space while excluding blacks, further entrenching them in their space allotted by the racial contract.

The next phase of spatial and economic separation was different from that of Jim Crow. It did not so much restrict where blacks could be—more than that, it created new spaces for whites to be without allowing blacks to join them. This movement was the rise of the American suburb, a white enclave outside of dense, ever diversifying city centers with large, grassy yards and sprawling middle class homes. Jessica Trounstine in *Segregation by Design* and Richard Rothstein in *The Color of Law* detail how suburban segregation came to be in America. Trounstine cites automobile accessibility (and credit accessibility to whites), highway construction, federal programs supporting veterans and home loans (available almost exclusively to whites), and rising incomes (mainly for whites) as contributing to suburban sprawl in the post-World War II era (2018, 66-67). She blames explicit zoning practices by local governments as being to blame for the creation of these white enclaves (Trounstine 2018). Rothstein points out that zoning only did half of the work; it served to keep out low-income black residents, but white suburbanites were left to find ways to prevent middle class blacks from compromising their space.

One method the federal government agency, the FHA (Federal Housing Authority), used to promote white homeownership and discourage black homeownership was to provide low-interest home loans to “low-risk” families, who were almost exclusively white (Rothstein 2017, 66). After World War II, the Department of Veterans Affairs (VA) adopted FHA guidelines when it came to providing home loans to returning soldiers, further deepening the racial divide in

who could afford to own a home and who could not. It was so well known that black Americans would not be given these loans that Rothstein writes, “African Americans need not bother to apply,” (2017, 70). Developers would use language such as “exclusive” and “restricted” to make clear to all that blacks would not be allowed to occupy these white spaces (Rothstein 2017, 72).

By these mechanisms, local and federal governments guaranteed that whites would be given access to the new, flourishing suburbs with well-funded schools and public services, while blacks would be left to rent homes and apartments in the cities which were quickly falling victim to funding crises and failing public services. With the emigration of whites from American cities, they took with them their political power and unearned wealth to thrive in spaces away from black Americans (Trounstine 2018, 23). As in the Jim Crow discrimination in the south, northern cities found ways to ensure the physical separation of the races by means of home loan discrimination. This method built the white middle class while leaving blacks without property to pass down through the generations or the ability to accumulate wealth. Therefore, these policies not only prevented spatial mixing, but also economic segregation for generations to come.

The rise and fall of the civil rights movement left many whites dissatisfied with the ways in which the movement had threatened their superior position and source of political power. Throughout the post-emancipation and civil rights era, the incarceration of black men was established as a method of controlling the freedom, movement, and labor of black people. Alexander writes in her landmark book *The New Jim Crow* about how incarceration was born as a system by which whites could strip blacks of their economic status, social groups, civil and political rights, and even their humanity. She marks this system as emerging in response to civil unrest during the civil rights movement which were depicted as criminal acts, not political ones (Alexander 2010, 41). The federal courts’ “lenience” toward this civil unrest contributed to a

sense of lawlessness and a perceived increase in crime (Alexander 2010, 41). Then vice-president Nixon is quoted in Alexander's book, directly attributing rising lawlessness in society to those that think "every citizen possesses an inherent right to decide for himself which laws to obey and when to obey them," (2010, 41). It is implicit in this statement that Nixon is not referring to "every citizen" but rather to those for which the criminal justice system was designed to sequester in their inferior position in American society—blacks.

Segregationists at the time maintained the myth that by preserving separate spaces for whites and blacks, crime rates would be lower, as evidenced by the comparatively lower crime rates in southern states, which maintained more tacitly this system of segregation (Alexander 2010, 41). Southern politicians, from the dawn of the civil rights movement, sought to portray civil protesters as criminals—people who sought to overturn civilization and therefore, were deserving of a tough response (Alexander 2010, 42-43). It was in this era that "tough on crime" language was born, a phrase that from its conception referred to the power whites had to crack down on challenges to their domain (Alexander 2010, 42-43). These early southern political movements designed to demonize civil rights protesters eventually transformed into the now infamous "War on Drugs", executed by the Reagan administration and Clinton's vow that no Republican would be tougher on crime than himself (Alexander 2010, 54; 56). These "race-neutral" crime-fighting policies were anything but. Alexander writes, "The law and order perspective, first introduced during the peak of the Civil Rights Movement by rabid segregationists, had become nearly hegemonic two decades later," (2010, 57). She goes on to say,

...a new system of racialized social control was created by exploiting the vulnerabilities and racial resentments of poor working-class whites. More than 2 million people found themselves behind bars at the turn of the twenty-first century, and millions more were relegated to the

margins of mainstream society, banished to a political and social space not unlike Jim Crow, where discrimination in employment, housing, and access to education was perfectly legal, and where they could be denied the right to vote. The system functioned relatively automatically, and the prevailing system of racial meanings, identities, and ideologies already seemed natural (58).

It is clear from this account that the American system of incarceration for menial crimes was intended from its birth to be a modern method of segregating society and denying basic human, civil, and political rights to black men and women. Subjugation of black Americans by white Americans is written into the foundation of the racial contract that built this society, which was not one of egalitarianism, but one that guaranteed the humanity of one group by denying that of another.

In this section, I have outlined some of the ideas that show how the American political system has devoted itself to the cause of preserving the racial contract. Through these three time periods of American history, whites have ensured that blacks occupied separate, inferior spaces, which ensured the preservation of political power within white spaces. Whites have also continued to deny access to basic goods and rights in such a way that maintains whites as persons and blacks as sub-persons by means of the racial contract. Whites have somehow been able to disguise this contract within their own consciousness by means of denying its very existence. The subsequent chapters will provide further analysis of these time periods and institutional mechanisms in order to reveal the continuing centrality of the racial contract.

Chapter II—The Transformation of White Oppression from Slavery to Jim Crow

Part I—Introduction

The United States was established as an explicitly white polity, in which slaves only counted as three-fifths of a citizen. Before the establishment of the state and for many years after, the governing laws and structures of the colonies/states protected the ability of wealthy whites to buy and own black people as property, and to protect their investments by going to extreme measures. Eventually, black people who ran away from their enslavers were hunted and forced back into slavery by federal marshals. This institution was protected from the topmost reaches of the American federal government and had been completely enmeshed in the fabric of the American consciousness.

The first significant threat to this racial hierarchy seemed to come in the form of the American Civil War, during which states in the American Southeast abandoned the United States in order to maintain the institution of slavery. In the immediate wake of the Confederacy's defeat, Reconstruction threatened to undo not only slavery itself, but also many of the economic and social barriers to black equality that were introduced to uphold the institution of slavery and the white polity, referred to here as the racial contract. This collection of laws and policies included anti-miscegenation laws, the use of the federal marshal program to hunt fugitive slaves, and other such laws introduced to formalize white power over blacks. These systems were threatened principally by the extension of the vote to many blacks immediately in the wake of the American Civil War. The period of Reconstruction, while it made some headway through the extension of the vote and federal enforcement of the Thirteenth, Fourteenth, and Fifteenth Amendments, was quickly brought to an end. Political pressures from Southern democrats made it politically impractical to continue the program of Reconstruction. The South was soon again

left to its own devices without continued support from the federal government to continue the process for black economic and political empowerment. The end of Reconstruction and the establishment of Jim Crow served as the dawn of the modern era of racial relations in the United States, signaling a shift from the age of slavery to the age of technically “free” blacks.

The methods used by the white polity in this era would necessarily have to differ from those used in the past, as the legal standing of blacks dramatically changed in the wake of the Civil War. The white polity was forced to legally grant personhood to black Americans, yet they would continue to find new ways to preserve the racial contract. The social, moral, intellectual, and legal domination by whites has persisted into the current day despite this fundamental change in the institutions of the United States after the American Civil War. The racial contract helps to explain how the white polity has preserved its own power throughout institutional transitions and social changes.

This chapter addresses the mechanisms used by the white polity to manufacture and uphold Jim Crow in order to perpetuate black suppression and preserve the racial contract. I rely on George Fredrickson’s *Racism: A Short History* and Charles Mills’ *The Racial Contract* in order to establish an outline of the political transition from slavery to Jim Crow and reveal the ways in which the contract was transformed and maintained throughout the transition. I turn to the writings of Fredrick Douglass, W.E.B. Du Bois, and James Baldwin to demonstrate, from a lived perspective, the impacts of the racial contract during the time of slavery, Reconstruction, and Jim Crow. Finally, I turn to the work of Ida B. Wells in order to address the role of gender and lynching in the preservation of the racial contract during the Jim Crow era. The aim of this chapter is to show how the racial contract was reimagined in the wake of the American Civil War and reshaped in order to serve a new generation of the white polity by both creating new

mechanisms to suppress black Americans and maintaining existing institutions from the era of slavery.

In order to make the terminology used in this chapter clear, I feel it necessary to provide a quick note on how I will be using particular words. First, I will use the term “American” to describe both peoples, ideologies, and groups specific to the United States of America. While the “Americas” and the descriptor “American” can be used to refer to all peoples, places, and things encompassed within both of the continents of North and South America, this paper will only use the term in reference to the United States and not the broader geographical area of the Americas. Also, I will be using the word “black” to refer to all American peoples who are of some black African descent and who have traditionally been socially relegated to the category “black”. In the US, due to strict anti-miscegenation and “one-drop” policies, blackness was not solely defined in terms of skin tone, but also in terms of ancestry. Anyone with any traceable black ancestors is usually also considered to be black, no matter how light their skin may be.

Part II—Transformations in Anti-Black Racism from Slavery to Jim Crow

The principal project of the white American polity in the post-civil war era was to “reverse or limit emancipation” of blacks as much as possible (Fredrickson 2002, 75). The version of the American Civil War often taught to school children in this country presents the 13th, 14th, and 15th Amendments to the Constitution as the end of black oppression and white domination in the United States. While it did signal the end of formal, legal slavery, the enfranchisement for a limited number of black men, and the development of some economic power within the black community, American blacks were still subject to violent sources of institutional oppression that prevented the vast majority from substantially changing their

economic or social positions from what they had been under slavery. Anna Julia Cooper compares the departure of the confederacy from the United States during the Civil War to the actions of a spoiled, though beloved, sister:

“Until 1860 she had her pet institution which it was death by the law to say anything about, except that it was divinely instituted, inaugurated by Noah, sanctioned by Abraham, approved by Paul, and just ideally perfect in every way. And when, to preserve the autonomy of family relations arrangements, in '61, '62, and '63, it became necessary for the big brother to administer a little wholesome correction and set the obstreperous Miss vigorously down in her seat again, she assumed such an air of injured innocence, and melted away so lugubriously, the big brother has done nothing since but try to sweeten and pacify and laugh her back into a companionable frame of mind,” (2016, 47-48).

As a former slave herself, Cooper saw with clarity that a new age had not dawned for the black American in the wake of the Civil War, but rather that the South would be allowed to continue on much as before, just under a slightly altered set of rules. Cooper continues:

“he [the brother] put his great strong arms about her and just dared anybody to refer to that little unpleasantness—he’d show them a thing or two. Still Arabella sulked,—till the rest of the family decided she may keep her pets, and manage her own affairs and nobody should interfere. ... The Negro is not worth a feud between brothers and sisters,” (2016, 48-49).

Cooper makes it clear that the white polity would not abandon its own in a quest for equality and prosperity for black Americans. It would have been a breach of the so carefully constructed contract to threaten the wealth and prosperity of white former slave holders to enforce the social, economic, and political equality of blacks. The “brother” of the federal government had done enough to restrict his dear sister, the South. She would now be given free rein to do with her “pets” as she wished, thus emancipation became little more than a formality for the vast majority of American blacks, and white suppression of black Americans took on new dimensions in the post-slavery South.

In addition to new legal institutions which prevented freed blacks from securing for themselves basic human rights, anti-black racism changed in its attitude toward blacks in the wake of emancipation, as whites were forced to turn to social and psychological mechanisms to terrorize blacks into an inferior position (Fredrickson 2002). As exemplified by her treatment of slave characters in her novel, *Uncle Tom's Cabin*, Harriet Beecher Stowe provides us with a glimpse at the attitudes of even sympathetic whites toward black slaves. Stowe writes about her characters as if they are children, providing them with little agency and imbuing them with the attitudes and values of their masters (Davis 1983). While anti-black racism often relied on narratives of paternalism and “Christian” behavior towards an “inferior” race during the period of slavery, it became focused on narratives of the dangerous or sinful black in the wake of emancipation (Fredrickson 2002). This new version of anti-black racism grew in severity and magnitude in the United States from the period following the end of Reconstruction, reaching its peak before the Second World War (Fredrickson 2002, 81). These feelings were likely formed during the Reconstruction era, during which white southerners were quick to blame rising criminality in the region on the sudden entrance of ex-slaves into political and economic society (Sommerville 2004, 176). A dominant narrative that emerged in the late 19th century was that of the grave danger faced by innocent white maidens from free black men who wished for nothing more than to rape any of these young ladies they came across (Sommerville 2004). It was also in the late 19th century that public lynchings became commonplace, separate but “equal” became the gospel of the South, and the black-males-as-predators narrative was solidified in the white national consciousness (Fredrickson 2002). These narratives secured their place in the public consciousness by way of books, movies, and advertisements, all of which perpetuated the

narrative of the threatening black freedman and the danger he presented to young white women (Sommerville 2004).

This was no longer a racism of paternalism and ownership, but rather one of demonization. This racism was based on many of the same principles of the paternalistic variety, however its expression was drastically altered. It created what Fredrickson terms a “Negrophobia” amongst American whites, creating both intense feelings of hate and fear that have continued to infect American race relations to this day (2002, 84). The echoes of the slave-era social order, which had been established as part of the formation of the racial contract, persisted in the post-Reconstruction United States, both North and South.

The elements Charles Mills identifies as being crucial details to his conception of the racial contract are the preservation of separate physical and political spaces, a sub-person categorization for blacks, and the constant process of writing and rewriting the contract (1997). Through these mechanisms, Mills argues that this contract does the work not only to distinguish between racial groups, but also to actually manufacture race itself (1997, 63). During the slavery-era, blacks were dehumanized by the institution of chattel slavery and relegated to completely separate living and social spaces than whites. States and the federal government continuously sought to introduce new legal restrictions and measures to counteract increasingly inventive methods to subvert and escape enslavement. In this way, legislators sought to constantly rewrite the rules—here literally in the form of formal laws—by which the racial contract functioned. Legally, slaves were classified as three-fifths of a citizen for census and political purposes, and were seen as sub-human in intelligence and ability, prevented from owning land and businesses, learning to read, and interacting with whites as equals (Cooper 2016; Davis 1983; Sommerville 2004). Through these mechanisms, the racial contract was shaped and reformed throughout the

era of slavery, however with the collapse of the slavery social order, the contract had to be rewritten in order to survive, and through the revision, the next era of race in America was fashioned.

The period of Reconstruction ultimately failed to produce a significant change in the established social order because specific institutions and popular beliefs in the United States were specifically designed to “maintain and reproduce this social order,” (Mills 1997, 14). The contract maintains that blacks will never be able to “penetrate the normative rights ceiling established for them below white persons,” (Mills 1997, 17). Therefore, instead of bringing transformation and a revision of the social order, the contract was fundamentally revised, accommodating new political realities without allowing for significant changes in the established social order. This new era, characterized by “Negrophobia” and white terrorism, replaced whippings on plantations, teams of dogs employed to chase runaways, and federal marshals whose duty it was to return freed slaves to the clutches of the master with public lynchings, media portrayals of blacks as monsters, and debt prisons which functioned to secure free labor from poor blacks. The sub-personhood of blacks in this era was defined not just through legal measures, but through social efforts to turn the black person into a temptress or a devil (Sommerville 2004). Physically separate spaces for blacks and whites were no longer secured through the big house/slave quarter dynamic, so whites invented a new system of physically separate social and living spaces with one side of the tracks for whites and the other for blacks. The contract was written and rewritten through the media, entertainment industry, and legal codes which enforced and created social perceptions of race (Sommerville 2004). This period serves as an intermediary period between Mills’ dichotomous division between the era of explicit racial contract and the current period of the implicit racial contract. There still certainly existed

many formal legal barriers which restricted blacks from achieving equity with whites in American society; there also was the emergence of social and cultural ways of defining race which were not necessary before the end of formal slavery. This was a period of both implicit *and* explicit racism, something which Mills fails to fully account for.

What truly distinguished anti-black racism in the late 19th and early to mid 20th centuries in the American South from the that of era of slavery is that it was becoming easier for whites to deny that their society was oppressive at all toward blacks. This was the transitional period where things such as poverty in the black community, a lack of education among blacks, and high numbers of black incarcerated individuals were enforced by legal measures and practices, yet were thought of as “the natural way of things”. This intervening period in which explicit and implicit anti-black racism existed simultaneously created space for social attitudes among whites to evolve while the institutions which cemented black inferiority in the United States were developed and perfected. It has become easier and easier over time, as systems such as Jim Crow and redlining disappeared, for whites to deny the existence of a racial contract since the language used to build the contract uses general terms such as “equality”, “justice”, and “liberty” for all, when in reality, the contract and the American polity only guarantee equality, justice, and liberty to some. The concealment of the mechanisms of the racial contract make it seem as if this is simply the “natural order,” or “the way things are,” (Mills 1997, 30). Therefore, it becomes nearly impossible for whites to see that there is a contract in place that advantages them through the oppression of others, but rather that whites are naturally smarter or better suited to wielding economic or political power.

Fredrick Douglass, in his 1852 speech, characterized the prevailing blight of the American racial hierarchy. He said:

“You glory in your refinement and your universal education; yet you maintain a system as barbarous and dreadful as ever stained the character of a nation—a system begun in avarice, supported in pride, and perpetuated in cruelty. You shed tears over fallen Hungary, and make the sad story of her wrongs the theme of your poets, statesmen, and orators, till your gallant sons are ready to fly to arms to vindicate her cause against the oppressor; but, in regard to the ten thousand wrongs of the American slave, you would enforce the strictest silence, and would hail him as an enemy of the nation who’s dares to make those wrongs the subject of public discourse!” (Douglass, quoted in Du Bois 2012, 12).

Douglass feels deeply the irony of American democracy, one which would fight for the liberation of a group of oppressed Europeans abroad, yet ignored the flagrant contradictions that existed within its own borders. This sentiment clearly demonstrates the aspect of the contract which seeks to disguise and denounce the existence of the contract, to the point that the white subjects and even some of the black objects of the contract fail to identify the contract itself as the source of black suppression in the “egalitarian” and “democratic” American state.

In the social transition from slavery to Reconstruction and finally to the post-Reconstruction/Jim Crow era, the racial contract was upheld, though altered, in order to continue the oppression of American blacks. By means of the mechanisms enmeshed within the contract itself, the subhuman status secured by the institution of slavery before the American Civil War evolved in a way which perpetuated black subhuman status yet evolved to fit the new political and social standards of the post-war state. Similarly, the physical separation of the races took on a new identity in the post-war period, yet this mechanism maintained its original intentions, a physical separation between those who possessed power and those who did not. When slavery disappeared, race did not. The contract served to reconstruct race in the new era and infuse society with racism, an institution which morphed in the post-slavery era which served to prevent blacks from achieving social, economic, moral, or political equality to whites. Rather than undoing these systems of inequality, Reconstruction served to remove some technical and

political barriers for black social participation, while its sudden collapse made way for a period in which anti-black racism was solidified in the hearts and minds of white Americans, resulting in the vehement racial hatred that was displayed prominently from the late 1800's through the late 1900's.

This section has covered the workings of the racial contract in the post-slavery era and how those mechanisms which worked to uphold the contract served to oppress all black Americans generally. The next section turns to the dimensions of class and gender, and how these other sources of oppression worked in conjunction with the racial contract to oppress poor blacks and black women.

Part III—Class, Gender, and the Racial Contract

The racial contract does not exist in isolation. In fact, it works in conjunction with systems of oppression on the basis of class and gender in order to further oppress black Americans. This section addresses the role of black laborers in the post-emancipation world and the role of lynching as an act of racial terrorism that relied heavily upon gendered fears and stereotypes. These other sources of oppression and prejudice contributed to the ways in which the racial contract was formed and set within the white American consciousness. It is important to recognize how these systems of oppression interact in order to understand the full extent of the impact the racial contract has on the lives of individual black Americans throughout history.

Gender and The Racial Contract

Lynchings were one of the most significant mechanisms used by white Americans to illicit fear in the black American community from the end of the American Civil War until the late twentieth century. Lynchings largely relied on narratives of defending white women's honor

from black male predators (Sommerville 2004; Wells 2016). These narratives likely emerged in the wake of the American Civil War due to efforts to scapegoat the black population and to hold black men particularly responsible for the devastation and loss of property brought upon much of the South throughout the course of the conflict (Fredrickson 2002). These nationalistic feelings grew and reached a climax one hundred years after the Civil War in the 1950's, with renewed efforts to establish confederate memorials and the reemergence of the confederate battle flag as a symbol of anti-black sentiment in the American South.

This militancy, born out of feelings of resentment, also produced extreme measures like lynching, by which whites attempted to prevent blacks from achieving social, economic, or political equality under the threat of death by violent mob. There are countless accounts of successful black men in the South who had risen to relative prominence in their communities being accused of rape or some other crime and lynched by a white mob (Sommerville 2004; Wells 2016). Wells recounts one such case in which a black man of some means was beaten by a mob and subsequently hanged to death because his son was accused of raping a white servant girl in their house (Wells 2016, 94-95). She discusses another instance in which three wealthy black men of some social prominence were lynched in Memphis, Tennessee, resulting in mass boycotts by blacks across the city (Wells 2016). There was a particular narrative surrounding lynchings which said they were a valid form of social activism in response to the very real danger black men presented to white women (Wells 2016). The Klan actively presented itself as a force of social stability and public safety *because* they frequently brutalized and murdered blacks (Sommerville 2004). Sommerville claims,

“Rumors circulating among whites to justify Klan violence described African American men and women as threatening the orderly arrangement of sexuality and domestic life along racial lines in southern society. The boundaries constituting appropriate spheres of social life imagined by men

protesting black male suffrage... were depicted in white conversations about vigilante violence as imperiled by black sexuality,” (Sommerville 2004, 198).

The rape myth was propagated by white women who, instead of admitting to affairs with black men, falsely accuse black men of rape, when in fact the relations had been consensual and often initiated by white women (Wells 2016). White participants staunchly denied immorality in the lynching practice, as the unquestioning belief in the word of a white woman over that of any number of black witnesses was essential to the maintenance of the racial contract. In the words of Anna Julia Cooper, “The Negro is not worth a feud between brothers and sisters,” (2016, 49).

It was universally recognized among black Americans that there was little to no truth to the claims of frequent attacks by black men on white women. Ida B. Wells was driven from Memphis under the threat of lynching for publishing the following:

“Nobody in this section of the country believes the old thread-bare lie that Negro men rape white women. If Southern white men are not careful, they will overreach themselves and public sentiment will have a reaction; a conclusion will then be reached which will be very damaging to the moral reputation of their women,” (Wells 2016, 49).

This was a shocking and audacious confrontation for white Memphians, many of whom likely did imagine that the black men being lynched across the mid-South were guilty of something, even if it was not rape. This confrontation not only suggests that the black male aggressor myth is just that, but it also confronts white women and their commitment to white morality. What had been prescribed at the time as a morally acceptable path for a white woman to take was that of marriage to a white man of similar social and economic means, the production of white children, and the maintenance of a comfortable home. Any deviation from this path would be a rejection of the moral standards ascribed to white women and of the prevailing social order. At the time and, to some small degree, still to this day, it was a rejection of white morality for a white woman to have or act on sexual attraction to a black man. From the accounts of white women

who refused to participate in the rapist narrative, we can see that admitting the genuine attraction or love for a black man was grounds for exclusion from society or charitable services (Wells 2016). This rejection by the white polity of its own demonstrates the mechanism of the contract which relies upon the “tacit consent” of all whites, labelling those who refuse to participate as “race renegades” or “race traitors” (Mills 1997, 107-108). This exclusionary move of stripping whiteness and some of its privileges from white “race traitors” preserves the white polity and the white morality by which it functions.

White women were used by the white polity as a means of demonizing black men and giving license to white terror groups as justification for otherwise morally unjustifiable actions. Yet white women themselves could easily be abandoned by those who would seek to “defend their honor” if they betrayed the rape narrative of the white polity. Black women, on the other hand, who were often victims of rape by both white and black men, were presumed to be lying about the nature of the sexual relations (Sommerville 2004). Black women were painted in the white consciousness as dirty, inherently sexual, promiscuous, and temptresses who fell outside of the moral obligation of white men to defend women because they were not considered to be women at all by the white polity (Davis 1983; Sommerville 2004). In the same way a white man would demand unquestioned and unconditional access to his white wife’s body in a marriage so was the nature of white men’s entitlement to any black woman’s body, regardless of her wishes or commitments.

This flexibility in the moral standards for white men was only made possible by their express commitment to the racial contract, in which blacks were expressly relegated to subhuman status. There existed an understood agreement between white men that they would be allowed to access black women’s bodies whenever they pleased and invented a narrative in

which black men did the same to white women in order to eliminate any possible threats to their own social, political, and economic dominance. This was not a literal arrangement, yet we see its existence in failures by Southern governments to protect black prisoners from Klan violence, the refusal of white witnesses to take the side of blacks in cases of rape or violence by white men against black men and women, and times at which collectives of whites such as juries or neighborhoods would take up together to protect one of their own regardless of guilt (Sommerville 2004; Wells 2016). Black men and women were well aware of this precarious position they occupied within a society governed by the racial contract, which resulted in intense terror and fear within their hearts and minds (Wells 2016). This explicitly gendered function of the racial contract served to incite fear, achieve continued social political, and economic domination, and perpetuate narratives of black male aggression and black female promiscuity. While the practice of mob lynching has largely gone by the wayside in the modern version of the American racial contract, these narratives have been the lasting legacy of the post-emancipation era. In chapter three of this project, I return to how these narratives are expressed today, and how they continue serve as mechanisms of the racial contract. For now, I turn to the dimension of class and how it functions within the white racial polity.

Class and The Racial Contract

The post-emancipation United States saw a cataclysmic shift in labor relations from a force of free, expropriated labor consisting of millions of black people to a system in which poor black and poor white laborers were forced to compete for wages and positions. This new class dynamic forced the white polity to introduce systems which would prevent class solidarity for the sake of race solidarity, despite the oppression and ill-treatment faced by many poor white laborers at the hands of white landowners and capitalists. Before the Civil War, poor white

laborers, particularly in the South, found themselves largely ignored by northern labor movements, abolitionist movements, Southern white landowners, and northern capitalists (Du Bois 2012). Poor white men of the South were characterized by one writer quoted in Du Bois' *Reconstruction* as, "an idle and lawless rabble who live dispersed over vast plains in a condition little removed from absolute barbarism," (Cairnes 2012, 22). Instead of forming cross-racial unity across the lowest and poorest of the South, poor Southern whites instead felt "deep-rooted antagonism," toward black Americans, believing that if black labor could be eliminated from the South, then they would be able to fight oppression from white planters; the idea of uniting across racial boundaries to fight universal class oppression seemed impossible (Du Bois 2012, 23). These aggressions were only worsened by poor whites in positions of immense power over black Americans as police and overseers, which only gave them a sense of having political and economic power relatively close to that of the planter (Du Bois 2012, 23). To rebel against the planter would be to sacrifice the power poor whites held over blacks. Post-emancipation, these feelings of racial competition and relative power did not disappear, but rather worsened with the seemingly rapid rise in the social standing of blacks as they could now publicly seek education, exercise the right to vote, run for public office, and own land and business. The rapid advancements of black Americans during the Reconstruction fundamentally challenged the social, economic, and political power of poor whites who had, up until that point, been more powerful only than the slave, but now seemed to hold power over no one. Du Bois eloquently characterized the feelings of the poor whites:

"The poor whites...were absolutely at sea. The Negro was to become apparently their fellow laborer. But were the whites to be bound to the black laborer by economic condition and destiny, or rather to the white plater by community of blood? Almost unanimously, following the reaction of such leaders as Andrew Johnson and Hinton Helper, the poor white clung frantically to the planter and his ideals; and although ignorant and impoverished, maimed and discouraged, victims

of a war fought largely by the poor white for the benefit of the rich planter, they sought redress by demanding unity of white against black, and not unity of poor against rich, or of worker against exploiter,” (2012, 117).

What emerged then was the Ku Klux Klan, the practice of mob lynching, the common racial epithet used by whites to degrade even educated and wealthy blacks, and ultimately laws such as Jim Crow which solidified white solidarity against blacks regardless of class or creed. The white ruling or planter class of the South manufactured and stoked the fears of poor whites in order to keep them from politically abandoning the planter and stripping from them their economic and social power. Poor white laborers, in a desperate attempt to maintain what little social capital they had been granted by the planter class, went along with them instead of uniting with American blacks to oust the oppressive planter class.

These systems of class, at play throughout the slavery and post-emancipation eras, gave rise to some of the desperate hatred felt by many white Americans toward blacks. These feelings emerged from fears that poor whites would lose their political power and heightened status they had been granted by the ruling classes for their complicity in maintaining slavery. After all, how could they think of themselves as better than blacks if they had no power over them? Any chance of class unity in order to secure the emancipation of all was dashed by the refusal of poor whites to abandon the planter class and the false community of whiteness. Instead of choosing to forge a new labor contract amongst themselves, poor whites maintained their loyalty to the racial contract to their own detriment, refusing to recognize that the true source of their own exploitation was the same as that of black Americans. The racial contract not only serves to blind whites to its own existence, but also to the existence of other forms of exploitation by manufacturing race itself as a real difference that white Americans feel the need to preserve in order to maintain a source of power they draw from the contract. Both white women and poor

whites face exploitation and degradation at the hand of wealthy white men, yet they refuse to abandon them because they are granted a small amount of power for their continued devotion. As Du Bois claimed, “the emancipation of man is the emancipation of labor,” (2012, 12). Until poor labors of varying races and beliefs choose to abandon the planters and the capitalists, and unite and seize power for themselves, they will remain exploited and degraded in a system designed to privilege the few at the expense of the many.

Part IV—Conclusion

The racial contract first emerged in the United States as an explicit agreement between white men to degrade and enslave blacks for the purposes of securing economic and political power for themselves. After the American Civil War and the emancipation of black slaves, new political, social, and economic institutions had to be developed in order to guarantee whites the same powers they enjoyed over blacks during the time of slavery. These institutions largely relied upon the invention of a mythos surrounding the danger blacks presented to white moral society, which gave rise to violent social separation and strict policing of black social power so that any attempts to undermine the social order were dealt with conclusively. Therefore, what was birthed in America was the violent and traumatizing period commonly known as Jim Crow, which reshaped the social norms of Americans in ways which have persisted into the present. All of this is a result of a desperate need of wealthy white men to secure for themselves power at the top of the class/racial/gendered hierarchies of American society and to continue to exploit those at the bottom for their own benefit. In the following chapter, I turn to systems in the industrialized north, from the period of WWII to the late twentieth century, which created a wealthy white American middle class in which white immigrants became fully integrated into

white American society and blacks were kept on the margins of society by way of exclusion and denial.

Chapter III—The Suburbanization and Ghettoization of America in the 20th Century

Part I—Introduction

While Jim Crow raged in the post-emancipation South through the end of the nineteenth century and on into the twentieth, many blacks sought to escape the seemingly hopeless pattern of debt and terror that maintained quasi-enslavement for blacks in the American South. New technological developments created demand for low-skill workers in Northern industrial centers in the early 1900s. The North, which once held the promise of freedom and some degree of opportunity for blacks who escaped slavery, soon proved to also offer significant obstacles for black citizens to opportunity and advancement in society. The North was the epicenter for industrial advancement, and with it came new wealth and comfort at the dawn of the twentieth century. For white Americans, this was a particularly important moment in the building of the modern United States. Over the course of the 19th century, many of them participated in the development of a newly wealthy middle class who, with little education beyond a high school diploma, could live in relative comfort with houses, cars, fenced yards, refrigerators, and nice (white) neighbors. For blacks, this call to the industrialized North and promises of the American dream became an echo of their experiences in the South, where they had been denied economic opportunity and social equality. This middle-class dream was commonly promised to all Americans who just worked hard enough, but black Americans soon found out this promise was designed to, by all means possible, exclude them entirely from accessing the “American Dream”.

This chapter explores the post-WWII era into the 1970s. Throughout these years, explicitly racial institutions all but disappeared and, more specifically, the institutions developed during this time period which I will interpret as an episode in the progression of the racial contract. Similar to how post-slavery institutions of the South worked to renegotiate and uphold

the racial contract, the institutions of the twentieth century did much of the same, using new institutional mechanisms to produce the same results: white subordination of black Americans. The specific institutions I will investigate in this chapter are the inaccessibility of low interest home loans to the majority of black Americans and the zoning practices by towns and cities which created white enclaves and poor urban centers. The manner in which these institutions were implemented specifically sought to entrench the racial contract by means of creating physically separate spaces for whites where they would have access to economic opportunity. This chapter demonstrates how these institutions were implemented, how they came about as a continuation of institutions from post-Reconstruction era South, and, finally, how they have created lasting inequalities through which the racial contract is perpetuated to this day.

This period of American history represents the dawn of an increasingly stark class/race division between formerly working-class white and working-class black Americans which has persisted to this day. Working-class whites were given the chance through access to low-interest credit to own homes and accumulate wealth, launching an unprecedented number of white Americans into the professional classes through newly accessible college educations and generational wealth accumulation. The vast chasm between black and white Americans created during this time period created lasting inequality which persists to this day and continues to define ethno-class barriers in the United States. This chapter addresses the roots of this class/race inequality, how it manifested across the United States, and the impacts of this system on black individuals into the present day. I open with a discussion of how racialized zoning and lending policies gave rise to poor, black urban centers and wealthy, white suburban enclaves. I turn then to the racial contract, and I provide an analysis of *The Racial Contract* by Charles Mills in order to show the specific aspects of the contract which are upheld by the interest and zoning

institutions created in the early 20th century. Finally, this chapter includes a discussion of the feminization of white women through the image of the suburban housewife which did not include black women. Through this process, black women were excluded from mid-twentieth century conceptions of femininity, echoing their exclusion from cultural definitions of “woman” in the time of slavery. I conclude with a discussion of the systems of the suburbanization movement that contributed directly to the system of mass incarceration, which is discussed at greater length in the following chapter.

Part II—The Suburbanization and Ghettoization of the United States

There have been four significant “flights” since the beginning of the twentieth century: the white flight from the Southern countryside into Southern cities or town centers, abandoning costly plantations; the black flight northward away from tenant farming slavery and toward Northern factory jobs; the white flight following World War II from the rapidly diversifying cities to all-white enclaves within easy driving distance from business centers; and the current flow of young, mostly white people back into city centers, pricing out poor, mostly minority residents by way of gentrification. The story of suburbanization began in the post-emancipation South, war-ravaged and without a clear path forward, with the heirs of white plantations leaving the countryside and the nutrient starved soil, which was no longer producing enough cotton to make staying profitable (Du Bois 1994). They became absentee rentiers, charging high rents on land that would often not yield adequate crops and forcing newly emancipated blacks into mountains of debt that left them essentially slaves, sometimes to the same masters they’d had before the war (Du Bois 1994). By “essentially slaves”, I mean to say that these workers frequently did not own the land they worked, were deeply indebted to those for whom they

worked to the point they often earned little to no wages, and faced the threat of violence if they were to attempt to leave or change their situation (Du Bois 1994). While by law they had their freedom and the vote, in practice, they had a difficult if not impossible time accessing these rights. Poor blacks in the South found themselves often with no legal or social recourse to defend their rights. The hopelessness produced by this situation left many to seek out new opportunities either in Southern towns or cities, for the few who could make a living there, or in Northern industrial centers, where the jobs were plentiful and well suited to low skill workers.

When this industrialization really began to take off in the 1940s, more than 5 million black Americans fled the South for the promise of better jobs and a better life in Northern cities (Taylor 2019). Instead of finding conditions better than what had been their lot in the South, many were faced with small, substandard housing for which landowners could charge astronomical rates due to the low supply of housing open to black families (Taylor 2019). Rat infestation, over-crowding, and desperately unsafe conditions plagued black families in city centers, yet they were unable to take action against the unsafe housing conditions at the risk of eviction from vengeful landlords (Taylor 2019). The poor conditions of black housing in the cities served as evidence for black ineptitude for homeownership by the real estate community, and they used it as justification to continue to deny selling or renting better housing to black Americans (Taylor 2019). In this way, the housing market created its own self-fulfilling prophesy when it came to black renters and home owners: provide black people with an insufficient amount of the worst available housing, subject them to high rates and overcrowding, then refuse to sell or rent them safer, better equipped units because of the blight present in black urban neighborhoods. By way of these discriminatory rental practices, major cities implemented their own version of the Jim Crow laws, keeping black residents poor and desperate without any

legal recourse. Zoning first, then discriminatory lending practices, became the response to demands from wealthy whites to keep their neighborhoods valuable and free from the squalor which came to characterize the city in the early twentieth century.

Zoning emerged as a practice in city planning in the early twentieth century as a mechanism designed to combat what had become desperate and unsanitary conditions in nearly all working-class areas of cities. The influx of immigrants, both from other countries and the American South, caused unprecedented growth in urban areas that local governments were ill-equipped to handle, creating unsafe conditions for nearly everyone living in urban centers at the time (Trounstine 2018). When zoning first emerged as a practice in city planning offices, the goal was to move residential areas away from industrial centers and create green spaces amidst the urban sprawl (Trounstine 2018). Social Darwinists at the time, however, saw a potential in zoning practices (Trounstine 2018). They believed segregation was the surest way to ensure the “purity” and “safety” of the white race, and racialized zoning laws quickly came into effect. Trounstine states, “In Baltimore, segregationists agreed that ‘blacks should be quarantined in isolated slums in order to reduce the incidents of civil disturbance, to prevent the spread of communicable disease into nearby white neighborhoods, and to protect property values among the white majority,’” (Power quoted in Trounstine 2018, 77). Baltimore, after establishing racially segregated zones, went as far as to prosecute black residents living in areas that had been deemed white and force them to leave their homes (Rothstein 2017). Other cities quickly followed suit, citing fears of miscegenation and disease (Rothstein 2017; Trounstine 2018). Explicitly racial “zones” were created within cities, quartering off where blacks, other non-white immigrants, and whites could live, and these zones were in turn provided with public services accordingly. White zones were built with houses along tree-lined avenues, with plenty of public

parks, and plenty of distance from industrial and waste treatment centers. Black zones were built on cramped streets with small housing units near the sources of pollution and illness.

The effects of the zoning practices of the early twentieth century did not disappear when the zoning laws were taken off the books. A series of federal anti-discrimination laws were implemented throughout the mid- to late-twentieth century, which forced cities to end explicitly racial zoning and planning practices from taking place, yet the damage had already been done. Richard Rothstein uses the example of Ferguson, outside of St. Louis, Missouri, to illustrate the lasting segregation and neighborhood degradation that resulted from racially discriminatory zoning practices of the early twentieth century. The mastermind of St. Louis city planning during this time was a civil engineer named Harland Bartholomew, whose official policy was to, “prevent movement into ‘finer residential districts... by colored people,’” (Rothstein 2017, 49). Not only did Bartholomew’s planning office have the express aim of segregating black and white populations, they purposefully created, “U-shaped industrial zone[s] to create a buffer,” between blacks and whites, and they zoned black neighborhoods to permit liquor stores, bordellos, night clubs, and bars that were not allowed in white neighborhoods (Rothstein 2017, 50). Black residents were forced to occupy properties within unsafe industrial zones or within less reputable districts, which brought down property values and limited city services to these neighborhoods. Ferguson was not originally one of these districts. It was originally a white suburb outside of the city which became majority black in the late twentieth century, after the relatively thriving historically black enclave of Kinloch was bought up in order to construct what is now considered to be an entirely unnecessary airport (Smith 2014). When residents were forced to move from their thriving community, many went into crowded apartments in Ferguson, which had, since its foundation, been divided from other wealthy white communities by the construction of a

highway (Smith 2014). While the story of Ferguson is a complex one, it exemplifies how zoning practices and continued discrimination has plagued its black community. The residents of Ferguson felt acutely the injustice of this history when it came to a head when a young, black resident was murdered by white police officers. The community protested in the wake of this event against the wrongs they and their forefathers had suffered.

Racial zoning has explicitly disappeared due to a series of challenges to federal and state laws throughout the twentieth century, but many cities, when zoning maps from the twentieth century are compared to current demographic distributions, still look almost identical. White neighborhoods in cities still use zoning to prevent affordable, multi-unit housing structures from going up in the name of “historic preservation” and “neighborhood integrity” (Rothstein 2017). These zoning rules, which restrict the areas where poor, black people can live in cities, perpetuate the original intent of city planning offices across the country. Racial zoning created not only white and black neighborhoods, but clean and dirty, spacious and cramped, healthy and sick, educated and uneducated, and safe and dangerous communities, divided cleanly along racial lines. This helped to create the implicit association of blacks with danger and decay, and whites with safety and excellence. White neighborhoods in cities were protected from the unpleasantness of city life through their access to city services and protection from the cast-off from industry, while black neighborhoods were used to house everything white officials deemed undesirable, including the people themselves. Conditions for the working black poor of the United States’ cities were actively worsened by zoning laws which explicitly sought to uplift the living conditions of white urban dwellers directly at the expense of black neighborhoods. City zoning policies created urban ghettos where residents who were deprived of services and legal protection turned inward and built distinctive communities under the conditions the white polity

created for them. This form of discrimination did not only occur for black city-dwellers. Other immigrant groups faced similar treatment within cities across the country. San Francisco in particular is notorious for its treatment of different groups of Asian immigrants, notably Chinese, Japanese, and Filipino groups. They were also often restricted to renting homes only within certain areas of cities and faced the threat of violence if they were to stray from those areas.

The degradation and ghettoization of the inner city, which occurred when these neighborhoods were denied resources, loans, and services, was blamed on black residents who have since been faced with accusations that they are “naturally” prone to criminal behavior and preventable health conditions. All the while, the truth about the responsibility of whites in the manufacturing of the ghetto has been disguised by the means of the racial contract. Government workers, city planners, loan officers, real estate agents, employers who refused to pay black workers at the same rate as whites, landlords who did not care for their properties in black neighborhoods, and wealthy white city dwellers who demanded their property values remain high were all complicit. These whites worked together to manufacture urban ghettos in order to preserve the white polity and white supremacy, the details of which will be explained in the following section. For now, I turn to the system of discriminatory lending which attacked the burgeoning black middle class, preventing the accumulation of black wealth and prosperity while simultaneously uplifting white working-class Americans into the middle class.

While all-white enclaves *within* large cities are all but extinct, suburbanization has allowed whites to create cities of their own outside of urban centers, that still allow them convenient access to the economic center in cities, without forcing them to endure proximity to urban ghettos (Trounstine 2018). This white flight from cities was largely made possible by a single economic institution: access to affordable credit. The Federal Housing Administration

(FHA) was the key to making low interest loans possible in the twentieth century, providing insurance to banks so that banks would be incentivized to provide lower interest loans to new home buyers, on a guarantee from the federal government that the bank's investment would be protected. Even the poorest people with low incomes, as well as the professional class who had also previously been restricted to renting, could suddenly afford to buy a home because of the changes in federal policy, but it was actually only whites who were provided access to the advantageous programs at the beginning (Taylor 2019). Builders were quick to cash in on this economic opportunity, swiftly creating housing and other community necessities just outside of city limits, and whites looking for further separation from diverse cities fled to these new developments and purchased homes using FHA loans. This created uneven development between the urban center and the new suburban outposts, driving investment and wealth outside of cities, and leaving urban areas to degrade and suffer (Taylor 2019). Black Americans were kept from accessing these home-buying loans by all available means and were also explicitly prohibited from accessing small home improvement loans, which further depreciated the value of the homes they did own (Taylor 2019). These processes left blacks behind in crowded, old, and decaying urban centers, while whites, along with their tax dollars, fled cities to fill new suburban homes.

The FHA introduced a program in 1940 which specifically targeted low-income American families making less than \$2,000 annually, when it eventually became clear that even poor families would be willing to invest their money in order to secure access to newly available luxury commodities (Taylor 2019). By providing low interest home loans to low income families, the FHA was instrumental in building generational wealth, providing these families with access to a significant investment which would allow their children to rise into the middle and professional classes. This innovation in financial practices was not extended to black

Americans. The FHA maintained through the mid-twentieth century that blacks should be separated from whites and denied access to these loans in order to protect white property values and the federal government's investments (Taylor 2019). The FHA created physical maps which placed literal red lines around neighborhoods they would not provide home loans to prospective buyers in, commonly called "redlining" (Rothstein 2017; Taylor 2019). They also refused to provide black people with home improvement loans, creating a system in which many black-owned homes fell into disrepair (Taylor 2019). By way of these methods, the FHA crafted a system in which poor whites would be able to secure a place in the middle class for themselves and their children, while excluding blacks entirely from accessing the same advantages. Between 1949 and 1959, less than two percent of FHA insured properties were sold to nonwhites (Taylor 2019, 35). Despite this, black homeownership expanded significantly throughout the twentieth century, but lending institutions ensured that expansions in black homeownership would enrich them while making it difficult, and in most cases impossible, for black families to accumulate wealth.

At the mid-century, following the *Brown* decision, challenges to explicitly discriminatory policies came more and more frequently and black incomes were steadily rising, forcing a shift in the housing industry which had previously ignored black homeowner and buyers. The black housing market and city centers represented a new market for the industry, enticing the National Home Builders Association and the federal government (Taylor 2019). This participation was still conditioned, however, on the requirement of the development of black homeownership continuing on "segregated terms," (Taylor 2019, 40). Because of restrictions on loans from the Veterans Affairs Department (VA) and the FHA regarding the age and condition of homes, many black home buyers were prevented from accessing these advantages even once they became

technically available (Taylor 2019). This forced black home buyers to seek out those willing to finance their American dream, which frequently came at a much greater cost than it did for whites. Contract buying that was available to blacks during the twentieth century took the shape of rent-to-own schemes which relied on high interest rates and higher overall prices for black home buyers (Taylor 2019). Predatory lenders were able to take advantage of the unwillingness of traditional lenders to provide mortgages and home loans to black buyers and force them into schemes in which they paid large sums for subpar housing (Taylor 2019). Civil rights leader Whitney Young is quoted in Taylor's book, *Race for Profit*, saying, "Some whites fail to recognize that millions of Negro families are paying more for leasing a Harlem slum than their white counterparts pay for Hartford townhouse," (2019, 51). Taylor goes on to explain, "These patterns of economic exploitation were evidence that it was not just racial hatred that maintained the segregation of African Americans in their urban enclaves. A political economy had emerged and was structured around the captive African American market," (2019, 52).

The white polity had not only devised a way to prevent growth in wealth and power in the black community but had actually designed systems that funneled wealth out of black communities and into white capitalists' hands. The banking institutions and federal government worked effectively in tandem to both restrict housing availability and to charge exorbitant amounts for the aging, dilapidated housing that was accessible to black Americans. These processes together established the basis for discriminatory lending practices which have continued to this day. Now based on credit history and loan worthiness, many black Americans still find themselves paying significantly more for lower quality homes, cars, and appliances because they are denied access to systems of credit that white Americans have become versed in over the course of five generations of home ownership. The generational effects of this

discriminatory lending system of the twentieth century cannot be overstated. Middle-class whites, because of the advantages of homeownership in the suburbs, were able to access new, well-funded schools, reap the advantages of living in healthy communities, send their children to college, and, most importantly, pass along the wealth of their investment to their children and children's children. These systems function as an episode in the revision and continuation of the racial contract, by which the white polity secured for itself and successive generations a source of wealth and supremacy over blacks which could function even without explicitly racial guidelines. Racial zoning and lending affirmed the racial contract in a new generation of industrialization and wealth, ensuring that black Americans remained at the bottom of the hierarchy of the American political system and affirming white supremacy.

Part III—*The Racial Contract* and Suburbanization

Charles Mills opens the introduction of his landmark book with, “white supremacy is the unnamed political system that has made the modern world what it is today,” (1997). His book outlines the facets of white supremacy, held in place by the racial contract, which have made this system into the dominant political system it is. This period of suburbanization in the mid- to late-twentieth century saw the creation of loan and zoning institutions designed to maintain some of the fundamental aspects of the contract, and ultimately work to uphold white supremacy in a rapidly changing world. For, as Mills notes himself, the “huge disparity in white and black wealth is not remotely contingent, accidental, fortuitous; *it is the direct outcome of American state policy and the collusion with it of the white citizenry*” (1997, 38, emphasis my own). The institutional collusion of this time period took the shape of creating white homeowners with swaths of land which would continue to grow in value available through access to low-interest

credit. While black homeownership grew significantly during this time period as well, even increasing at rates higher than that of the rates for whites, they were not given access to these same advantages in quality, location, or affordability, which restricted the accumulation of wealth and property in the black community (Taylor 2019, 31). Mills lays out the details at work within the racial contract in chapter two of his book, which I address in this section as they relate to the growth of white suburban America in the mid-twentieth century.

The three principle mechanisms of the racial contract are: the demarcation of racialized spaces and the norming of those spaces as civil/wild, the racializing and norming of the individual, demarcating personhood and subpersonhood, and the constant maintenance of the contract itself (Mills 1997). The most obvious way in which the loan and zoning institutions of the mid-twentieth century worked to uphold the racial contract was through the racing of physical space, creating separate, superior enclaves for white Americans. This denial of adequate housing to many working class black Americans also worked to create within the American consciousness the idea that opportunity was available to all, but only the best and smartest worked sufficiently hard enough to obtain it, thereby working to maintain the subperson status assigned to black Americans by the racial contract. Finally, these institutions demonstrate the ever-present nature of the contract, even as it transformed from an explicit contract to one which relies on less obviously exclusionary practices, a continuation of the movement away from the system of explicit, racial slavery to one of quiet racial domination that we have in America today.

The first of these mechanisms, the racializing and norming of space, serves the racial contract by creating a specific and easily identifiable characterization of subpersons because they occupy a specific space (Mills 1997). Mills explains this circular logic: “you are what you are in

part because you originate from a certain kind of space, and that space has those properties in part because it is inhabited by creatures like yourself,” (1997, 42). In the mid-twentieth century this space, which was once the slave quarters outside of the big house, became the urban ghetto. This space came to be characterized by black Americans, just as black Americans came to be characterized by this space. Martin Luther King describes in his work, *Where Do We Go From Here? Chaos or Community*, the changes he saw within his own children one summer when he brought his family to live with him in the Chicago neighborhood of Lawndale, “their tempers flared and they sometimes reverted to almost infantile behavior,” (1968, 122). It very simply could have been that the children were misbehaving because they had been forced to leave their home and their friends for a summer when they did not wish to, but King attributes regression in their emotional control to the influences of the ghetto itself, granting it almost supernatural powers over the behavior of his children. This shows how even in the minds of black Americans, the ghetto itself has come to represent a separate sphere of unruliness and wildness that is attributed to those that live there and associated with all black Americans, even if they are not direct products of these poor urban communities.

Realtors, city officials, and white homeowners used the desperate conditions of the ghettos as evidence that black people could not be entrusted with homeownership, and that the arrival of black residents in exclusively white communities would result in the depreciation of home values and the ultimate downfall of their community (Taylor 2019). The “wild” ghettos, created by a lack of investment in affordable housing and a lack of regulation on landlords, gave rise to the myth that black Americans were not a smart investment (Taylor 2019). The entire community of black Americans was blamed for the conditions present in the ghettos, and the conditions of the ghettos came to characterize the entire community. By delineating these spaces

along racial lines, the white polity was able to ensure that they would continue to control access to wealth and property in the United States and maintain their control over the “civilized” spaces within this country. The creation of the urban ghetto contributed directly to the norming of racial spaces which has served to perpetuate the contract beyond the boundaries of the slave quarters and the big house. “Ghetto” has become representative of “wild” space, while “suburb” has become representative of the “civilized” space. This shift has perpetuated the monopoly of whites over all that is civil by means of direct contrast with all that is black and uncivil. The demarcation of these spaces by means of discrimination in loans and in racially motivated zoning has upheld this function of the racial contract and maintained the political system of white supremacy.

Similar to this system of designating civil and wild spaces, the racial contract works to define which bodies are members of the politic and which are excluded from citizenry (Mills 1997). In the words of Mills, “the Racial Contract is explicitly predicated on a politics of the body which is related to the body politic through *restrictions* on which bodies are ‘politic.’ There are bodies impolitic whose owners are judged incapable of *forming* or fully *entering into* a body politic,” (1997, 53, emphasis original). What this means is that the racial contract distinguishes those who are full, rational members of the contract and the polity (white men), from the rest by means of restricting access to the polity. Through the mid-twentieth century and the institutions of loan inequity and racial zoning policies, this facet of the racial contract was perpetuated through the definition of what it meant to be an “American”, which came to be defined by homeownership and access to luxury goods. This “American dream” was denied to blacks by these institutional inequities, thereby denying black admittance into what it meant to be “American” and a full member of the American polity.

Mills outlines what this process has looked like throughout the history of America, showing multiple ways in which access to full human intellect and achievement has been denied to nonwhites over time. He cites David Hume, Immanuel Kant, and other modern political thinkers who have proposed ideas such as whites are the only group who have created “worthwhile civilizations,” and that whites exclusively act with rationality (Mills 1997, 59-60). These denials of nonwhite civility and intellectual capability have worked to propagate the myth of a lack of cultural achievement within the black community. The creation of poor urban centers and the myth of a lack of culture, intelligence, or worth existing in these communities is another iteration of the racial contract at work. By denying those who live in the ghetto, and, by extension, all black Americans, through the means discussed earlier in this section, participation in the building of the American suburban culture, blacks were once again denied full humanity and citizenry. This separation of urban and suburban cultures created one clearly privileged and dominant culture, portrayed by the media and broadcasted throughout the world as the American ideal, and one clearly subordinate culture associated with danger, violence, rebellion, and otherness, located clearly outside of the dominant American political system (King 1968). By way of zoning and loan discrimination, the white polity deftly dealt a tragic blow to black Americans.

Through the creation of the ghetto, the white polity has created within the United States a cultural hierarchy which prioritizes the white culture of the suburbs over that of the black culture of inner cities to the point that blacks are portrayed as lacking in culture entirely. Anything the white polity deems as significant from the ghetto is quickly appropriated by the white polity, redefining what is “good” and “bad” in the eyes of the American public. This ongoing discourse can be seen through the current debates surrounding graffiti as an art form or a nuisance, rap and

hip-hop music as a worthy musical expression or noise, natural hair styles for black people as hip new expressions of self or unprofessional and dirty. All of these, when accepted as “worthy” by the white polity, become celebrated as an expression of *American* culture, yet are demonized and attacked when they are representative of *black* culture. This denial of full humanity and citizenry to black Americans by way of the ghettoization of black culture demonstrates this mechanism of the racial contract at work. This purpose is also served by means of the commodification of black culture, by which whites in positions of power seek to control access to and sell authentically “black” culture. This process creates wealth for those in power and allows those paying for access to feel that they have had an “authentic” black experience. Both through the commodification of black culture when possible and the demonization of black culture when it is not, whites become gatekeepers and tax collectors on culture. Of course, black culture exists outside of the clutches of white power, but it is demonized and oppressed as much as possible by the white polity. The creation of white suburban enclaves served to privilege the cultural contributions of that community and ensure the superiority of the intellectual and cultural property of that community. In this way, the racial contract was secured for a new generation of white Americans.

The final aspect of the racial contract Mills discusses in his book is that the racial contract itself is constantly undergoing revisions in order to remain the source of the modern social contract and maintain white supremacy as the dominant American political system. Mills conceives of the racial contract as, “creating not merely racial exploitation, *but race itself* as a group identity,” (1997, 63, emphasis original). He continues, “in a contemporary vocabulary, the Racial Contract ‘constructs’ race,” (Mills 1997, 63). In order to continually perpetuate race under shifting political institutions, the racial contract is forced to revise itself by means of adjusting to

emerging political institutions in ways that serve to uphold its original intent of white domination of black Americans. This wave of racially discriminatory institutions was evidence of the growing movement of white architects toward the use of non-explicit language in order to conceal the racially motivated intent behind the law or policy (Bonilla-Silva 2018). Algorithms and strategies designed to limit risk for lending institutions and personal philosophies that kind should remain with kind were born out of a history of Jim Crow and redlining, which solidified in the foundations of American lending institutions the idea that black Americans made for “risky investments,” (Bonilla-Silva 2018; Taylor 2019). Through the twentieth century, we see a shift from explicitly racial housing policies, in which landlords could post in advertisements for vacant apartments, “Whites Only,” to a system under which such practices are expressly illegal. Yet segregation, discriminatory lending practices, and wealth concentration in white hands all still exist. How? According to Mills, the white polity secured the racial contract through its institutions so that it could continue to exist as principally implicit contract, relying on very few explicitly racist institutions or social practices. Now we could publish an advertisement for a vacant apartment requiring a credit score of seven hundred and fifty or higher, along with a clean criminal background check and a monthly salary which is triple that of the rent and have essentially the same discriminatory effect as a “Whites Only” notice.

For this reason, Mills makes the claim that the racial contract has been written out of formal existence, and the discriminatory lending and zoning practices of the mid-twentieth century were key in that process (Mills 1997, 73, 75). The foundations laid by the initial exclusion of black Americans from low-interest home loans for well-built homes in growing communities created the opportunity for later discrimination on the basis of a past default or a lack of credit history. The explicit exclusion from these wealth-generating institutions at the

onset of the twentieth century made it almost impossible for the vast majority of black Americans to catch up as the century wore on and discrimination became less obvious. Mills explains:

“...a crucial manifestation [of the racial contract] is simply *the failure to ask certain questions*, taking for granted as a status quo and baseline the existing color-coded configurations of wealth, poverty, property, and opportunities, the pretence [sic] that formal, juridical equality is sufficient to remedy the inequities created on a foundation of several hundred years of racial privilege, and that challenging that foundation is a transgression of the terms of the social contract,” (1997, 73-74, emphasis original)

We perpetuate this contract now by means of implicitly sanctioning it, by allowing the underlying social formations created in the past to continue to serve their designated purpose—maintaining the political system of white supremacy. Zoning and lending discrimination set a path from the beginning, which could be followed even after explicit discrimination became illegal by forming a hierarchy of communities and cultures which were separate from one another, the privileged community being that of the whites and the subordinate community that of the blacks. The following section discusses the gendered aspects of these developments in the mid-twentieth century. The particular cultural development of the American housewife set a new standard in femininity that the majority of black women were denied. I turn now to a discussion of the development of a new femininity which was a product of the development of a white suburban class, and how this perception of American femininity denied black women womanhood.

Part IV—The Housewife and the Domestic

A particular cultural institution that was developed during the mid-twentieth century is that of the American housewife. She is a beautiful, slender woman with done hair and nails, who

always wears a full face of makeup, a just-past-the-knee length dress, and a pair of appropriately tall heels. Her main occupations include cooking, cleaning, raising children, and serving her husband with a smile. She is the Stepford wife, the ideal created by American marketing which every woman is expected to be. Most importantly, she is white. This woman was used to sell cars, home appliances, clothes, and television, but she became the standard against which all American women were measured. Black women, but also divorced women, fat women, non-Christian women, disabled women, mentally ill women, and homosexual women, were all excluded from the societal definition of what it meant to be a woman. The housewife came to represent an unattainable standard which was used to render black women and their experience as women illegitimate, since it did not meet the cultural standard. Even the black woman who perfectly embodied the spirit of the housewife still found that she fell short of the ideal because of the color of her skin.

While black women were denied the privileges of admittance into the somewhat revered and protected category of housewife, many of them worked in the shadow of American housewives as domestic servants inside of middle-class homes. Up into the 1930's, three out of five black women in the United States worked as a domestic servant (Davis 1983, 238). This number fell as there was a growing demand in the manufacturing sector following WWII, but remained around thirteen percent when Angela Davis and bell hooks were writing in the late-1970s and early 1980s (1983). The black woman working as a domestic during the early twentieth century earned disparagingly low wages, was forced to work long hours, and was given little opportunity to organize or strike for better pay due to the isolating nature of the work (Davis 1983). Because of the demands of the white family who employed her, she was often forced to neglect her own home and children, contributing to societal impressions that black

women are bad mothers and homemakers (Davis 1983). All the while, black women were the key to the pristine order present in the homes of their employers, all the credit for which was given to the superior managerial skills of the white woman of the house.

When the second wave of feminism began to gain traction in the 1960s, black women found their conditions and concerns ignored in favor of those of the “American woman”, who found her role in the home confining and sought to be recognized as equally capable as men to hold professional positions outside of the home (hooks 1984). Feminism came to be defined by these demands of white women to be allowed to work outside of the home, to divorce freely, and to be given the option to not have children (hooks 1984). Black feminist thinker bell hooks describes the work of Betty Friedan, a leading voice in the white, middle-class feminist movement, as “a case study of narcissism, insensitivity, sentimentality, and self-indulgence,” (hooks 1984, 3). For black women who had been forced to work outside of the home, forcibly separated from husbands by slavery and incarceration, and forcibly sterilized, these demands from the white feminists came off as remarkably tone deaf. However, they still came to dominate the feminist movement, effectively excluding black women from the feminist political movement. hooks reveals how Friedan’s work became ingrained within popular feminist thought during the second wave, leading many white feminists to write from a perspective which reinforces white racism and superiority (1984). She dismisses this incomplete version of feminism because she claims it will ultimately be incapable of confronting the institutions in which women are suppressed not just by means of their femininity, but also by way of their class and race (hooks 1984). hooks and Davis reveal how we ultimately impoverish our ability to combat oppression and end up becoming complicit in the maintenance of white supremacy when

we only examine women's oppression through the lens of the wealthy, college-educated, married-with-kids housewife.

This division between the white housewife and the black domestic during the twentieth century was hardly a new function of the time period, but rather a new expression of gendered oppression for black women. The dominant mode of thinking and political function in the United States takes for granted that when we say "woman", we mean a white woman. In the twentieth century, this took on a new and novel form yet remained consistent in purpose and effect. Black women remained outside of what the white polity defined as the acceptable standards of womanhood. Although white women faced gendered oppression as a result of the social norm of the housewife, they themselves were complicit in the exclusion of black women from efforts to disrupt patriarchal norms.

Part V—Conclusion

This chapter has shown how the specific institutions of racially discriminatory zoning and lending practices in the twentieth century served the white polity and entrenched the racial contract. Discriminatory lending and zoning practices resulted in lasting economic, political, and social inequity between white and black Americans. The ghettoization of urban centers has resulted in a lasting disregard for the residents of poor urban communities and a continued apathy toward creating policies that might work to undo some of the damage inflicted on black Americans. Instead, political leaders blame the results of these blatantly racist institutions on blacks themselves, making claims about the naturalness of their subordinate position in society, exactly as was done in defense of slavery in the nineteenth century. The suburbanization of working-class whites created a flourishing white middle class, who became the representatives

internationally of American plenty and promise, the banner-men of the American dream. Those that brought their families out of low wage jobs, bought homes, and sent their children to college propagated the myth that any American could access opportunity if only he worked hard enough and lived a moral life. Black men and women of America who paid more to own the oldest homes and cars, who were kept out of suburban neighborhoods even if they could afford to buy a house there outright, who were threatened with eviction from their dilapidated, infested housing if they dared to file a complaint, knew that working harder would not grant them access to the American dream. Nothing would. They were denied full participation in the American polity because they were black. By way of denying wealth accumulation, cultural legitimacy, and access to politically powerful communities, the white polity has secured continued power and wealth within their communities while simultaneously preventing black communities and individuals from accessing the same advantages on the same scale. Viewing these institutions through the lens of the racial contract makes this exclusion and purposeful system of degradation clear. It is no accident that black Americans live in urban ghettos, no accident that black Americans have poor credit scores, no accident that black Americans have a fraction of the wealth of white Americans. The white polity specifically constructed these institutions in order to maintain white supremacy as the dominant political system of this country. In the next chapter, I discuss the institution of mass incarceration and its specific role in the maintenance of white supremacy.

Chapter IV—Mass Incarceration and the Racial Contract

Part I—Introduction

Michelle Alexander opens her landmark book, *The New Jim Crow*, with an adage about a black man in America who represents the fifth generation in a family line who has been denied the right to vote. His great-great grandfather was a slave, his great-grandfather was killed by the Ku Klux Klan for attempting to vote, his grandfather faced Klan intimidation, and his father faced poll taxes and literacy tests. He is a convicted felon on parole. Most Americans today would recognize the first four generations of men in his family as having faced a grave injustice. Those men did nothing to warrant the denial of their right to vote, but the most recent of the Mr. Cottons? He is a felon; he disobeyed societal rules and therefore can no longer participate in society. It is black and white, a question of right or wrong.

Alexander, along with many other advocates of racial justice, would say claims to a justified denial of the right to vote of a black man in America are deeply wrong. This chapter explores the rise and ongoing institution of mass incarceration as a means of preserving white supremacy and the racial contract, in which white men have agreed among themselves that they are to remain politically, socially, economically, and intellectually superior to blacks in America. I claim that mass incarceration is simply a function of this contract, a means of continuing the established social order. It is an undeniable fact that the criminal justice system and the institution of incarceration disproportionately target black people in America. The NAACP, in its Criminal Justice Fact Sheet, reports that blacks are incarcerated at more than 5 times the rate of whites. The racial disparities in the system are glaring, yet the average white American, when confronted with such statistics, might simply shrug his or her shoulders and make some suggestions about drug crime or gangs, single mothers or welfare queens, absent fathers or rap

artists. In order to uncover how incarceration has become a means of securing white supremacy, one must examine the racial contract, which is the foundational agreement on which the American racial system is established, and the conditions that gave rise to mass incarceration.

In order to show that the system of mass incarceration has been manufactured as a means of denying humanity to black Americans and is a product of the racial contract, I will include a case study of mass incarceration relying on sources such as Alexander's *The New Jim Crow*, Coates' *The Black Family in the Age of Incarceration*, King's *Letters from a Birmingham Jail*, and Fanon's *The Wretched of the Earth*. I will also provide an intersectional analysis of how systems of class and gender further complicate the oppression face by black people within the penal system. My goal for this chapter is to show that mass incarceration is one of the most prominent modern iterations of the racial contract and a part of a continuing effort by white Americans to preserve their superior position.

Part II—Mass Incarceration and the Racial Contract

In the introduction, I referenced the story Michelle Alexander included in the opening chapter of her book, *The New Jim Crow*, about Mr. Cotton and the history of voter suppression in his family—five generations of black men in America who have been kept from practicing a right that is considered a basic expression of civil inclusion and political power. Each iteration of the denial of this basic right to the Mr. Cottons was completely justified in its own time by the white polity, just as many white Americans today still see nothing at all unjust in the act of excluding “felons” from the electoral process. According to research conducted by Christopher Uggen, Jeff Manza, and Clem Brooks, 60 percent of Americans favor restoring voting rights for previously incarcerated people once they have left prison and are on parole, while only 30

percent believe that incarcerated individuals should have access to the vote while they are in prison. The truth of the matter is that mass incarceration is simply another method by which the white supremacist state enforces the racial contract, using all of the mechanisms Mills discusses in his book. This section addresses the history and current status of the criminal justice system in order to highlight how it functions as a part of the white supremacist state and the racial contract. First, I address the historical work in Alexander's *The New Jim Crow* in order to explain how mass incarceration was established as a mechanism of the racial contract. I then address a variety of sources in order to show how black Americans confront the penal justice system and the impacts it has had on blacks in America.

Mills' principal argument is that the racial contract relies on three main mechanisms: the norming of space, establishing who is a person and who is a subperson, and undergoing constant revisions in order to continuously underwrite the modern social contract (1997, 41). In the previous two chapters, I have outlined how these mechanisms were used to preserve the racial contract and white supremacy in the face of institutional and social changes over the course of American history. This chapter engages with Mills' principal mechanisms in order to show how mass incarceration serves to create physically different spaces for blacks and whites, delegate those in the carceral system to a subperson status, and ultimately maintain the racial contract in a period largely without explicitly anti-black institutions. This section relies heavily on Michelle Alexander's conception of mass incarceration and its role in white domination of black people in America.

Alexander traces the emergence of the system of mass incarceration to the rhetoric used to delegitimize and persecute civil rights advocates during the Civil Rights movement. Southern politicians used language such as "lawbreakers", "a breakdown of law and order", and

“lawlessness” to characterize a generally peaceful movement of black Americans demanding that segregation be ended and basic civil rights protected equally under the law (Alexander 2010, 40-41). While these may seem like simple enough demands through a modern moral lens, segregation was at the time the principle enforcement mechanism of the racial contract; a threat to the laws that upheld segregation was a threat to the contract and white supremacy. Therefore, Southern politicians framed protests in such a way that made segregation seem necessary in order to prevent rising crime rates, a phenomenon that was occurring in this time period which had more to do with the baby boomer generation entering their 20s than peaceful protests in Southern cities (Alexander 2010, 41). Thus “tough on crime” rhetoric became a conservative talking point, with Barry Goldwater creating a precedent of using fear of black aggression and crime as a campaign strategy that is still used by politicians today (Alexander 2010, 42). The rhetoric of “cracking down on crime” emerged as a way to allow whites to claim nonracial motivations for wanting to preserve systems of segregation and white political power (Alexander 2010, 43). It also provided a moral association of black protestors with criminal justice, easing any white tension about the racial disparities in the American prison system. Here we can see the work of the racial contract, being rewritten and reconstructed in order to conform to shifting attitudes about race and morality. It was no longer acceptable to explicitly call someone a criminal because they were black, but it certainly was safe and morally just to assume to oneself that anyone who is black is a criminal.

By making claims of inherent criminality about black protestors, segregationists and politicians were engaging with Mills’ second mechanism of the racial contract, assignment of human/subhuman status. By painting those who were challenging the established racial order as criminals, segregationists worked both to delegitimize the movement and those involved. They

were not painted as people making reasonable demands in light of unjust systems, but as criminals, lawless beasts, challenging white authority. If there were no contract, no white polity to protect, it would have been impossible to make peaceful protesters who were active in Selma, Nashville, and Montgomery during the Civil Rights movement out to be criminals, but the contract and the white supremacist structure demand that blacks are degraded as nonhuman subjects. It then becomes less shocking to hear of abuse, such as the Birmingham church bombing, police dogs attacking marchers, assassinations of civil rights leaders, when the realities of the contract are spelled out plainly.

The Nixon administration emerged as one that would protect “American” (white) values and fight the “war on drugs” (Alexander 2010, 48). Following closely in his footsteps was Reagan who popularized racial epithets such as “welfare queen” and “predator”, just vague enough to avoid the moral taboo of being aggressively racist while still assuring whites that Reagan was ready to fully uphold the white supremacist polity (Alexander 2010, 48). These political shifts led to a Federal Bureau of Investigation and a Justice Department committed to investigating and prosecuting street crimes, and funding cuts for federal programs designed to treat and educate people on addiction (Alexander 2010, 50). Drugs were now formally anti-moral and, therefore, naturally associated with blackness in the minds of white Americans. Sky-rocketing unemployment for poor, blue-collar workers, combined with the growing physical and mental stressors associated with living in the ghettoized inner city and the growing availability of cheap drugs like crack, created a national epidemic of which blacks were on the front line (Alexander 2010, 50). Incarceration was already the established response to blackness; drugs were simply another excuse to lock them in up at alarming rates.

Incarceration was not the only response concocted by the white polity to drug addiction; mandatory minimum sentences for seemingly small crimes such as simple possession of cocaine base, expulsion from public housing, and exclusion from federal benefits such as student loans were all possible consequences of a drug crime conviction (Alexander 2010, 53). Measures such as these make it clear that the white polity had no interest at all in “solving” drug addiction or drug related crimes, but rather on stripping the rights and humanity from black Americans. By 1991, one quarter of young black men in America were under the control of the criminal justice system (Alexander 2010, 56). When Clinton came into office, conditions became overwhelmingly worse. His administration slashed the public housing budget, made it easier to evict anyone with a criminal record from public housing, and implemented a lifetime ban from food stamps and welfare for anyone convicted of a federal drug crime (Alexander 2010, 57). These efforts crafted a new system of racial segregation, one that plays something of a “gotcha” game with black Americans. We catch you with even a small amount of marijuana—no public housing, no food stamps, no federal student loans. We catch you again—repeat offenders serve even more time behind bars. One more time and you are out of chances—a federal judge has the right to put you behind bars for the rest of your life for marijuana possession. Behind the guise of “justice”, the white polity managed to create a system in which they could extract a lifetime of free labor from poor blacks while they were incarcerated and relegate them to the margins of society, all while maintaining their own moral and intellectual convictions that allowed them to think what they were doing was “right”. Alexander summarizes the emergence of this system by saying:

“More than 2 million people found themselves behind bars at the turn of the twenty-first century, and millions more were relegated to the margins of mainstream society, banished to a political and social space not unlike Jim Crow, where discrimination in employment, housing, and access

to education was perfectly legal, and where they could be denied the right to vote. The system functioned automatically, and the prevailing system of racial meanings, identities, and ideologies already seemed natural,” (2010, 58).

The white polity had, once again, secured for themselves supremacy in the American racial order, ensuring that the racial contract remained dominant. The scope of this exclusion is shocking, taking a vast human toll that can hardly be accounted for by examining statistics and data. This paper now turns to a variety of sources which show more of the human toll of this system and how the racial contract plays a role in the daily life of black Americans.

Alexander, Mills, Bonilla-Silva, and the Field sisters all discuss the naturalness of the ideology surrounding black inferiority in America. It is simply assumed that black men are criminals, and therefore they are incarcerated. It is the “natural” state of the black family, according to the dominant white American ideology, to be made up of unwed parents, children from multiple fathers, all of whom are absent or incarcerated. It is natural for blacks to be attracted to drugs, they are lazy, selfish, and indulgent, awaiting a government handout. These ideologies of the American white polity become self-fulfilling prophecies when systems are put in place to ensure blacks do not have access to opportunities—white America insists they are to pull themselves up by their bootstraps yet, as Martin Luther King Jr. famously said, they have not been provided with any boots.

Ta-Nehisi Coates, an American writer and a prominent social-commentator through *The Atlantic* magazine, wrote the cover story for the October 2015 edition of *The Atlantic*, entitled “The Black Family in the Age of Mass Incarceration”. In this article he addresses the cost of incarceration for American blacks, humanizing an experience meant to strip those that undergo it of their humanity. This task alone is one that subverts the racial contract and its claim to moral superiority and natural white supremacy. I engage with Coates in this section in order to show

concrete examples of individuals who have experienced this dehumanizing system firsthand. Coates' analysis helps to demonstrate the toll the racial contract has on the lives of those who are merely objects of the contract, oppressed by its subjects.

Coates describes the experiences of a woman named Tonya, who faced abuse and homelessness as a child, eventually falling into crack addiction as a young woman. She went to prison for eighteen years on a twenty-two-year sentence after shooting and killing someone over a dispute about stolen money at a party where everyone, including herself, was high (Coates 2015). Coates describes the process of the slow descent into depression and adjustment to prison life, being completely cut off from normal social ties slowly as people on the outside lose the will to make the expensive calls to prison or take the long journeys to often far off cities where federal prisons are (2015). Eventually Tonya was completely cut off from the outside world, the dehumanizing world of prison with its own language and social rules becoming her only reality (Coates 2015). When she was released, Tonya experienced loneliness and isolation, being unused to having multiple rooms in which to live her life or the lack of a "bunkie" or guard to keep her company (Coates 2015). Many formerly incarcerated people end up homeless because they are unable to cope with the reality of paying rent or even with the process of searching for accommodations that will rent to formerly incarcerated individuals (Coates 2015).

Beyond just social adjustment, prison is a dangerous place. Another story in the article came from Richard. He was stopped by his cellmate from going to the showers at 10pm on one of his first nights in prison because it was generally known that an inmate who was looking for a person to rape would follow any unassuming person into the showers after 9pm (Coates 2015). He describes feeling like "prey" while incarcerated because of the constant threat of violence from other inmates (Coates 2015). This state of a manufactured, ever-present threat of violence

inflicted upon blacks by the white polity is, according to Fanon, as serious as direct physical violence inflicted upon the oppressed by the oppressor (Fanon 2004, 279). He calls it an, “atmosphere of permanent insecurity,” that causes mental distress and disorders in those on whom the violence is inflicted (Fanon 2004, 279). To examine prison as a form of violence because those who live there are under constant threat and duress, it becomes blatantly obvious that the act of incarceration is an inherently violent and oppressive one, despite white claims to the execution of objective justice. The system itself inflicts violence upon those subjected to it in order to deny them of their humanity and will to oppose the system. These mechanisms again are those Mills discusses in *The Racial Contract* as mechanisms used by the white polity in order to maintain power and the white polity (1997). These stories presented by Coates are both an attack on white moral superiority and revealing of the depth of oppression dealt to black people by the American penal system. The following section discusses Martin Luther King Jr. and how his writings from within an American jail cell paint a vivid picture of the racial contract and its impact both on his life personally and his movement for black civil rights.

Martin Luther King Jr. holds a seemingly paradoxical place in the American psyche. He was a black man who demanded equal treatment and rights, who challenged the white polity, yet he is revered by white Americans as a just and righteous man whose legacy is, on the surface, respected deeply. He was unquestioningly an advocate for dismantling the racial contract, as is evidenced in his many writings including “Letter from a Birmingham Jail” and *Where Do We Go From Here*. Yet whites have somewhat hijacked his legacy, instead making him out to be a peace-loving advocate for the rule of law, someone who rejected violence and above all else desired unity between the races (Andrews 2014). As a black man who faced incarceration in America and as a beloved public figure, understanding his own words written from within a jail

cell is crucial to understanding this question of how mass black incarceration came to be a dominant fixture in American society.

The letter is in answer to critics of King who thought that the timing was not yet right to push for black civil rights, that King and others should simply “wait” until some unspecified time in the future to achieve full human status. King rebuts that it is hardly appropriate to suggest someone “wait” for a better time when they are, “fighting a degenerating sense of ‘nobodyness’,” (King 1963). King’s sense that he and other blacks had been relegated to a less-than-human status by the white social order and that his oppressors would never willingly grant blacks their freedom led him to acknowledge that the undoing the racial contract would have to be forced (1963). He references the moral “right” and moral “wrong” throughout his letter, possibly because he believed in a God who ordained absolute moral right and wrong, or possibly because he wished to subvert the white moral order by attempting to reveal that the dominant moral code was in fact immoral in its treatment of blacks. If we accept that it is the latter, it shows that King had a nuanced understanding of the importance of dismantling white moral dominance in undoing the racial contract.

He goes on to express his disappointment in white moderates. It seems he did not anticipate that the average white American would be so unaffected when confronted with obvious examples of brutality against blacks. He acknowledges in his letter that he had been in the past far too optimistic about the willingness, and even ability, of whites to, “understand or appreciate the deep groans and passionate yearnings of those that have been oppressed,” (King 1963). He failed to recognize up until the point the extent to which seemingly “moderate” or “well intentioned” whites would go in order to continue to reap benefits from their superior position guaranteed by the racial contract. He also expresses surprise at leaders of the white

church who have failed to, “come to the aid of justice,” (King 1963). He here is having a similar revelation as Mills when he quotes W.E.B. DuBois, “when white people say ‘Justice,’ they mean ‘Just Us,” (1997, 110). This is the essence of the contract for Mills-- whites have developed a moral code which they speak of in universalist terms, yet they actually in practice apply it only to themselves, to full persons (1997, 110). King is coming to this same conclusion. As a black man incarcerated for a seemingly trivial rule in pursuit of equality, he sees fully that pleas for the movement to “wait” are actually demands to cease their action forever. The Birmingham police force was commended for “keeping order”, while King and other civil rights activists were told “wait” (King 1963). This is the racial contract at work, incarcerating those who dare act against it and exalting those who uphold it.

Part III—Gender and Class Intersections

So far, I have dealt with the history and the current experiences of black people with the criminal justice system in America in order to show how it is an institution born out of the racial contract. Yet to be addressed, however, is the intersectional nature of mass incarceration, specifically how it impacts women and those at the bottom of the economic hierarchy, in addition to serving as a means of white oppression of blacks. This section addresses articles written by Kimberlé Crenshaw on the intersection of women and mass incarceration, Loïc Wacquant, and Becky Pettit and Bruce Western on the intersection of race and class in mass incarceration. While the primary focus of this project is on race as a means of oppression, black women’s experiences while incarcerated are impacted by their identity as women. The poor are similarly affected in unique ways by mass incarceration due to their financial conditions. Race is

still central to these systems, but it is not the only factor we can consider in discussions of mass incarceration and the impact it has on black Americans.

Pettit and Western point out in their article that black American men are much more likely to go to prison than white American men, but that those chances of incarceration increase dramatically for black American men without a college degree, and still increase more for black American men without a high school diploma (2004, 151). They also point out that in 1999, “More than 90 percent of prisoners are men, incarceration rates for blacks are about eight times higher than those for whites, and prison inmates average less than 12 years of completed schooling,” (Pettit and Western 2004, 152). There is clearly both a race and class dynamic at play in the system of mass incarceration that makes poor, black men much more vulnerable to it than anyone else. It is not a mistake, rather it is a function of the racial contract that, in addition to black men being overrepresented in prison populations, they are overrepresented in poverty and homelessness statistics. Black men are more likely to be unemployed, less likely to have finished high school, more likely to be victims of adverse childhood experiences, and more likely to be targeted by police than their white counterparts at every income level (Pettit and Western 2004, 153-154). Wacquant similarly claims that, “*the prison system was ‘ghettoized’*,” while, “*the ghetto was ‘prisonized’*,” (2010, 82). His argument is that the ghetto was invented by the wealthy white polity in order to drive poor blacks into prison, while the ghetto was fashioned in such a way that it became a prison. The system of morally associating blackness with criminality and with poverty are not separate systems, rather they are simultaneously birthed out of the racial contract. Black poverty as an institution cannot be understood without the racial contract, just like black incarceration. Still, they are both systems engineered by the white polity to deny blacks full human status and preserve the white supremacist state.

It is an emerging function of the mass incarceration institution to target black women. Historically and still today, men of all races have been incarcerated at far higher rates than women, yet as Crenshaw points out in her article “From Private Violence to Mass Incarceration: Thinking Intersectionally About Women, Race, and Social Control,” it is now the case that black women and girls are the fastest growing incarcerated population in the United States (2012, 1422). Without careful attention paid to what is causing growth in this prison population, it may soon be the case that women and girls will be facing an incarceration crisis similar in size and scope to that of black men. Crenshaw admonishes feminist scholars at the time of focusing solely on a race-neutral version of “feminist criminology”, ignoring its deeply racial underpinnings and the, “severe needs of women of color,” (2012, 1418). Similarly, literature on the racial dynamics of mass incarceration largely ignore the predicament of black women because the sheer number of black women incarcerated is less than that of men. However, Crenshaw points out that, “the increased risk of incarceration relative to race is virtually the same for Black men and women as for whites,” (2012, 1437). Black women are 6.9 times more likely to be incarcerated than white women, revealing that black women face a similar system of “racial control” as black men when compared to whites (Crenshaw 2012, 1437). Crenshaw attributes the alarming rise in black female incarceration rates to the war on drugs, exposing them to risk associated with “conspiracy” with boyfriends and husbands who buy, use, or deal drugs, even if they play no direct role (2012, 1440). In this way, the white penal system ensured it not just punished those who found themselves directly caught in the trap of the drug war, but also the circle of women surrounding it. Additionally, systems instituted by the white polity to create black poverty disproportionately affect women, contributing to their rising incarceration rates (Crenshaw 2012, 1441). It is also worth noting that even if black women do not come into direct contact with the

penal system, they can still be caught in the web of its effects by way of loved ones and family members. The overwhelming rates of black male incarceration places the burden of providing financial stability or raising children solely on the wife, mother, grandmother, aunt, or sister left behind.

Essentially, these mechanisms of the racial contract denied humanity to blacks do not affect all blacks universally or to the same degree. There are multiple intersections, or lines upon which one's oppression can be impacted, depending on things such as gender and class. It is undeniable, however, that the American penal system is a racialized institution manufacturing poverty, mental illness, and social isolation as both results of its existence and as contributing factors. The purpose of including this section in this paper was to further complicate the discussion of incarceration and to show different intersections by which the racial contract serves to subordinate black Americans.

Part IV—Conclusions

Charles Morgan Jr., on the day after the Birmingham church bombing, told an entirely white audience at a young businessman's lunch in Montgomery, Alabama, "We all did it," (Cohen 2013). This sentiment summarizes the work of the racial contract in America and the institution of mass incarceration. The white polity, in an effort to preserve power and moral superiority in the wake of the Civil Rights Movement, moved toward creating natural associations between blacks and lawlessness in the American racial ideology, eventually culminating in a national political effort to incarcerate unprecedented numbers of black Americans for getting caught up in the particular version of suffering manufactured by whites in the urban ghetto. White Americans created black poverty, crack-cocaine, cramped and

dehumanizing housing conditions, under-funded urban schools, and segregated ghettos in order to help fill thousands of American prisons with black bodies in order to deny black Americans' humanity, economic opportunity, and full social access. The racial contract makes clear the systematic processes by which the white polity was able to achieve this feat, all the while concealing in the minds of its objects that it was even done at all. Black criminality and incarceration have become such natural fixtures of the American polity that it is difficult to imagine what true justice is, or if a non-racialized moral code is even possible. My hope is that this work does something to undermine white disbelief of our own racialized institutions and the contract which built them. I believe that the first step to undoing this contract is forcing whites to understand that they are not free from this contract, rather subjects of it. We must stop allowing ourselves to believe in a post-racial society. We have created a white supremacist state, and by ignoring it, we are guaranteeing its survival and the continued oppression of black Americans in order to remain in power.

Chapter V—Is There Hope?

By way of conclusion, I want to offer in this section my own perspective on whether or not there is recourse for an eventual escape from the ingrained social reality that is the racial contract. This project has addressed several institutions and periods that have taken place in the past two centuries in the United States, in an effort to show how the racial contract has continued to be the backbone of social relations since its birth during the era of colonization and black enslavement. The United States serves as a unique case study from which to examine the progression of the racial contract throughout history, since relations between blacks and whites were central to the economic foundation and development of the state. The ongoing consequences produced by whites' collective consolidation of power, by way of shaping institutions and social practices, begs the question of whether or not there is a future reality where the racial contract has ceased to be as prominent as it has been throughout American history. In other words, since we have failed to overcome the racial contract so far, will we ever be able to?

I opened this project with a quote from an essay written by Toni Morrison in the wake of the election of Donald Trump, a notorious bigot who made promises of making “American great again.” This subtly racist language and attitude infused his campaign, drawing to him the hundreds of thousands of Americans who see power and position being stripped from them routinely. I witnessed several people very close to me being drawn into the Trumpian cult as they grew more and more alarmed that there was some foreign bogeyman out there waiting to snatch their country away from them. Particularly, the fact that Trump was able to secure the presidency immediately after the country's first black family exited the White House speaks volumes to the ongoing anti-black sentiment that exists, even when illegal “Mexicans” and people from other

“shithole countries” were the target of most of President Trump’s public remarks. The question remains, however, whether or not the election of Donald Trump and his feverish cult of followers represents the dying breaths of a system that has been in decline for decades, or if it simply represents another iteration of the contract, another move by the white polity, which will secure their position and power for decades to come.

I find it difficult to convince myself that there is a near future in which we will witness substantial, institutional changes, which make it so that black Americans can more easily achieve equity with white Americans. Our ongoing commitment to institutions which were specifically designed to inhibit the political, social, and economic advancement of black Americans means that even if these unjust institutions were simply to disappear tomorrow, we would still be left with the consequences of the policies and actions for at least several decades to come. Inequity is produced in this country through the systematic degradation of black communities, beginning from the time of birth for many black Americans. Black mothers are more likely to die in childbirth than white mothers because of the unconscious denial of care and attention to black patients in the medical field (Howell et al. 2016). This disparity in maternal mortality rates is only worsening in some parts of the country (Howell et al. 2016). The list could go on: neighborhood segregation, school segregation and a lack of funding for majority black schools, the tendency to more severely punish young black criminal offenders, and the lack of wealth concentration in black families. When we examine this whole web, we begin to see how factors of discrimination against black people based on their race, class, and gender add up to the point that it becomes difficult to imagine a single or even a series of solutions that would begin to reverse the systems and help to mitigate their effects.

Mills writes about the possibility of “tearing up” the racial contract that will only be achieved after fully coming to terms with the current social reality: the racial contract more closely represents reality and better explains institutional formations in the United States than any of the so-called “ideal” contracts (Mills 1997). He claims that, “Naming this reality brings it into the necessary theoretical focus for these issues to be honestly addressed,” (Mills 1997, 132-133). This paper has attempted to provide specific examples throughout American history that furthers Mills’ mission of naming the racial contract and revealing how it functions in American society. The color-blind racism phenomenon discussed by Bonilla-Silva and the Fields sisters is a significant threat to the possibility of a future version of the United States that relies on a more equitable social contract. Erasing the name of “racism” as a possibility in American social relations, it becomes difficult to convince those who are party to the contract that it even exists. I do feel that there is hope for a greater number of whites to become aware that they are conspirators in a system rigged for their benefit. Still though, simply naming the contract and attempting to make people see past their color-blind biases would only be part of the solution. There would still be the need to overhaul nearly all American political, social, cultural, and economic institutions in order to root out every unjust and discriminatory practice that was imbedded during the institutions’ formations. This process almost demands complete institutional overhaul. Yet there still remains the question of whether or not a process can take place voluntarily. Fanon makes the claim that freedom cannot be granted by the colonizer but must be taken by the colonized to create a truly equitable relationship between the two (2008).

Therefore, the answer to the question is there hope? It is a complicated one. I do not feel it is possible or responsible to rule out a future in which American society and culture are not overwhelmingly shaped by the racial contract, yet I feel it would be a long, arduous, and likely

violent process to “tear up” the contract. Likely for my lifetime and many more after me, the racial contract will remain decidedly central to relations between white and black Americans. I would like to believe that by marginal changes and improvements, we can work toward a society in which the racial contract is recognized as the foundational contractual relationship at the heart of the American political system. I hope this paper is seen as conducive to advancing Mills’ original project of naming the contract and bringing it into the light so that it may one day be torn up.

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