REVIEW

Exclusion and exploitation: The incarceration of Black Americans from slavery to the present

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Understanding long-run patterns in the incarceration of Black Americans requires integrating the study of racial inequality with the study of political economy. I offer a parsimonious framework describing how the Black incarceration rate has been affected by the dynamics of exploitation and exclusion over time and across space. This framework helps to explain otherwise puzzling facts, like why the Black incarceration rate was lower in the South than in the North for much of the 20th century, why it was lowest in the South's cotton belt, and why it began to tick upward when it did. It also enables us to better understand recent changes in racial and class inequality in incarceration in the United States.

In the early 1970s, the rate of incarceration in the United States began a sharp and unprecedented ascent. In 1970, the US imprisonment rate—excluding jails—stood at roughly 100 per 100,000 people. Forty years later, it had grown five times as large (Fig. 1). As the total imprisonment rate increased, the ratio of the Black and white imprisonment rates remained extraordinarily high. For most of the nearly four decades of prison growth, Black Americans were imprisoned at roughly six times the rate of white Americans (*1*).

These two features of US incarceration—its scale and its concentration among Black Americans—have inspired a large social scientific literature examining incarceration as a form of racial domination. This literature has shown that the study of incarceration in the United States must be situated in a broader history of racial inequality stretching back to slavery. But to understand long-run patterns in the Black incarceration rate from slavery to the present, we need to integrate an analysis of racial inequality with an analysis of political economy (*2*–*6*). Doing so enables us to explain otherwise puzzling facts, like why the Black incarceration rate was lower in the South than in the North for much of the 20th century (Fig. 2), why it was lowest in the South's cotton belt, and why it began to tick upward when it did (Fig. 3). It also helps us to make sense of why racial inequality in imprisonment has narrowed, why class inequality in imprisonment has widened, and why racial inequality exceeds class inequality in people's likelihood of having a family member imprisoned or living in a high-imprisonment neighborhood.

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Exclusion and exploitation

Consider the three most basic class relations governing the US political economy from the late 19th to the early 21st century: relations between employers, relations between workers, and relations between employers and workers (*7*). Relations between employers are typically defined by competition. In attempting to capture a bigger share of the market, employers are effectively trying to exclude their competitors. One way they do so is by devising ways of producing things using fewer or cheaper workers. Employers' need, under the competitive constraint, to produce more with fewer or cheaper workers is one of the principal reasons why their demand for workers rises and falls.

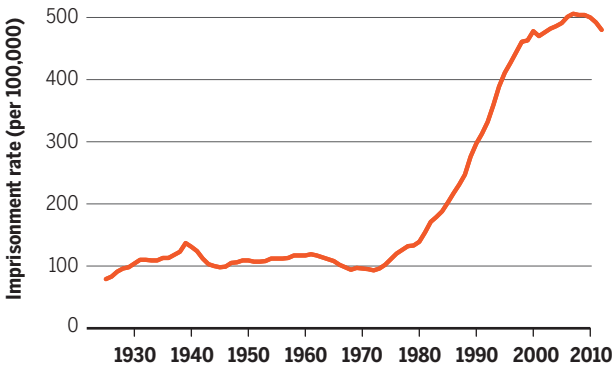

Fig. 1. United States imprisonment rate, 1925 to 2012.

In capitalist economies, workers also face each other as competitors. When jobs are scarce and class solidarity is low, workers hope to exclude other workers from competition. Workers compete as individuals, but throughout US history, they have often been led by racist ideologies to view other workers as members of distinct groups with interests opposed to their own (*8*). Competition over jobs and necessities like housing can entrench racist ideologies, just as racist ideologies can impede solidarity among workers (*9*). Moreover, when workers historically have organized movements that transcend these ideologies, such movements have often been violently repressed (*10*, *11*).

Relations between employers and workers, in contrast, are relations of exploitation: Employers derive direct economic benefits from the labor of workers. Relations of exploitation differ from relations of competition because they are defined by dependence (*12*). When employers' demand for workers is high, they want to exploit—not exclude—workers because they depend on workers' labor.

Black Americans disproportionately occupy subordinate positions within these class relations—a fact that cannot be understood without reference to slavery. Slavery in the United States was a system of exploitation in which slaveholders forcibly extracted labor from people they violently controlled, bought, and sold. Both those who owned enslaved people and those who did not justified this brutal practice by appealing to an ideological rationale holding that the enslaved belonged to a distinct group—a "race"—whose position as dependent agricultural laborers reflected their natural economic, social, and geographical "place" (*13*). Although slavery itself was abolished, its economic and ideological effects have endured. Slavery's regime of forced labor left the majority of Black people after emancipation with little or no wealth. This consigned them to the bottom of the labor market and made them especially vulnerable to fluctuations in the demand for labor—a situation reinforced by racial discrimination in employment.

The basic class relations I have described, together with Black Americans' position within them, bear upon the scale of incarceration in several ways. First, when welfare-state supports are weak, contractions in the demand for labor can leave workers who are expelled from the labor force without means of subsistence. These workers may turn to theft, illegal markets, or other criminalized forms of appropriation to survive. Second, unless employers can exploit the labor of people in prison, when their demand for labor is high, they typically will seek to prevent workers or potential workers from going to prison, thereby lowering the incarceration rate. In periods when employers could affect the incarceration rate, falling labor demand thus could have increased incarceration, particularly among Black Americans, who both occupied the bottom rungs of the labor market and faced especially harsh treatment from police and courts. Finally, competition between workers can exacerbate racist ideologies and lead workers to support punitive measures directed against their perceived competitors.

These claims, it should be stressed, are not transhistorical (*14*). For example, the relationship between labor demand, crime, and incarceration should be weaker when workers have ways to sustain themselves other than through work. When employers can use the labor of people in prison, they may try to increase, rather than decrease, the incarceration rate. And workers can resist—and historically have resisted—the sway of racist ideologies.

Through the mid-20th century, when the demand for Black labor was relatively high, the Black incarceration rate was strongly affected by whether people who exerted influence over incarceration sought to exclude or exploit Black workers. This demand collapsed in the second half of the 20th century, first with the mechanization of cotton harvesting, then with deindustrialization. Young Black men's labor force participation fell and crime rose amid a conservative reaction to both the second Great Migration and the Civil Rights Movement. The law-and-order politics that followed set the stage for an increasingly punitive turn in legislation and prosecution. Today, many of the economic changes that hit Black Americans first are hitting white Americans, whose rate of incarceration is rising.

Slavery and convict leasing

During slavery, the South's Black incarceration rate was noteworthy primarily for how low it was (*15*). Scholars have long recognized that because slaveholders depended on enslaved people's labor, they had little reason to send enslaved people away to be punished through state prison systems (*3*). What has been less appreciated, however, is the extent to which this same dynamic carried over into the postbellum period.

After the Civil War, many southern states began punishing people by leasing them to private companies. People caught in this system, known as the convict lease system, labored in terrifying conditions and in many cases were literally worked to death. Owing to its brutality and trade in forced labor, the convict lease system has often been compared to slavery (*15*, *16*). Some have taken the argument further, claiming that convict leasing was a functional replacement for slavery (*17*). But two key differences between slavery and convict leasing are hard to square with this latter claim.

First, prior to the Civil War the vast majority of Black people in the South were enslaved. After the Civil War, in contrast, just a small fraction were confined in the convict lease system. In Georgia, for example, enslaved people made up nearly half of the state population in 1860, whereas people in the convict lease system made up less than a tenth of a percent 20 years later. Deprived of landownership and surrounded by laws and violence that restricted their mobility, most rural Black southerners labored instead as tenants, sharecroppers, or agricultural wage workers.

Second, slavery was a predominantly agricultural institution. Most people in the convict lease system, in contrast, were leased to industrial rather than agricultural operations (*18*). As the economic historian Gavin Wright has noted, agricultural workers sent to the convict lease system "were taken away from the area for a long stretch, not returned to the planter as a farm laborer" [(*19*), p. 459]. Thus, like slaveholders, planters had an interest in keeping workers or potential workers out of prison rather than in it.

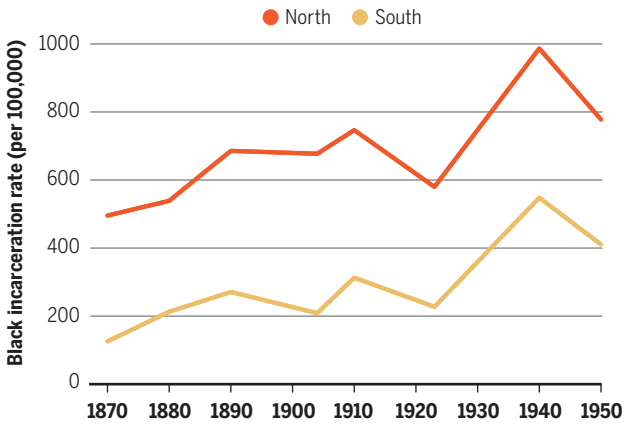

Fig. 2. Black incarceration rate, 1870-1950. Northern states include Connecticut, Illinois, Indiana, Maine, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and Wisconsin. Southern states include Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Virginia. Incarceration data are from (*54*–*59*). The denominators used to construct the incarceration rates are from (*60*).

Some planters held onto accused workers by serving as character witnesses or using their influence over local courts to intervene in prosecutions. Others punished workers themselves, often using violence. But planters also used courts to procure a supply of forced labor. They gathered at courthouses and offered to pay the fines of "any defendants who seemed to be desirable workmen" [(*20*), p. 293]. Then they forced these defendants to work to pay off the debt (*16*, *21*). Defendants faced the impossible dilemma of choosing between the brutality of the convict lease system and the trap of peonage. Because defendants whose fines were paid did not enter state custody, this form of peonage—sometimes called the criminal surety system—diverted them from prison and consequently held the cotton belt's Black incarceration rate down.

Outside of the cotton belt, in contrast, peonage was less prevalent. There, Black defendants were more likely to be viewed as competitors to exclude than as workers to exploit. In the eyes of many white southerners, Black people who resisted dependent agricultural work by moving to cities or acquiring land had "rejected their 'place' in the agrarian social order" [(*18*), p. 71].

Studying the geographic distribution of convict leasing is challenging because census data record only the counties where people were confined, not the counties where they were convicted. However, it is possible to use archival records on where people in the convict lease system were convicted to calculate their risk of incarceration across space. The state of Georgia kept especially comprehensive records of incarceration that can be used for this purpose.

In 1880, Black men in Georgia were least likely to be imprisoned in the cotton belt and most likely to be imprisoned in urban counties or in counties where Black Georgians had accumulated an unusually large amount of land (*22*). This pattern held only for property crimes—those crimes white Georgians had the most discretion to enforce—and did not hold for imprisonment among white men. Notably, the Black incarceration rate for property crimes remained comparatively low in the cotton belt despite historical evidence suggesting that agricultural workers often "chose to commit criminal trespass or petty larceny, in order to dispose of what they saw as their share of the crop without the landlord's interference" (*23*–*25*). In short, Black men faced the lowest risk of imprisonment in counties where people who could influence the incarceration rate sought to exploit them and the highest risk of imprisonment in counties where such people sought to exclude them.

When labor demand declines

The claim that planters' demand for labor held the cotton belt's Black incarceration rate down implies that declines in agricultural labor demand should have pushed the Black incarceration rate up. As noted above, the demand for Black agricultural workers in the South remained relatively high through the first half of the 20th century. But one notorious episode in the history of southern agriculture has allowed scholars to study the effects of a temporary decline in the demand for agricultural workers.

Beginning in the late 19th century, a beetle called the boll weevil spread northward and eastward from the base of Texas, reaching the East Coast early in the 20th century. Because boll weevils depend on cotton plants at all stages in their life cycle, they have the capacity to destroy

entire fields of cotton. Given the scope of the potential damage, the infestation drew the attention of the US Department of Agriculture, which tracked the weevil's movements in a series of maps it published in regular bulletins.

These maps have allowed scholars to study the boll weevil's effects as it moved, county by county, across the South. Economic historians and sociologists have shown that the infestation substantially reduced cotton yields and the extent of tenant farming (*26*, *27*). It also caused the demand for Black child labor to fall, leading Black children's rate of school enrollment to rise (*28*).

The resulting decline in the need for agricultural workers could have affected the Black incarceration rate in two ways. First, it could have pushed displaced agricultural workers to turn to crimes of survival. To the extent that such workers were caught, prosecuted, and sentenced to prison, this could have increased the incarceration rate. Second, the infestation could have caused planters to reduce the extent to which they paid defendants' fines or otherwise attempted to keep workers or potential workers out of prison. Although convict leasing had been abolished in Georgia in 1908, when the boll weevil arrived in 1915, defendants were still caught between peonage and imprisonment—now in the form of state-run chain gangs (*18*).

The boll weevil infestation was particularly consequential for Black southerners (*14*). Their concentration in cotton production made them especially susceptible to declines in cotton yields, and their low levels of wealth often prevented them from paying fines to avoid chain gangs and peonage (*20*, *21*). Moreover, historical research has shown that Black Americans were far more likely than white Americans to be punished by incarceration when the demand for their labor was low (*15*, *22*, *24*, *29*).

The boll weevil infestation in Georgia increased the Black prison admission rate for property crimes by more than a third (*14*). Its effect on Black prison admissions for homicide, in contrast, was negative and not statistically significant. Because there are no data on crime or peonage in early–20th-century Georgia, it is impossible to definitively determine how much of this effect was driven by increases in crime versus decreases in peonage. However, the infestation only increased prison admissions for crimes that could be punished with a fine—those crimes that allowed planters to entrap defendants in peonage. There is no evidence, in contrast, that it increased admissions for crimes that legally had to be punished with a prison sentence. This fact, together with qualitative evidence from historical sources, suggests that planters' practice of paying defendants' fines fell along with cotton yields. When planters' demand for agricultural workers declined, the Black incarceration rate increased.

Migration

As the boll weevil completed its path across the southern United States, the first Great Migration of Black southerners to the North was getting underway. This migration had many causes, but two of the most important were war-induced shocks to immigration and the introduction of immigration restrictions in the 1910s and 1920s, both of which cut off the supply of industrial workers from Europe (*30*). With a shortage of laborers, particularly as northern workers were drafted and northern wartime production ramped up, labor agents headed south to recruit Black workers.

Black migrants typically were better off than those who stayed in the South, and they made great gains in income from moving (*30*). Moving north allowed migrants to escape the South's regime of racial terror and labor coercion and offered them social and political opportunities the South had closed off. But migrants also faced resentment and violence in the North as their numbers increased.

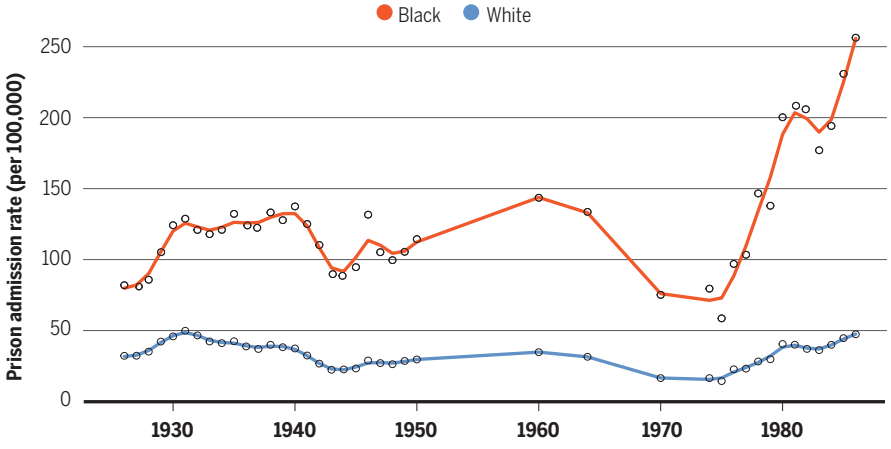

Fig. 3. Black and white prison admissions, 1926 to 1986. A smooth line summarizes the trend. Curves were fit to data using smooth-spline in R. Data are from (*61*).

The first Great Migration had two kinds of effects on the Black incarceration rate. First, migrants left a region where planters routinely tried to keep agricultural workers out of prison and in the fields. The absence of a similar practice in the North meant that the Black incarceration rate was higher in the North than in the South even before the migration began (*31*). Census microdata can be used to compare migrants' probabilities of incarceration to those of similar northerners and southerners who stayed in their respective regions. Moving north drastically increased migrants' likelihood of being incarcerated, even though migrants had higher average levels of education than those who remained in the South (*31*, *32*).

Second, the scale of the migration provoked a punitive reaction. Black migrants were forced into competition with northern workers, particularly European immigrants who were both concentrated at the bottom of the northern labor market and overrepresented on northern police forces. Many of these workers blamed migrants for their plight and greeted them with hostility rather than solidarity (*8*). The faster migrants moved into northern states, the sharper was the increase in the Black incarceration rate (*31*). Thus, the migration increased Black Americans' risk of incarceration not just because they left a region where the Black incarceration rate was held down by people trying to exploit them, but also because they entered a region where the Black incarceration rate was pushed up by people trying to exclude them.

Black Americans' earliest experiences with police, courts, and incarceration in both the North and the South engendered a profound sense of estrangement from these institutions (*33*, *34*). As early as 1901, W. E. B. Du Bois argued that the convict lease system had produced a marked decline in Black people's "faith in the integrity of courts and the fairness of juries" [(*15*), p. 742]. Persistent racial inequality in incarceration in both regions also gave rise to an ideological association of "blackness and criminality" that traced high rates of Black incarceration to an imagined group essence rather than to the dynamics of exclusion and exploitation described above (*29*, *35*). Recent work has demonstrated how the combination of legal estrangement and essentialist beliefs about criminality can generate self-reproducing cycles of face-to-face interpersonal violence and state violence (*36*).

Agricultural mechanization

The causes of mass incarceration are too numerous and varied to summarize succinctly. But an underappreciated contributor to three of the most widely cited causes is the mechanization of cotton harvesting. Between 1950 and 1970, the percentage of US cotton harvested by machine rose from 5% to nearly 100%. Although mechanization had begun earlier in some parts of the

South and was itself, in part, a response to labor shortages, "with the successful breakthrough in mechanical cotton harvesting, the character of the labor market radically changed in the 1950s from 'shortage' to 'surplus'" [(*37*), p. 243]. Against the backdrop of a welfare state weakened by racial exclusion (*4*), this revolution in agricultural production had three important ramifications for the growth of the Black incarceration rate in the late 20th century.

First, mechanization accelerated the decline of young Black men employed in agriculture. In 1940, nearly a third of young Black men held agricultural occupations. By 1970, that figure had fallen below 3% (*38*). Historians have noted that the contraction in Black men's labor force participation "coincided with a stunning rise in their rates of incarceration" [(*39*), p. 82]. The effect of mechanization on crime and incarceration in the South has not been studied directly. But research on the final decades of the 20th century has shown that unemployment increased the property crime rate (*40*) and that decreases in employment among young Black men had a substantial effect on their prison admission rates (*41*). The imprisonment rates of southern cotton-producing states also rose earlier than those of states in other regions (*14*).

Second, the decline in agricultural work caused by mechanization strengthened the ongoing second Great Black Migration (*42*). Like the first, this migration was met with a backlash. Migrants arrived in northern and western cities just as urban jobs began to disappear (*37*, *43*); white residents left cities for suburbs (*42*, *44*); and police targeted poor, predominantly Black, neighborhoods (*44*, *45*). Recent research has shown that the reaction to the second Great Migration increased northern homicide rates, police spending, and Black incarceration rates (*46*).

Finally, some scholars have suggested that mechanization and the migration it inspired helped to create the conditions for the Civil Rights Movement (*30*, *47*). Conservative politicians responded to the urban uprisings and civil disobedience associated with this movement by connecting them to crime and appealing to voters with a promise to restore "law and order" (*44*, *48*). This message found a receptive audience, particularly, although not exclusively (*49*), among white voters invested in the social and economic exclusion that the Civil Rights Movement sought to combat. Crime policy became a more salient issue in electoral contests, and appearing "soft on crime" became a political liability.

Agricultural mechanization thus shifted the balance of efforts to exclude and exploit Black Americans. The demand for low-education Black workers fell as a conservative reaction to the second Great Migration and the Civil Rights movement took hold. This made it more likely that increases in crime—both real and imagined—would receive a punitive response. The prison admission rate shot up in the 1970s (Fig. 3), with most of the growth concentrated among Black men with low levels of education (*2*).

Incarceration today

In the 21st century, the fall in the demand for low-education workers that first affected Black Americans began to affect white Americans too. This trend is most apparent in rising rates of mortality among white Americans with no college education, driven by deaths from suicide and alcohol and drug use (*50*). But less noticed has been the fact that the prison admission rate of white Americans without a college education rose sharply over the same period. This, along with falling prison admissions among Black Americans with no college education, substantially reduced racial inequality in incarceration for the first time in decades. Class inequality in incarceration, meanwhile, has exploded (*51*).

Despite these recent changes, however, racial and class inequality in incarceration remain tightly intertwined. Although the gap in the prison admission rates of Black and white Americans has narrowed, Black Americans still bear a vastly greater share of the harm of incarceration. This is because enduring structures of racial domination have made class boundaries among Black Americans more permeable than they are among white Americans. Persistent segregation has meant that middle-class Black Americans are much more likely than middle-class white Americans to live in or near poor neighborhoods (*52*). Because of historically low levels of wealth among Black families, middle-class Black Americans are also more likely than comparable white Americans to have poor family members (*53*). As a result, Black Americans with high levels of education and income are more likely than white Americans with low levels of education and income to experience the imprisonment of a family member or to live in a neighborhood with a high imprisonment rate (*51*).

Conclusion

This is far from the first essay to propose that understanding incarceration in the United States requires integrating the study of racial inequality with the study of political economy [see, e.g., (*2*–*6*)]. But I have aimed to provide a parsimonious framework that describes precisely how the Black incarceration rate has been affected by the dynamics of exploitation and exclusion over time and across space. This framework is deliberately simple: There are changes in incarceration that it alone cannot explain and causes of incarceration that it leaves out. But it nonetheless helps us to make sense of patterns in the Black incarceration rate since slavery that otherwise would be difficult to understand.

Future research should evaluate the explanatory reach of this framework, as well as its limits. For example, the relationship between agricultural labor demand, peonage, and incarceration proposed here should be assessed using data from states other than Georgia. Scholars should also study in closer detail how mechanization and deindustrialization affected the Black incarceration rate. This work will necessitate gathering data from archival sources to fill in gaps in the administrative data currently available.

We are living in a moment of intense debate about how to keep people as free as possible from both state and interpersonal violence. But there is a growing recognition that this goal will be met by creating and expanding alternatives to the penal system. The patterns in the Black incarceration rate I have described were by no means inevitable: At key moments in the struggle for racial and economic justice, they could have been interrupted. Indeed, the framework I have sketched here suggests that striking at the roots of mass incarceration will require working simultaneously to eradicate systems of racial domination and to transform economic relations so that they are no longer predicated on exclusion and exploitation.

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