

The shades of
slavery still stand: an
examination of
convict leasing in the
color...



Contrary to common belief, slavery as broadly defined was not abolished after the Civil War and is still around to this day. White lawmakers in the postbellum South strived to create a system in which prisons could lease out inmates, especially black inmates, to private businesses for profit. This convict lease system resurrected the antebellum view that black people were property, had no rights, and belonged to white caretakers. These values and the convict lease system as a whole appear in *The Color Purple* by Alice Walker when Sofia is arrested and sentenced to prison. While Sofia, Celie's step daughter-in-law, and her family are out, the mayor's wife, Miss Millie, notices how orderly her children look and ask her if she would work for her and take care of her daughter, Eleanor Jane. Sofia rejects the offer with a coarse retort and as a result is arrested. Sofia is sentenced to twelve years in prison, after which her family renegotiates the sentence to twelve years working as a domestic servant for the mayor's family. During the late 19th and early 20th century, the convict lease system perpetuated and escalated the culture and effects of slavery in the New American South structurally, socially, and economically (Myers 17). Recognizing that convict leasing simply was a new name for slavery enables a deeper awareness that Sofia's altered sentence of working in the mayor's house not only serves as a punishment for her accused crime but also is a way for white people to treat her as a slave in order to demoralize her, in a gender specific way, so that she no longer has the same humanity as she did before her imprisonment although she seems to fully recover from her servitude.

The passing of the 13th Amendment signaled the end of organized slavery; however, the structure and implementation of the convict lease system

provided whites with instruments to recreate legal slavery during the reconstruction of the South. The historian Kim Gilmore argues that one of these mechanisms was the racist “ Black Code” laws which white lawmakers passed in order to target African Americans for non-violent and often ridiculous crimes, solely for the purpose of increasing the black prison population in order to maximize the size of the convict lease system (Gilmore). Powerful whites also strived to destroy major pillars of black communities, such as churches and social organizations, as a means to deprive blacks of employment opportunities (Gilmore). These circumstances made blacks more likely to commit crimes to support their livelihood, and as a result end up in prison . In addition to sabotaging African-American communities, white legislators had full control over the “ contours of freedom” in the prison system (Gilmore). Prison officials used race as a measurement to determine which prisoners should be selected for the convict lease system because slave culture presented the notion that African Americans were better fit for manual labor than whites (Gilmore). Along with the unfair selection of convict laborers, the inhumane conditions of their work were also an alarming issue. Although there was great public criticism of these conditions, Professor Martha Myers insists that little was done to deter these slavery-like practices by the state. Convict abusers were only fined for the atrocities they committed and their victims, like pieces of property, were redistributed to a different “ whipping boss” when abused (17). As more and more objections to these conditions arose from the white public, laws were passed in order to protect the rights of privately owned convicts (Myers 19). Myers claims that these laws were seen as “ toothless” in that they were seldom enforced, were only put in place to cover up how

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few rights the convicts had, and obscured how similar to slavery the system was (19). Once the faults in these laws were exposed, the academic Sarah Haley asserts that the state created the chain gang system, in which convicts were exclusively contracted to work on state infrastructure projects, to conceal the remaining forms of slavery in the United States after emancipation (53-54). The format and execution of the convict labor system directly reflected the values and institution of slavery in the South. One of these slavery institutions that carried forward within the convict lease system was the economic exploitation of African-American prisoners to build the southern economy and infrastructure.

The biggest need for the new southern economy was a cheap source of manual labor to replace the free labor that slaves provided (Finkelman 352-353). Author Paul Finkelman states that “penitentiary rings” made the convict lease system even more “corrupt” by facilitating illegal and secretive agreements in which wealthy white business owners would pay prison officials very low prices for free-labor (353). The illicit arrangements that these institutions promoted mirrored the way in which wealthy white landowners were able to purchase free slave labor from slave dealers before abolition. Another postbellum economic issue that southern lawmakers had to tackle was how to increase prison size due to the increase of legal citizens and a higher crime rate after emancipation (Finkelman 352). Finkelman explains that southern legislatures did not have the funds to expand the number of prisons in their state and were in dire need of resources to rebuild the infrastructure destroyed during Civil War (352). Their alternative, which was supported by black and white lawmakers alike, was to lease out convicts

to private companies in order to obtain more state funds while also managing the rising prison population (Finkelman 352). This strategy taken by southern states enabled the post-war southern economy to be entirely manufactured by black men and women, identical to how the pre-war southern economy was built by slaves (Gilmore). State governments manipulated the convict lease system in order to reinstate the economic benefits that slavery had provided in the past. In addition to the economic similarities between the convict lease system and slavery, the lease system also reflected slavery socially through the inhumane treatment of convicts, the terms of the agreements between private businesses and prisons, and the treatment of black women. The most widely known social consequence of the convict labor system was the deplorable hardships that black convicts had to deal with while contracted to business. Finkelman asserts that leasers, “ bent on racial control,” often tortured their workers and killed a large number of them in order to retain the physical and psychological power they once had during slavery (353). Accompanying the bodily harm black laborers had to confront, ex-slave convicts were often leased out to their former slave masters, generating the exact same circumstances they had to endure during slavery (Finkelman 353). Finkelman adds that these new masters had full control over the lives and bodies of their convicts (353). For control over the convicts, private corporations paid one flat fee and had to provide housing, clothes, and protection, the same things a slave master had to equip their slaves with (Finkelman 353). Haley discloses that these private owners treated black women as both domestic servants and manual laborers, perceiving them as neither being stereotypically male or female (55). This lack of association to either gender binary caused “[b]lack

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women's humanity" to be "illegible" and for them to be treated as property rather than animate beings (Haley 55). The notion that black women in the convict labor system were not human, and therefore slaves, allowed white families to believe that it was their right to manage these "bodies" (Haley 55). The abhorrent mental and physical burdens placed on African Americans within the convict lease system was comparable to the conditions of slavery.

Understanding the horrid conditions convicts were employed under helps illuminate how not only physically grueling Sofia's imprisonment is, but also how mentally crippling her circumstances are. Sofia first encounters the cruel treatment of African Americans within the criminal justice system when officers, ordered by the mayor, arrest her and "crack her skull...crack her ribs.... tear her nose.... blind her" and injure her so badly that "She can't talk" (86-87). The fact that the police "crack" Sofia conveys that they broke open her confidence and seemed to snap her humanity, filling it with the suppression and defeat that came with this inhumane public beating. The battery that Sofia is forced to confront reflects the abuse by white business owners on convicts which Finkelman described as a vessel to reinstate the antebellum principle that blacks were subhuman (353). Once recovering from her arrest, Sofia serves her sentence as a domestic servant to the mayor's family living "under the house" (Walker 103). By describing her living conditions to be "under" the family she is working for, Sofia conveys that she is not only physically under the mayor's family but also mentally beneath their level of humanity. Sofia continues to illustrate how her life as a convict laborer has damaged her while visiting her family by admitting that "I'm a slave" (103). This concession signifies that she is performing the work

of a slave and underlines how the complete control over her life and body, previously discussed by Finkelman, has forced her to feel that she is equivalent to a piece of property (353). After being freed from her slave-like work, Sofia enjoys a regular dinner with her family. During the meal, the group “ can’t quite find a place for” Sofia and regards her as a “ stranger” in her own home (Walker 202). Sofia being labeled as a “ stranger” implies that her imprisonment has made her unrecognizable and that her presence, and therefore her humanity, is “ illegible” to the rest of her family (Haley 55). The hardship that Sofia had to endure while in prison completely defeated her both mentally and physically, altering her confident and fierce attitude into one that is fully conquered by the racist machine that is the convict labor system. Along with the several mentally debilitating circumstances Sofia faces while in servitude, many gender-specific aspects of the convict lease system lead to her to face even more oppression.

As Sofia’s family desires to transfer Sofia from prison to being a servant in the mayor’s house, they prepare to tell the warden that “ she happy in prison, strong girl like her” (93). The warden complies with their request for the purpose of breaking down her “ strong” female identity that is still thriving in prison by subjecting Sofia to the gender purgatory which comes with a female’s work within the convict lease system (Haley 55). After the warden agrees to have Sofia work at the mayor’s house, Sofia is allowed to visit her family for the first time in five years. During this visit she explains that she is in charge of “ cooking... washing... sweeping” at the house, while also having the responsibility to provide Miss Millie with “ driving lesson[s]” (103). By performing domestic tasks that are stereotypically feminine but

also teaching Miss Millie how to drive, which is stereotypically masculine, Sofia must assume both a female and male role, which as Haley asserts caused her humanity to be further stripped from her (55). On this same visit with her family, the mayor's wife demands that Sofia drive her home and only allows her to spend "fifteen minutes with [her] children" (106). By allowing Sofia to spend only minimal time with her family, the mayor's wife exemplifies the idea Haley presents that black convict women were seen as less than human and not worthy of privileges that most women are granted, like visiting their family (55). Once Sofia is freed and is able to reunite with her family for good, she has an emotional conversation with Eleanor Jane about the fact that she did not know "why [Sofia] come to work for them" (281). The fact that Eleanor Jane is ignorant as to why Sofia is working for them and assumes that it is natural that she is under the control of her family perpetuates the slave time principle that black women belong to whites as property (Haley 69). Sofia's odyssey to freedom through the penitentiary system sheds light on how the intersection of being a woman and black can heavily influence a convict's experience when being leased for work.

The continuation of antebellum white supremacy over blacks through the convict lease system raises the question of whether the present day prison system, which itself is an extension of the convict lease system, preserves the same racist sentiments and biases of its predecessor. Further research on how modern day laws directly target African-Americans and the ethnic breakdown of the prison population compared to the proportional population of the United States could help illuminate the different ways our current

criminal justice process maintains the racist prejudices that Sofia had to endure during her incarceration. In addition, a greater understanding of how the private prison system functions, President Obama's reasons for discontinuing it, and Attorney General Jeff Sessions' rationale for reinstating the system could help clarify if there are specific aspects of the contemporary prison system that echo the attitudes of the convict lease system. Although the convict lease system and the racially charged baggage that comes with it seem to be distant history in 2017, perhaps when one takes a closer look at the system we have today there may be more similarities than expected.