

## “Like I Was a Man”: Chain Gangs, Gender, and the Domestic Carceral Sphere in Jim Crow Georgia

Subject position is everything in my analysis of the law.

—Patricia J. Williams (1991, 3)

**G**eorgia’s Jim Crow carceral regime produced women every day, and all of the women were white. That is, Georgia’s 1908 law establishing chain gangs to replace the notorious convict lease system codified “woman” and “female” as racially specific subject positions. White women constituted a separate and unique class of persons, defined as female, who would be protected from the brutal throes of the chain gang, while criminalized black women, positioned outside of the category female, would be routinely forced to labor on public roads and as domestic servants in white homes.<sup>1</sup> Black feminist scholars have produced invaluable analyses of the racial construction of womanhood in the US South; this essay situates Georgia’s carceral regime as a key infrastructure that produced and reinforced racialized constructions of gender and gendered divisions of labor.<sup>2</sup>

In a September 1908 special session of the Georgia General Assembly, legislators passed two major penal reform laws, ostensibly creating a more enlightened system of punishment, yet the laws did not reduce the number of black women imprisoned in Georgia, nor did they alleviate the harm of imprisonment. Instead, this legislative package initiated new forms of subjection for imprisoned black women and created a penal regime more compatible with the gendered logic of Southern economic development. To reduce competition between free labor and convict labor, the legislature

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<sup>1</sup> This analysis of black women’s exclusion from normative gender categorization is not an argument for the inclusion of a greater number of women into the normative category “woman” but rather is intended to reveal the centrality of capitalist violence in the process of gender construction.

<sup>2</sup> In addition to the works referenced throughout, I am indebted to black feminist analyses of the mutually constitutive role of race and gender in the production of human categories, including White (1985), Carby (1987), Higginbotham (1992), Hammonds (1994), Smith (1998), Painter (2002), Cohen (2004), Morgan (2004), and McKittrick (2006).

eliminated the convict lease system, replacing it with the chain gang. Imprisoned women and men would no longer be forced to work for private companies in various modernization industries, including railroad construction, the lumber industry, mining, and brick making. Now they would be forced to work on roads, while living in camps managed by state governmental authorities. Yet this reform, deceptively hailed as abolition, replicated many of the same egregious problems of the system that came before.<sup>3</sup> The deadly conditions that plagued convict lease camps persisted under chain gangs. Moreover, prison labor continued to be integral to the state's modernization project, as captive, unpaid labor would now be used to expand and surface municipal and county roads, the infrastructure necessary for intrastate transport of goods and people and the ground on which one of the most important symbols of American modernity—the automobile—would travel.

The legislature also passed a law establishing parole, essentially negating the logic of chain gang reform, which ostensibly aimed to end private punishment. The Georgia State Prison Commission was now empowered to force prisoners to work for private individuals or businesses for at least one year instead of simply releasing them after they had served their minimum sentence. Paroled prisoners remained “within the legal custody and under the control of said prison commission and subject at any time to be taken into custody on order of said commission.”<sup>4</sup> Under parole, black women were forced to labor as domestic workers for white families, giving new meaning to the concept of the prison of the home. They were subject to constant surveillance and the threat of return to the prison camp for any transgression; private individuals served as police and warders.<sup>5</sup>

<sup>3</sup> On the inadequacies of reforms that do not seek to eliminate or reduce prisons and policing regimes, see Davis (2005).

<sup>4</sup> Georgia State Assembly, An Act to Create a System of Parole or Conditional Pardons of Prisoners Convicted of Crime and for Other Purposes, September 9, 1908, Georgia Legislative Documents, GALILEO Digital Initiative Database, <http://dlg.galileo.usg.edu/> (hereafter, Act to Create a System of Parole).

<sup>5</sup> In this historical instance, parole did not entail release but instead constituted a gendered regime of carceral servitude in which black women were exclusively subject to domestic captivity and cultural and social policing. This institution may have historical relevance for analyses of late twentieth- and early twenty-first-century regimes of “gender-responsive” imprisonment. Although it is important to note that these regimes emerged in quite different political and economic contexts, both sustain(ed) and expand(ed) broader prison systems and subject(ed) women of color to structures of violence, dislocation, capitalist exploitation, and familial estrangement. For important abolitionist critiques of the late twentieth-century gender-responsive prison movement, see Braz (2006) and Shaylor (2009).

While historians have analyzed the relationship between slavery and the white supremacist logic of postbellum convict labor regimes, the violent reproduction of racially specific gender categories represents another continuity. The chain gang replicated the particular dialectics of black women's oppression under slavery. As Angela Y. Davis ([1971] 1998) has argued of the black woman, "She was a victim of the myth that only the woman . . . should do degrading household work. Yet, the alleged benefits of the ideology of femininity did not accrue to her. She was not sheltered or protected; she would not remain oblivious to the desperate struggle for existence unfolding outside the 'home.' She was also there in the fields, alongside the man, toiling under the lash from sun-up to sun-down" (116).

The black female subject was defined by the unbearable flexibility of nonbeing. The dual mandate of hard road labor and domestic labor in Georgia's penal regime reveals, with remarkable precision, black women's subject position as a "paradox of non-being" reflecting, through her gendered and racialized difference, "what a human being was *not*" (Spillers 1984, 78). Black women's humanity was illegible, existing outside the boundaries of normative gender categories. Evelyn Nakano Glenn (2010) has convincingly argued that "an integral aspect of systems of labor coercion, whether formal slavery, indenture, debt bondage, [or] convict leasing, . . . was an appropriation of not only men's and women's productive labor but also women's reproductive labor—that is, caring labor. Whereas men in subordinated groups were commonly compelled to perform hard physical labor on agriculture, construction, and mining, women and girls were directed into domestic service, where they performed caring labor for their social superiors" (36). Black women's labor was profoundly flexible, the absence of a normative gendered subject position making it possible for authorities to force them to labor on both sides of the gender divide; the Jim Crow carceral regime replicated slavery's gendered economic logic. As Kathleen Brown (1996) argues, "rooted in planters' assumptions about English and African women's proper roles in the tobacco economy, early definitions of racial difference and the accompanying discriminatory practices resulted ultimately in a race-specific concept of womanhood" (108). This forced double labor burden was unbearably violent. The domestic carceral sphere extended the period of black women's captivity beyond the minimum sentence imposed by judges and expanded the purview of the prison regime. Domestic service parole and chain gang punishment isolated them from their communities and left them vulnerable to moral and physical control by prison authorities and white masters and mistresses.

### Gendering the chain gang economy

The 1908 chain gang law's descriptive title began, "Act to Provide for the Future Employment of Felony and Misdemeanor Male Convicts upon the Public Roads of the Several Counties of the State . . . To Amend Section 1039 of the Code so far as the Same Relates to Females." The exclusion of women/females from the chain gang is elaborated in the law's first paragraph: "State authorities may employ the chaingang, not to exceed twelve months, any one or more of these punishments in the discretion of the judge; provided that nothing herein contained shall authorize the giving the control to private persons . . . in such mechanical pursuits as will bring the products of their labor into competition with the products of free labor. *If the convict be a female the judge may, in his discretion, sentence her to labor and confinement in the woman's prison on the State farm, in lieu of a chaingang sentence, not to exceed twelve months.*"<sup>6</sup> To Georgia's judges, the racial specificity of the gendered directive was obvious, and they consistently enforced it in their rulings. Between 1908 and 1938, only four white women were sent to Georgia's misdemeanor chain gangs, compared with nearly two thousand black women.<sup>7</sup>

Through Georgia's carceral system, the market for chain gang road labor as well as domestic labor merged in the body of the black woman. By 1915 Georgia had thirteen thousand miles of surfaced road, more than any other Southern state and fifth in the United States overall (Lichtenstein 1996, 177). Southern infrastructure development "was symbolized by the pickax of the convict laborer, and middle-class prosperity heightened the demand for black women domestic servants" (Jones 1998, 303). Widespread understandings of racialized gender roles set the terms for acceptable and unacceptable imprisonment, yet prisons were not merely outgrowths of such ideas. The prison functioned as a productive regime, the "localization and a constitutive logic of the state's juridical, spatial, and militarized dominion" rather than a discrete institution, building, or peripheral manifestation of domination (Rodriguez 2006, 41). The turn-of-

<sup>6</sup> Georgia State Assembly, Employment of Convicts: System of Penology Act, September 19, 1908, Georgia Legislative Documents, GALILEO Digital Initiative Database, <http://dlg.galileo.usg.edu/> (hereafter, Employment of Convicts). Emphasis added.

<sup>7</sup> The aggregate number of women imprisoned on misdemeanor chain gangs is derived from the following record collections: Applications for Clemency, Convict and Fugitive Records, record group 1-4-42, Georgia Department of Archives and History, Morrow, Georgia (hereafter cited as GDAH Clemency); Georgia State Prison Commission, Prison Commission's Penitentiary Reports, record group 21-1-40, Georgia Department of Archives and History, Morrow, Georgia (hereafter cited as GDAH Reports).

the-century Southern carceral regime generated and consolidated logics of racial and gender subordination conducive to Southern industrial capitalism. The exploitation of labor under the chain gang system was materially useful for building roads; it also served the interests of capitalist social organization, producing knowledge about the proper role of gendered and racialized laboring bodies, upholding gendered spheres of labor, and reinforcing the sanctity of the prominent symbolic rationale for Jim Crow: protection for white women's bodies.

At the turn of the twentieth century, white women entered the paid labor force in record numbers in the urban South. They began to obtain positions as sales clerks, telephone and telegraph operators, and textile, hosiery, and candy factory workers (Maclachlan 1992; Hunter 1997; Hickey 2003). The white female workforce in Atlanta nearly quadrupled between 1890 and 1910, when over 18 percent of white women performed paid work. Between 1900 and 1920 the percentage of wage-earning women who were white grew dramatically from 28 to 48 percent (Hall 1993, 173). Young unmarried white women were popularly represented as dainty, attractive, docile workers whose paid employment in limited economic sectors conformed to traditional attributes of white womanhood—purity, submissiveness, and fragility (Hickey 2003, 29). Yet the growth of the female workforce was also perceived as a significant threat since middle-class white Georgians “assumed that black women should work and would probably be sexually active” but feared independent white working women as “a new and frightening phenomenon” (Hall 1993, 178).

By World War I Atlanta's downtown was filled with cheap theaters and dance halls catering to wage-earning women (Judson 2003). White women's newfound independence and participation in heterosocial leisure spheres was a threat to the existing social order, including segregation, prohibitions against interracial sex, and arrangements of patriarchal dependency. Religious reformers increasingly associated labor, sex work, and sexual exploitation. Some Atlantans even argued for “an end to women's wage work as the only means by which women could be safe from sexual exploitation of employers” (Hickey 2003, 39). Since white women's paid labor was tolerable only insofar as it was a temporary stop on the path to married domesticity, the increasing number of married white women in the labor force was viewed as a particularly significant threat to white male authority. The percentage of working white women who were married grew from 12.6 to 21.3 percent between 1900 and 1910 (27), threatening the sexual contract that governed capitalist society and proletarian social positions. As Carole Pateman (1988) argues, the very “construction of the

‘worker’ presupposes that he is a man who has a woman, a (house)wife, to take care of his daily needs” (131).

In Georgia, the housewives who helped constitute the social position of the white proletarian man also hired black female employees. At the turn of the century most black women in Atlanta were employed in domestic service, but they were slowly entering other occupations as well. The “proportion of black women in domestic work dropped from 92 to 84 percent between 1900 and 1910,” and more black women found employment as “seamstresses, dressmakers, tailoresses, and milliners” (Hunter 1997, 110). Between 1910 and 1920 the percentage of black women employed in domestic work in Georgia dropped to 75 percent (228). This slow but significant shift in black women’s work produced a reactionary backlash that manifested as early as 1897, when white women employed at the Fulton Bag and Cotton Mills engaged in a strike to protest the hiring of black women at the mill (Hickey 2003, 18). As Tera Hunter (1997) argues, the “strike reinforced the pervasive association among black women, degradation, and domestic work just when more employers were in search of women workers” (119). In the face of such representational and economic attacks, black women used myriad forms of resistance to combat their social and economic subordination. They continued to refuse to live in the homes of their employers, they engaged in collective work stoppages, and they strategically negotiated over the terms of their labor. They left the South and migrated north for new employment opportunities, in some cases in numbers that outpaced their male counterparts.<sup>8</sup>

As black women resisted the exploitation of their labor, and as white women both undermined gendered divisions of labor and reinforced black women’s subordination through domestic service work, the carceral regime was violently employed to reinforce capitalist labor organization and white supremacist patriarchy. Manliness was seen as the bedrock for building fortunes in the midst of fluctuations in the market economy (Bederman 1995). Characterized by white women’s labor competition, capitalist shifts in labor organization that diminished opportunities for self-employment and promotion, the growth of a national movement for suffrage, and black resistance to economic subordination, the turn of the century marked a significant threat to the white patriarchal order of things and required a serious state response.

Had “women” been forced to perform manual labor on the chain gang, notions of vulnerability, purity, and domesticity would have been radically

<sup>8</sup> On domestic workers’ strategies of resistance in Georgia, see Hunter (1997). For an important analysis of black women’s migration and ideas about “the problems of excess black women” in New York City, see Hicks (2010, 29).

undermined, and the idea that they could enter male domains of labor and politics would have been reinforced. Yet black female bodies were put to work on chain gangs, where all of the other laboring bodies were male. The watershed 1908 law providing judicial discretion for sentencing females codified the racial definition of femaleness and womanhood precisely because it did not specify that it was only applicable to white women. The very lack of a racial modifier meant that the law was intended to exclude females/women generally—not specific types of women. All those recognized under the law to be normative females were to be sent to the appropriate site for the imprisonment of women: not the chain gang but the women’s section of the state farm in Milledgeville, Georgia.

### **Alchemy of race and riots<sup>9</sup>**

While 1908 was the year that Georgia, the symbolic capital of the New South, formally defined “woman” as a category constituted by whiteness, white women’s protection from the worst features of the penal regime represented continuity with the convict lease era. Before 1908 they were excluded from difficult labor in convict camps and at Milledgeville State Farm, where they were given light work, such as mending uniforms, instead of fieldwork. During the same period, black women were forced to perform hard domestic work, such as cooking and cleaning for the entire convict camp, as well as all other forms of labor such as brick making, mining, and farming. The formal codification of “female” as a category defined by whiteness in 1908 was part of a broader move to make *de jure* what had been *de facto* differences.

The prison regime was part of the development of the Jim Crow segregation laws that were implemented in Georgia throughout the first decade of the twentieth century. In 1900, blacks lived throughout Augusta, but that would change in the first years of the century as white city officials razed mixed neighborhoods, forcing black residents out. Although white and black opposition had defeated Atlanta’s Jim Crow streetcar ordinance in 1902, the law passed in 1906 (Dittmer 1977). Atlanta’s residential segregation law, which formally established black and white neighborhoods, was passed in 1913, and by the 1920s nearly all of Georgia’s major cities had passed laws segregating or excluding blacks from public social spaces (Dittmer 1997, 20; Mixon 2005). Segregation and antiblack terror were responses to significant challenges to the economic and social status quo. Perceived threats to the white masculine hold over good jobs ex-

<sup>9</sup> This heading is inspired by Patricia J. Williams’s (1991) groundbreaking critical race theory text, *The Alchemy of Race and Rights*.

ploded in Georgia in 1909 in what became known as the Great Race Strike. White railroad firemen struck in protest against black men's acquisition of seniority in railroad firemen positions, seniority that had only been achieved through their exclusion from other railroad positions. White workers waged a three-week strike, ultimately thwarted by railroad managers (Arnesen 1994).

Yet under white supremacy, "fundamental social hierarchies . . . depended nearly as much upon fixed gender roles as they did on the privileges of whiteness" (Gilmore 1996, 3). White women's vulnerability and dependency was reasserted through extreme violence, justified through a discourse about the threat of black male rape. Atlanta's white newspapers had circulated stories about black male assaults on white women for years, but the rhetoric and threats of violent white retribution escalated after Annie Laurie Poole charged a black man with rape on July 31, 1906. After her charge, a group of white men went to the home of her alleged attacker, Frank Carmichael, and killed him. Over the next two months the press covered stories from several other white women who accused black men of rape and attempted assault. Popular calls for the lynching of black men escalated; at least one reporter also called for the sterilization of black girls (Dittmer 1977, 130; Godshalk 2005, 38). On September 22, 1906, white Georgians began a collective attack on black women and men in Atlanta that lasted four days. The worst white mob violence since Reconstruction, this assault left at least twenty-five black people dead and sixty injured.<sup>10</sup> The Atlanta race riot must be understood as a pursuit of urban order, communicating that segregation was paramount in the context of rapid industrial growth.<sup>11</sup> As a growing population of white and black women became increasingly public through wage work and new commercial amusements, reassertions of control over the social location and hierarchal status of female bodies were seen as increasingly necessary (Hickey 2003).

Joseph Turner, Georgia's prison commissioner, certainly did not ignore the 1906 panic; in a report issued that year, he bemoaned the fact that there was no separation of the sexes in misdemeanor convict camps: "Two instances within the past twelve months have especially attracted the attention of the Commission, in each of which a white woman had been

<sup>10</sup> On the Atlanta race riot, see also Bauerlein (2001), Godshalk (2005), and Mixon (2005).

<sup>11</sup> In considering the history of racialized and gendered violence in the early twentieth century, it is important to note that the 1920s marked the growth of the second Ku Klux Klan, "the most powerful movement of the far right that America has yet produced," which was centrally concerned with white women's chastity and the protection of the home (Maclean 1994, xi).



convicted of selling whiskey illegally and confined in a chain gang in which all of the other inmates were negro men. . . . The close daily contact of males and females, especially of white women and negro men, is shocking to the moral sensibility, and demands a change.”<sup>12</sup> Turner’s incendiary complaint was issued despite the fact that (according to his own report) there was only one white woman in Georgia’s misdemeanor convict camp system at the time, in contrast to 165 black women.<sup>13</sup> Turner reiterated his appeal for the separation of imprisoned white women from black men in a section of his 1907–8 report titled “Women in Chain Gangs.”<sup>14</sup> He repeated his observation about the problem that white women convicted of selling whiskey were confined in a convict camp with black men and claimed that two more had been subjected to that fate since the previous year. According to official reports, there was still only one white woman confined in the misdemeanor convict camps.<sup>15</sup> His attention to the problem of proximity between white female and black male bodies was grounded in the possible threat to even one white woman’s body.

After the 1907–8 report, the state legislature passed its penal reform act. The state’s assumption of authority over convict labor depended on the protection of white womanhood through exempting them from the chain gang: the provision that “nothing herein contained shall authorize . . . giving the control to private persons” was linked to the mandate that “the judge may, in his discretion, sentence her to labor and confinement in the woman’s prison on the State farm, in lieu of a chaingang sentence.”<sup>16</sup> Since only four white women were sentenced to the chain gang from 1908 to 1936, as compared with nearly two thousand black women, exposure to the brutal conditions of the chain gang was not matter of racial disproportionality in female imprisonment; the new system of punishing rested on the prohibition of white women’s imprisonment on the chain gang entirely, a ban that was only violated in rare instances over the course of thirty years.

### **“Like I was a man”**

According to its title, the goal of the 1908 chain gang legislation was to “provide for the future employment of felony and misdemeanor male con-

<sup>12</sup> 1905–6 Annual Report, GDAH Reports, p. 16.

<sup>13</sup> Ibid.

<sup>14</sup> Although the chain gang system was not instituted until 1908, convict lease camps were sometimes called chain gangs during the era of the convict lease system.

<sup>15</sup> 1907–8 Annual Report, GDAH Reports, p. 10.

<sup>16</sup> Georgia State Assembly, Employment of Convicts.

victs upon the public roads.” In 1912 a black woman named Hattie Johnson became part of this class of descriptively male convict laborers when she was imprisoned on a chain gang for larceny. She recognized her predicament as part of a gender categorization project that positioned her closer to masculinity than femininity. Pregnant at the time of her arrest, Johnson wrote a letter to the Georgia State Prison Commission. She asked for a pardon or, at least, to be sent to the State Farm. “It is a shame,” she argued, “for me to be out here with all of these mens it is 26 mens and if I get sick know one know what to do for me. Nothing but all mens and me one woman and they carriage me on the road every day like I was a man.”<sup>17</sup>

In Johnson’s analysis, her imprisonment on the chain gang with men was morally unacceptable; like enslaved women before her, she asserted her “own norms of masculinity and femininity” within a social context that “engendered black femaleness as a condition of unredressed injury” (Hartman 1997, 101). She explained, “I am in know shape to be out here I am in the family way.” Johnson told prison officials that she was nervous for her health: “the doctor have been to see me and they ain’t got nothing out here.”<sup>18</sup> The merits of Johnson’s clemency case were contested. Johnson had support for her appeal from Mrs. J. Calloway, a member of the local Women’s Civic League who wrote on behalf of the “good ladies” of the county that Johnson should be released because she was pregnant. The county judge who presided over Johnson’s trial disagreed, describing her as a “notorious thief” and a “strumpet.”<sup>19</sup> After several months on the chain gang, which included a debilitating fall that threatened the life of her unborn child, Hattie Johnson was granted clemency and released from the Washington County chain gang.

Although Hattie Johnson did not have to finish her entire sentence, she was forced to serve several months of hard labor, which distinguished her from white women convicted of misdemeanors. Only two weeks after the passage of the 1908 act, the Ordinary of Habersham County wrote to Commissioner Turner for legal guidance: “We have two misdemeanor convicts in the County Jail, they are both females. What disposition shall we make of them?” The very next day he received a reply from the secretary of the prison commission: “Are the female misdemeanor convicts, white, or black? We do not yet know what to do about these prisoners.

<sup>17</sup> Hattie Johnson to Prison Commission, November 2, 1912, Hattie Johnson file, box 66, GDAH Clemency.

<sup>18</sup> Ibid.

<sup>19</sup> Calloway to Prison Commission, October 21, 1912; letter from Wm. Wynne, October 23, 1912, Hattie Johnson file, box 66, GDAH Clemency.

Are trying to get the new law properly interpreted, and will later be in position to let you know what is to be done with them.”<sup>20</sup>

Official interpretation of the new law came swiftly once Habersham authorities informed the prison commission that both the women being held in jail were white. The women, Vona Addis and Jane Hunter, had been convicted of keeping a lewd house. Hunter had previously been convicted of adultery and selling liquor. The judge sentenced them to pay fines of \$25 and \$50, respectively, and ordered them to leave the state or be rearrested and sent to the chain gang. At least one community member described Hunter and Addis as “disolute women” who threatened the moral fabric of the entire town.<sup>21</sup> A few weeks later, authorities arrested both women for failing to leave the state. Both women denied that they intended to defy their sentence. Addis believed she had only been ordered to leave the county, not the state, while Hunter maintained that she was in the process of relocating when she was arrested. Although Addis and Hunter were Habersham County’s most licentious residents, they received significant support for their clemency appeal. The mayor and forty other residents signed a petition asking the court for sympathy. They argued that Addis was an orphan “who was absolutely a stranger to the love and protection of a Guardian” and “very, very poor.”<sup>22</sup> The prison commissioner opined that Addis was “a young white woman capable of reform,” and since the 1908 chain gang law mandated that “women who have committed offenses should be sent to the Woman’s Department State Farm,” he ordered that she and Hunter be transferred from the county jail to Mill-edgeville.<sup>23</sup> Although they were poor and dissolute, their status as women precluded punishment on the chain gang.

In 1910, Maude Davis was not so fortunate. She was one of the four exceptions to the rule of white women’s protection from chain gang punishment. She was only sixteen years old when she was convicted of larceny and sentenced to six months at the Fulton County convict camp adjacent to its pauper farm. Davis was the only white woman at the camp where, according to the prison commissioner, R. E. Davison, she had “only negroes and criminals as associates.”<sup>24</sup> Like Addis and Hunter, Davis received support from many local residents, who used her as an example of the need

<sup>20</sup> Franklin to Turner, October 7, 1908, and Turner to Franklin, October 8, 1908, Adis file, box 1, GDAH Clemency.

<sup>21</sup> Letter to Governor Hoke Smith from W. A. Charters, November 11, 1908, Hunter file, box 62, GDAH Clemency.

<sup>22</sup> Petition, October 24, 1908, Adis file, box 1, GDAH Clemency.

<sup>23</sup> Commutation Order, November 6, 1908, Adis file, box 1, GDAH Clemency.

<sup>24</sup> Commutation Order, January 2, 1911, Davis file, box 1, GDAH Clemency.

for a home for wayward girls in the city. The story of her plight circulated in the Atlanta press, which reported that she was discovered “working with negro women who are foul with crime and disease” (*Atlanta Constitution* 1911, 7). While black men represented a sexual threat, black women represented the potential for transmogrification—the possibility that black female grotesqueness and foulness would infect white womanhood.<sup>25</sup>

Although white women were routinely sent to the State Farm rather than the convict camp, their rates of imprisonment at Milledgeville were also very low. The number of white women at Milledgeville in any given year between 1909 and 1936 ranged from 4 to 28, while the number of black women ranged from 61 to 197.<sup>26</sup> Still, the *Atlanta Constitution* (1911) opined that Davis’s predicament represented an urgent need for a city reformatory since “the only place for criminal white women, guilty of a state offense, is in a convict camp with negro women” (7). Hazel Carby (1992) has argued that black women migrants to the urban North were the targets of “moral panics”; their behavior was characterized as “a social and political problem that had to be rectified in order to restore a moral social order” (739–40). Indeed, this panic led prison administrators in New York to institute a Southern parole program, forcing black women who had been imprisoned after migrating north to return to the South for domestic service parole (Hicks 2010).<sup>27</sup> “Maude Davis, White girl,” as she was listed on her clemency form, was a subject position that did not merit chain gang punishment or domestic service captivity. To the contrary, according to the commissioner, her case should garner the “sympathy and care of good society.”<sup>28</sup> He commuted her sentence and released her from the chain gang four months early.

Chain gang legislation uniquely conveyed the mutually constitutive role of gender and race in the construction of human categories. Other Jim Crow codes subjected all black women and men to one set of facilities and all white women and men to another. The chain gang protected white women only, as a separate legal class and category of human being. This

<sup>25</sup> On black women as perceived agents of disease, see Hunter’s (1997) groundbreaking work on perceptions of black female domestic workers and tuberculosis.

<sup>26</sup> Table of incarceration by race and gender, 1936 Annual Report, GDAH Reports.

<sup>27</sup> Important analyses of black women and criminalization in the turn-of-the-century urban North include Gross (2006) and Muhammad (2010). Invaluable analyses of race, gender, and migration to the urban North include Griffin (1995) and Blair (2010).

<sup>28</sup> Prison Commissioner R. E. Davison, Clemency Recommendation, January 2, 1911, Davis file, box 32, GDAH Clemency.

legislation exemplified the character of juridical power, which seems to operate only negatively, through limitations, restrictions, or prohibitions, but is also productive since “the subjects regulated by such structures are, by virtue of being subjected to them, formed, defined, and reproduced in accordance with the requirements of those structures” (Butler 1990, 2). Chain gang legislation codified into law the “the defeminizing mythology of monstrous black womanhood [that] had taken hold of the southern imagination by the end of the nineteenth century,” producing a subject position that vexed traditional gender categorization (Feimster 2009, 164).

Regardless of their age, black women were sent to the chain gang for minor offenses, especially larceny and possessing or selling whisky. State-wide prohibition was passed in Georgia in 1908 and lasted until 1935, expanding the number of arrests and convictions in the state (Dittmer 1977, 111). The length of their sentences varied by county and by judge, but prohibition exposed black women in particular to the brutality of the chain gang. After being convicted of selling whisky, Annie Tucker received a twelve-month chain gang sentence. Lizzie Curry was sent to the chain gang for six months for the same crime. Stella Kemp and Lucy Jackson were teenagers when they were sentenced for possessing whiskey, while Lizzie McConnell was sixty-four when she was sent to the chain gang for running a lewd house for the purpose of providing abortions.<sup>29</sup> In 1910 Minnie Smith was sent to the Cobb County chain gang at age sixty-one for selling whiskey. Proclaiming her innocence, she declared at trial, “if I am to go in stripes and chains, let me go for what I have done.”<sup>30</sup> She requested clemency on the basis of her age and the fact that she had dropsy; in the words of her attorney, she was “about worn out.”<sup>31</sup> After being denied clemency on her first try, she submitted a second application several months later, which was approved.

As Smith likely feared, to “go in stripes and chains” meant subjection to torture. Chain gang conditions included whipping, overwork, medical neglect, housing in cages that were nine by nine feet wide, being hit with rifles, consuming rotten food, and bug infestation (Lichtenstein 1993, 93). County authorities resisted expenditures for camp facilities that would have improved conditions (Henderson 1991). In 1920 “prisoners complained of indiscriminate beatings, being worked in the rain . . . and drunken guards” (Lichtenstein 1993, 93). In 1909 Essie Coleman and Hazel Lewis,

<sup>29</sup> Jackson, Kemp, and McConnell files, boxes 44, 70, and 80, GDAH Clemency.

<sup>30</sup> Trial transcript, n.d., Smith file, box 111, GDAH Clemency.

<sup>31</sup> Minnie Smith file, box 111, GDAH Clemency.

both black women, received six lashes each for disobedience at the Southern Lumber Company chain gang in Tifton County.<sup>32</sup> In the same year, at the Atlanta stockade a “13 year-old black girl wearing only two thin undergarments was whipped in the bucking machine by assistant superintendent R.M. Clay” (Dittmer 1977, 88). The infamous bucking machine was a contraption that looked like a pillory used to constrain and exacerbate the pain of imprisoned women and men while they were whipped. After she was released, “the girl became hysterical . . . and said something unintelligible to the superintendent. He ordered her back into the chair, where Clay beat her again. Clay said he whipped her because she was ‘mean and fussing with the other prisoners’” (88). Rather than being released after they had served their minimum sentence under conditions of such extreme violence, black women were thrust into the domestic carceral regime of parole.

### **The domestic carceral sphere**

The 1908 Parole Act brought convict labor for private profit into the center of the white home. While imprisoned black women were routinely put to work at hard domestic labor, white female prisoners like Maude Davis often received commutations, probation, or early release to their families rather than parole. In 1921, a white woman named Mary Moore was given a sentence of two to four years for forgery. In 1922 she had not yet served the minimum time imposed by the judge when she submitted her clemency application and was therefore ineligible for parole. Still, she was not forced to remain in prison to serve her entire sentence, nor was she eventually paroled to a white family for domestic servitude. Instead, her sentence was commuted to present service, and she was released.<sup>33</sup>

Both parole and probation required that a prisoner live a morally upstanding life; however, only parole mandated that she “be given honest employment with a good home.”<sup>34</sup> Failure to comply with either the work or moral requirement subjected her to reimprisonment. In rare cases, black women on parole worked on white-owned farms, but the majority were paroled into domestic service. Warders had to sign a pledge to “promptly report to the Prison Board any unnecessary absence from work, and ten-

<sup>32</sup> Monthly Reports of Convicts Punished, 1901–9, record group 21-1-12, box 8, GDAH Reports.

<sup>33</sup> Commutation Order, April 14, 1922, Moore file, box 86, GDAH Clemency.

<sup>34</sup> Georgia State Assembly, Act to Create a System of Parole.

dency to low and evil associations.”<sup>35</sup> Parolees were required to send monthly reports to the prison commission, reports that had to be verified by the master or mistress. If they did not submit these reports, they sometimes received letters threatening the cancellation of their parole and return to the state farm.

Honey Ann Price received such a letter. Her name and the date appeared at the top of the page, followed by: “Dear Sir: This is to notify you that we have received no monthly report from you as a condition of your parole. . . . Further delinquencies in forwarding your monthly reports will result in the cancellation of your parole.”<sup>36</sup> Although it may have been a stock template, it was a typewritten letter rather than a form and was personalized enough to include her name. Yet such a letter reflects, through the masculine salutation, black women’s paradoxical gendered subject position.

While sameness in relation to men often defined formal communication with prison authorities, difference from both men and white women marked black women’s positioning. White middle-class men and women vied for the labor of imprisoned black women specifically. Most of these applications came from widows or well-to-do married couples requesting assistance for housewives. Having a live-in black domestic worker reasserted the connection between marriage and domesticity in a Southern society increasingly hostile to the notion that married white women might work for wages. As Jacqueline Jones (1985) argues, “domestic service recapitulated the mistress-slave relationship in the midst of industrializing America” (127). The domestic carceral sphere restored white women’s historical role as domestic managers with full control over black female workers. Domestic carceral servitude reinforced patriarchal notions of white women’s dependency and white supremacist structures of racial subordination in a historical context ridden with challenges to those relations.

White women and men requested the labor of specific women who they knew were serving prison sentences. Sometimes they were merely familiar with these women’s cases, while in other instances they were the previous employers of the women about whom they wrote. In 1910 Alicia Mosley heard about an imprisoned woman named Queen Kelly who was up for parole. She wrote to two of Kelly’s previous employers asking for recom-

<sup>35</sup> Parole Affidavit, April 16, 1925, McLendon file, box 74, GDAH Clemency.

<sup>36</sup> In legal documents, Price is known as both Honey Ann Price and Mattie Jane Price; she signs affidavits using both names. Documents relating to her clemency case are contained within the Mattie Jane Price Folder. Prison Commissions Clerk to Honey Ann Price, April 24, 1925, box 98, GDAH Clemency.

recommendations verifying that Kelly was a good servant. After receiving positive letters, Mosley proceeded with her request, describing herself as “one of the frailest of her sex” and explaining to the prison commission that she was “woefully in need of a servant” to help with the “drudgery.”<sup>37</sup> Despite Mosley’s plea for help, the prison authority denied the parole application because Kelly had not served her minimum sentence.

In 1910 Emma Wimms was convicted of killing her daughter’s partner, Raymond High, after he had “beaten her daughter severely,” slashing her face with a razor. At her trial, Wimms testified that she and High had argued about his abusiveness and that when he came at her with a razor, she shot him.<sup>38</sup> In 1921 Wimms wrote to the governor requesting release from the State Farm in order to “spend the rest of my life as a True Woman so I could be happy.”<sup>39</sup> This was Wimms’s second clemency attempt. In 1919 Emma’s daughter had stated that she was “anxious to care for” her mother and requested that Emma be released to live with her instead of being forced to serve on parole, but this application was denied.<sup>40</sup> Two years later, Mrs. J. H. Taylor wrote to the warden at Milledgeville requesting that “aunt” Emma Wimms be paroled to her and her husband. Mrs. Taylor argued that Emma should be paroled to her rather than pardoned to live with her daughter since she should have “a good home with some white people” and since Emma’s daughter “can’t do anything for her any way.”<sup>41</sup>

In 1921, Samuel B. Jordan, the student secretary of the Georgia Baptist Mission Board, also wrote to the prison commission hoping that “the old negress” Emma Wimms would be paroled to him.<sup>42</sup> Both Taylor and Jordan would be disappointed. Emma’s hopes of living with her daughter were squashed when her clemency application was denied and not reconsidered until 1923, when her health was in severe decline. When she finally received parole she was not sent to Mr. and Mrs. Taylor or to Jordan, nor was she released to live with her daughter. Despite her failing health, she was paroled to service with the “prominent family of Hon. Emmett Barnes,” who resided in Macon, more than fifty miles away from her daughter.<sup>43</sup>

<sup>37</sup> Mosley to Prison Commission, Queen Kelly file, box 70, GDAH Clemency.

<sup>38</sup> Trial transcript, September term, 1910, Wimms file, box 133, GDAH Clemency.

<sup>39</sup> Emma Wimms to Prison Commission, April 12, 1921, Wimms file, box 133, GDAH Clemency.

<sup>40</sup> Affidavit to Prison Commission, December 3, 1919, Wimms file, box 133, GDAH Clemency.

<sup>41</sup> Taylor to Prison Commission, July 15, 1921, Wimms file, box 133, GDAH Clemency.

<sup>42</sup> Jordan to Governor Thomas Hardwick, October 30, 1921, Wimms file, box 133, GDAH Clemency.

<sup>43</sup> Letter from Clerk of Court, September 9, 1923, Wimms file, box 133, GDAH Clemency.



Barnes's success likely rested on his local prominence, since his application was quite brief. His short letter to the prison commission explained, "I would like to have this old woman."<sup>44</sup>

Carrie Scott's efforts to negotiate the terms of her parole were also denied. In 1911 she requested to be paroled to J. F. Gunn because he owned the plantation on which her family lived, in Warrenton County. Instead, she was sent to J. E. Holliman. Scott was so determined to get back to her family that she went to the clerk of Warrenton County and demanded written proof that she was paroled to Holliman rather than to Gunn. With no other choice, she went to work for Holliman, who reported that Scott was "a mighty good darkie" and "perfectly satisfied."<sup>45</sup>

The trade in imprisoned women's domestic labor reveals the complex ways in which freedom, in the era of free labor and Jim Crow capitalism, was grounded in the relations of bondage and property established under slavery. As Saidiya V. Hartman argues, "the traversals of freedom and subordination, sovereignty and subjection, and autonomy and compulsion are significant markers of the dilemma or double bind of freedom" (Hartman 1997, 115). The domestic carceral sphere reveals that the persistence of gendered forms of subjection, compulsion, and proprietorial entitlement marked twentieth-century notions of freedom; white middle-class women and men wrote to prison authorities asserting their right to "have" black women's domestic labor and bodies but framed their requests as liberal efforts to liberate them from prison and to care for them.

The "proprietorial notions of the self" grounding white liberal notions of freedom meant that caprice governed the economic decisions of white domestic managers of paroled black women (Hartman 1997, 115). They were not required to provide wages, and most black women on parole were paid only once in a while. In one of her monthly reports, Mrs. E. J. Barnes confirmed with the prison commission that she was "not required to pay her [domestic worker] a fixed salary, only give her what she needs and wants, which we have done."<sup>46</sup> Other women received low wages. Julia Anderson reported that she sometimes earned between \$3 and \$6 per month, but there were months when she did not receive pay at all.<sup>47</sup> Economic depri-

<sup>44</sup> Barnes to Prison Commission, October 31, 1922, Wimms file, box 133, GDAH Clemency.

<sup>45</sup> Holliman to Prison Commission, August 25, 1921, Scott file, box 106, GDAH Clemency.

<sup>46</sup> Barnes to Prison Commission, February 4, 1925, Martin file, box 77, GDAH Clemency.

<sup>47</sup> Letters from Anderson to Prison Commission, August 1911 to June 1912, Anderson file, box 3, GDAH Clemency.

vation was not the only violent feature of the domestic carceral sphere that resembled the plantation household. The carceral regime's infrastructure of force re-created conditions of struggle and operations of power that had defined black women's domestic labors under slavery. In the antebellum era, violence carried out by white slaveholding women was not random, infrequent, or spontaneous but endemic to the plantation regime, where "peace accords" between mistresses and enslaved women "were as fragile as the last dish broken" (Glymph 2008, 37). Black women's power to resist violence and control in the domestic carceral sphere was significantly thwarted by the power of negative reports to the prison commission and the threat of reimprisonment. Many black women on parole chose not to take any risks; they did not disclose experiences of violence or economic or sexual exploitation during parole and performed model behavior for their employers. For some women this strategy proved beneficial, and bosses wrote glowing letters in support of the commutation of their sentences. Yet the transgressions of white authority by other paroled women reveal conditions of force and the ferocious attitudes of white warders in the domestic carceral household.

According to Mrs. J. L. Archer, Mattie Reid was treated like a family member. Archer contended that although she did not pay Reid a salary, she gave her money to spend, as well as room, board, and clothes. Archer disclosed in her letter that Mattie never complained, although she often found her crying to herself in the house. If Reid's consistent crying was not plain enough, her actions revealed her sadness and discontentment. In late April 1923, Reid asked for permission to go to the train station to meet a friend who had just been paroled from Milledgeville. She never returned to Archer's custody. The prison commission issued an arrest order for her capture a few days later. From Milledgeville, Reid explained to prison authorities that although she had been miserable with Archer, she hoped "you won't consider me a runaway as I did not intend to do same."<sup>48</sup> She asked to be paroled to another woman, Mrs. E. A. Barker. After serving several more months at the State Farm, she was granted another chance at parole.

In another example, Mattie Price's warder, Mrs. Smith, was outraged by her unruliness, reporting that Price mistreated Smith's children and that "after she became pregnant she displayed the most violent temper." Not only had Price already violated the moral code of prisoner conduct by having sex, but her new status as a mother was incompatible with her care for Smith's children. She defied the expectations of docile servant and mammy,

<sup>48</sup> Reid to Prison Commission, Mary 4, 1923, Reid file, box 101, GDAH Clemency.

refusing to privilege her mistress's children to the detriment of her own.<sup>49</sup> Smith speculated that Price's behavior indicated that she was more suited to fieldwork, leading her to doubt whether "she had ever worked in a white person's house before."<sup>50</sup>

Isabelle Elders's experience of parole was harrowing, marked by radical precariousness. Before she began parole, Elders received several laudatory letters from prison officials, including one from the chaplain. She was paroled to T. A. McCord and paid \$2 per week for child care and farm work. After several months, McCord reported that Elders was insolent toward his wife, that she drank, and that she left his child unattended. Since she was, in McCord's opinion, "everything but what she should have been," he had her reimprisoned at the State Farm.<sup>51</sup> After more than a year at Milledgeville, Elders was given a second chance at parole and was released to H. G. Robinson in September 1925. Yet Robinson was also dissatisfied with Elders and had her returned to bondage at Milledgeville in June 1926 for refusing to work. She was then sent to work for J. F. Monk. He and his family were happy with her work, and she remained with them until Monk died. Elders's life under parole was violently circumscribed by the moral authority and judgment of her white civilian warders and the perennial threat of life in a cage at Milledgeville. Robinson and McCord's opinions about her behavior in one carceral sphere determined whether she would be doomed to another.

Women who wrote requests for an end to their parole were writing as if from the inside, from the position of prisoners in a domestic carceral sphere whose location in a space outside of traditional camp boundaries did not at all represent liberty. Although Mrs. E. J. Barnes boasted to prison authorities about the good environment she provided for Eliza Martin, Martin was clear that she wanted freedom from domestic servitude. She wrote to the prison commission, explaining that while on parole she "never lost a day [of work]" and did not drink liquor. She "meant to make good so when the time came for the real Hon. Discharge papers there would be nothing to keep me from getting them."<sup>52</sup> While on parole, Sylla Stinson wrote letters wanting to know when she would get her "free pardon." She had completed one year on parole and wanted to know "if there is

<sup>49</sup> On the mammy as a "controlling image" and myth, see Morton (1991) and Collins (2000).

<sup>50</sup> Smith to Prison Commission, April 29, 1925, Mattie Jane Price file, box 98, GDAH Clemency.

<sup>51</sup> McCord to Prison Commission, May 10, 1925, Elders file, box 37, GDAH Clemency.

<sup>52</sup> Eliza Martin to Prison Commission, November 5, 1925, Martin file, box 78, GDAH Clemency.

anything else for me to do now. . . . Will I get any more papers or not, please let me know just what to do and whether I am free or not.”<sup>53</sup>

The archive leaves little record of the complexity of black women’s views of their incarceration, yet available records do reveal ideas about their strategies of resistance and positioning within a racialized and gendered economy of bodies. Perhaps the least successful resistance strategy was Emma Wimms’s. Her statement that she wanted to live as a “True Woman” reflects her belief in the ideology of respectability.<sup>54</sup> Yet her appeal to that ideology failed to garner her parole on the first try or to persuade prison officials to allow her to live with her daughter. Isabelle Elders and Mattie Reid used escape to negotiate for the best possible labor conditions within a context of extreme violence. Mattie Price refused to conform to expectations that she be a docile worker, fit within the stereotype of the mammy, or abstain from sex. Hattie Johnson asserted the gender specificity of her body when she told prison authorities that it was a shame for them to force her to work “like a man.” She emphasized her femininity by making the point that she was not receiving medical care for her pregnancy. Johnson identified her forced positioning outside of the boundaries of womanhood as a moral outrage and a form of physical violence. She did not offer remorse for her alleged crime, nor did she pledge to lead a different life. In Johnson’s theorization of her predicament there is a complex understanding of gender categories, morality, and respectability. She did not subscribe to uplift ideology, nor did she situate herself within the politics of respectability. Johnson’s analysis is important because she asserted her identity as a woman but directed her moral outrage at the state rather than internalizing it through an assertion of innocence or a repudiation of her status as criminal.

Western legal doctrine, premised on the “drawing of bright lines and clear taxonomies” and dichotomies including “rights/needs, moral/immoral, public/private, white/black” produces and reproduces oppositional subject positions (Williams 1991, 8). Femaleness, defined by whiteness, was also constituted as a property right, one that meant protection from extreme labor, disease, and whipping. Gender, like whiteness, was defined as property through the “exclusive rights of use, disposition and possession, with possession embracing the absolute right to exclude” (Harris 1993, 1736). Femaleness/womanhood operated at once as a subject position and a usable social, material, and physical benefit. This property right in womanhood maintained order at a moment when black domestic

<sup>53</sup> Sylla Stinson to Prison Commission, January 27, 1925, Stinson file, box 114, GDAH Clemency.

<sup>54</sup> On black women and the politics of respectability, see Higginbotham (1993). For more on working-class and imprisoned black women’s struggles to be seen as respectable in the urban North, see Hicks (2010).

workers in Atlanta resisted living in the homes of employers, feigned illness, stole breaks, and waged other forms of everyday resistance in order to exert autonomy over their work and lives. They migrated to the urban North to escape economic exploitation, the racial caste system, and the pervasive threat of rape by white men they faced on the streets and in the homes where they worked (Hine 1989; McGuire 2010). The number of black women who moved north during the Great Migration outpaced the number of black men, giving rise to fears of a labor shortage, and parole captured black women in domestic service work, sabotaging their economic and social advances and leaving them vulnerable to the forms of violence from which many were fleeing (Hunter 1997). The relation of servant to employer exposed black women's difference from the white women for whom they worked, with white femaleness defined through the perceived absence of work and black gender-nonconforming bodies defined through the ability to endure and carry out multiple forms of hard labor.<sup>55</sup> Just as the ability to perform domestic labor under slavery in proximity to white women did not make enslaved female subjects more recognizable as human or as women, black women's labor in the white home did not grant them claims to femininity or womanhood. Black females were made to perform convict labor on the chain gang, hard agricultural work at Milledgeville, and domestic labor in the white home, and the flexibility and magnitude of their perceived labor capacity was part of their ungendering.

Black women were caught in a violent abyss where gender differentiation was constructed for white women through the language of exceptionality and the practice of protection. Yet it was black female otherness that made "white woman" possible as a subject position. Such discursive and symbolic positioning was a material resource for the progress of the Jim Crow modernity project. Jim Crow modernity required the restoration of Southern white women's traditional association with domesticity and with the management of domestic servants in the home since "making . . . women the servants of the male work-force . . . was a major aspect of capitalist development" (Federici 2004, 115). It also required the circumscription of black women and men within segregated spheres marked by docility and subservience. The violent imposition of black female labor flexibility—work on the road alongside men and in the home in service of white female domesticity—was the formal institutionalization of black women's "absence from a subject position" (Spillers 1987, 67). We see parallels in the mobilization of old racial and gender constructions for new forms of dominance in the early twenty-first century. Yet just as the early twentieth-century car-

<sup>55</sup> I use the term "gender-nonconforming" deliberately, to suggest that the black female body was subject to forced queering by state regimes of violence and exploitative capitalist labor demands.

ceral regime was not an attempt to return to the institution of slavery as such, I do not want to imply that the prison industrial complex represents a return to Jim Crow.<sup>56</sup> Both carceral regimes are the fortification of new systems of political and economic dominance through the deployment of black captivity, antiblack violence, and long-standing notions of black deviance. The late twentieth-century/early twenty-first-century prison industrial complex facilitates the “molding [of] surplus finance capital, land, and labor into the workfare-warfare state” under global capitalism (Gilmore 2007, 85). Southern convict labor deployed plantation household paradigms and conscripted black gender-nonconforming bodies to undermine consistent and vigorous challenges to Jim Crow modernity and to facilitate the burgeoning system of Southern industrial capitalism, which relied on the image of the proletarian white man and the ideal domestic female subject.

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<sup>56</sup> A number of scholars have produced important analyses of the continuities and discontinuities between slavery, convict labor, and debt peonage. They include Daniel (1972), Lichtenstein (1996), Mancini (1996), Oshinsky (1996), Curtin (2000), and Blackmon (2008).

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