

HOW WAS RACE CONSTRUCTED IN THE NEW SOUTH?¹

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Abstract

This article focuses on the construction and reconfiguration of race in the U.S. South during the late nineteenth and early twentieth centuries. Much literature on race is designed to show that race is socially constructed, with the inference that race is *merely* a social construction. Thus, talk about race, which is not demonstrably grounded in human biology, must be akin to talk about unicorns. But so what? Does race being a social construction make any difference to the historical accounts we give of how racial practices work? This article suggests that it can if we focus on the process of construction itself, in a particular time and place, and ask *how* race was socially constructed. I trace how race was made, unmade, and remade in the years between 1865 and 1920. During the postemancipation era, Southern White elites constructed race as and through naturalized relations of dependence and independence. This construction was held in place and then undermined by the prevailing social order. I offer an account of the sharp increase in racist practices at the turn of the century, focused on the notion of *mobility*. I show how, in the decades since the war, mobility undermined race as it had been socially constructed.

Keywords: Race, Social Construction, Segregation, Modernity, U.S. South

Why, would it be unthinkable that I should stay in the saddle however much the facts bucked?

—Ludwig Wittgenstein, *On Certainty* (1969, §616)

Governor Worth of North Carolina, writing in 1867, advised a correspondent to “trust to the good sense of N.C. and the nation that government is not to be confided to negroes and albinos” (Hamilton 1909, p. 1048). “The true dividing line between the negro and the white man,” suggested an author in a Louisiana journal in 1868, “is, that the negro . . . is the enemy of property; the white man its friend, its supporter, and advocate” (*DeBow’s Review* 1868, p. 136). “According to the spirit of our meaning when we speak of white man’s government, [the Italians] are as black as the blackest Negro in existence,” declared a Louisiana newspaper in 1898 (Cunningham 1965, p. 27). If we think race is centrally about biological attribution, each of these statements is puzzling. Any one of them could suggest that our use of racial categories varies according to time and place and in ways that evade easy attribution

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to biology. Not only is race not biologically real, but our use of racial categories makes no attempt to confine itself to the facts those categories purport to claim. Thus, we have learned to say, race is socially constructed.

But what exactly is the import of this claim? As Barbara Fields points out, “The London Underground and the United States of America are social constructions, so are the evil eye and the calling of spirits from the vasty deep” (Fields 2003, p. 1400). If the claim that race is socially constructed constitutes an actual advance in understanding, it better tell us more than this. Indeed, Fields does not consider the claim an advance at all. Far from it. Fields suggests that “scholars who intone ‘social construction’” are involved in witting or unwitting deception, attempting to “solidify the intellectual ground on which [race] totters” (Fields 2003, p. 1400). Key to the deception is the substitution of race—“a fiction, an illusion, a superstition, or a hoax”—for racism—“a crime against humanity” (Fields 2003, p. 1400). Rather than reveal race to be racism, Fields argues, social constructionists do just the opposite, cloaking the crime of racism in the “neutral sounding” concept of race (Fields 2003, p. 1400).

This article develops the idea that race is socially constructed, meeting what I take to be three central challenges posed by Fields: (1) that the claim is at best trivial; (2) that it has no explanatory value; (3) that it obfuscates the fact that race is racism, or that race is centrally a practice of subordinating some human beings to others. My suggestion is that a focus on *how* race was constructed in particular times and places delivers a nontrivial account of race—one that makes a difference to the historical accounts we give of how racial practices work, and distinguishes race from other social constructions. My account of race, finally, is precisely intended to show that race is racism. Put differently, I show that race is intrinsically connected to practices of subordination.

Before I trace the argument, however, I need to make one small comment about the second of Fields’s challenges, that race as a social construction has no explanatory value. The manner in which Fields presents this challenge makes it almost impossible to counter. “The formula is meant to spare,” she suggests, “those who invoke race in historical explanation the raised eyebrows that would greet someone who, studying a crop failure, proposed witchcraft as an independent variable” (Fields 2003, p. 1400). The danger, in other words, is that in rehabilitating race in the guise of social constructionism, we adopt the racist’s account of how the world works. However, one can accept that witchcraft does not cause crop failures, even while insisting that practices named witchcraft and beliefs about the occult provide historical explanations of what people do. Further, such explanations, if they include practices named witchcraft, need not adopt the account of witchcraft held by the practitioners. The point would be, to adopt Thomas Holt’s (2002) terminology, to understand the “work” that such practices and beliefs did within the context of other social relations. It is toward an account of this character that I hope to advance.

The statements at the beginning of this article were all written, whether in public or private correspondence, within a specific historical context, namely the U.S. South between 1865 and 1900. Is there a consistent concept of race being deployed across these instances, and if so, what kind of work was this concept doing in the late nineteenth-century South? I will argue that there is a consistent usage in these and similar examples, most of which I will draw from research on Louisiana. White elites in the South constructed race as and through naturalized relations of dependence and independence. Race provided the terms and categories through which dependence and independence were made part of the natural order of things.² This construction, in turn, was premised on an account of wage labor as a *status*

contract—a contract that created a hierarchy of personal dependence between the contracting parties. Rather than an abstract form of identity suitable to modern liberal citizens, race was constructed here as a hierarchy of personal relations (cf. Goldberg 1993, p. 70).

The emerging free-labor ideology, however, directly challenged the idea that working for wages entailed dependence and thus challenged, though inadvertently, racial constructions premised on such dependence. “Free labor” was therefore in a limited but not inconsequential sense corrosive of a specific construction of race. Indeed, the South saw profound change along a number of dimensions at the turn of the century: rapid urbanization, incipient industrialization, increased penetration of railroads, and commodity markets—almost nothing in this period stood fast. If race is socially constructed, we would presumably expect it to change, too. I argue that these disparate developments undermined the concept of race as it had been constructed in the postemancipation period. I suggest we think of these various challenges under the heading of *mobility*. Various forms of mobility, on the part of Black and White southerners, brought existing practices into question. This gives us one way to read legal segregation, disfranchisement, and the apparent increase in lynching that also marked the South in these decades as more or less conscious attempts to reconstruct race. Modernization, then, posed a challenge to an agrarian way of life that was at least partly structured through race. I want to show just how that structuring worked and suggest we see the new racist practices of the 1890s and later as attempts to meet this challenge, that is, to *reconfigure* race.

“THE RELATION OF MASTER AND SERVANT”

It is helpful to first sketch the account of wage labor that was operative in the postbellum South. In subsequent sections, I show how race connected with this account and the sense in which the emerging free-labor ideology was in tension with both. In 1865, at the end of the Civil War and with the fate of slavery all but sealed, northern abolitionists hoped to replace the “peculiar institution” with “free labor.” But, as Julie Saville put it, “Free labor marched southward to battle against slavery to the strain of discordant notes” (Saville 1994, p. 3). Although some were beginning to defend wage labor as “free labor,” the dominant conception of free labor revolved around small producers who, owning the land and tools needed for production, were thus politically and economically independent. Based on this conception, wage labor was at best a transition to the status of free property owner, at worst, “a modified servitude” (Saville 1994, p. 3; Foner 1970; Sandel 1996; Pettit 1997). Although redistributing land to freedpeople remained a live issue through 1866, the new Bureau of Refugees, Freedmen, and Abandoned Lands, or the Freedmen’s Bureau as it became known, quickly adopted the strict enforcement of formal, annual labor contracts between laborers and planters as the principal means to attain justice for freedpeople (Scott 2000; Davis 1982; Dawson 1982; Eiss 1998; Ripley 1976).³ Nevertheless, the idea remained to create a free labor force. Through wage labor, freedpeople would be able to accumulate enough capital to lease or buy land, so that ultimately a free Black yeomanry would emerge (Davis 1982, pp. 75–78). With this aim in mind, the Freedmen’s Bureau imposed the rigors of wage labor on reluctant planters and freedpeople alike.⁴

Clearly the aim was not achieved. By the late 1880s, sharecropping “had emerged as the dominant mode of agriculture and rural society in the South” (Davis 1982,

p. 58).⁵ Most former slaves and their descendants worked as sharecroppers, often hopelessly indebted to their landlords.⁶ Nevertheless, *sharecropping*, the form of labor relations in which most Black laborers found themselves, had been defined by Louisiana's courts (and courts across the South) precisely as a form of wage labor. As Harold Woodman (1995) has argued, at a formal level the law clearly distinguished sharecroppers from tenants. Whereas tenants had administrative control of any land leased to them and also ownership of the crop produced (subject to the privilege of the landowner for rent due), the sharecropper had neither of these things. Sharecroppers were instead employees whose relationship to their employer was regulated under laws governing master-servant relations. As such, sharecroppers were legally a form of "free servants." But this further entailed a lower social standing. As wage laborers, sharecroppers were seen as dependents of their employer in a way that tenants were not.

In some sense, then, the vision of northern reformers did become a reality, and wage labor replaced slavery. But local contexts and institutions shaped the social meaning of this shift, not the free-labor ideology of abolitionists.⁷ The resulting system was perplexing to many outsiders. One contemporary observer from Britain, traveling through rural Alabama in 1870, declared the "system of share and share alike betwixt the planter and the negro . . . outrageously absurd," even "semi-communistic" (Somers 1965, pp. 128–129). Yet throughout the Reconstruction period, supreme courts across the South determined that the "obvious distinction" between sharecropping and tenancy lay in the master-servant relation created between parties to the former type of agreement (Woodman 1995).⁸

Sharecropping, therefore, was a form of wage labor, and wage labor entailed dependence. And race was also implicated in this link between wage labor and dependency, but not simply as a matter of distributing people who were marked as belonging to different racial groupings across different tenancy arrangements.⁹ Whether sharecroppers, tenants, or, more rarely still, owners, freedpeople were on a trajectory out of an antebellum plantation system in which Blackness and servility had become "intertwined" (Roediger 1991, p. 56). The struggle of freedpeople to establish independence was thus also a struggle to break that link. Here, as elsewhere, they were met with the intransigence of their former masters who continued to see them as a dependent labor force. Indeed, for Southern planters, dependency through labor and independence through ownership formed the "true dividing line between the negro and the white man" (*DeBow's Review* 1868, p. 136).

Retrieving the distinction between tenancy and sharecropping, then, allows us to see more than just the different economic choices and obstacles that various categories of agricultural labor faced. It also allows us to reconstruct the social stakes involved in holding, or attempting to escape from, these various positions. In the next section I explore how the precept that wage laborers were dependents connected with the expectation that "negroes" would be laborers.

"IS NATURAL AND UNALTERABLE"

In Louisiana, it was not until 1870 that the supreme court clearly ruled that sharecropping was a form of wage labor (*Bres and O'Brien v. S. C. and J. A. Cowan, R. W. Faulk Intervenor* 1870). In 1876, a second Louisiana Supreme Court decision confirmed the view. The details of the case are not crucial. At issue is whether freedmen had property rights over the crops they produced. But the language of the decision is worth pondering:

The testimony of the laborers shows that the contract between them and McKinney [the planter] was that they were *hirelings*, to be paid half of the proceeds of the cotton and by receiving the half of the other produce (*Lalanne Brothers v. Kinchen W. McKinney* 1876; emphasis added).

The word *hirelings* is noteworthy, recalling antebellum struggles over the status of wage laborers as the northern states began to industrialize. Antebellum White wage earners sought to escape both the generally social and specifically racial “opprobrium” attached to the status of *servant* or *hireling*. Free government, in this loosely Jeffersonian tradition, required independent farmers and artisans—independent in the sense that they owned productive property. Hirelings were by definition dependent, and thus their fitness for self-government was automatically in question. More seriously, if generalized, the institution of wage labor threatened the basis of free government itself. Antebellum producers were thus strategically torn between attacking “white slavery” (wage labor) as such and defending the dignity of “free white labor” (Roediger 1991, pp. 45–47). In either case, “Whiteness” involved a claim to freedom and independence. Master-servant law made this claim fragile, however. The legal status of workers was shifting as new understandings of labor influenced state court decisions in the antebellum North. But White wage workers had to work hard to avoid the label of *servant* and the imputation of dependence, because legally this was precisely their position (Orren 1991; Schmidt 1998). As such, White workers were seeking not only to distance themselves from the status of “negro slaves” but also to carve out a social and economic position that escaped the confines of master-servant law.

Of course northern and southern views of wage labor were not uniform. But the differences were less than one might think, and they tended toward a more radical rejection of wage labor in the South. As we have seen, the concept of free labor was not yet applied to wage labor, even in the North. In Louisiana and elsewhere in the South this was not a mere absence. Southern defenders of slavery, such as William Harper, John Calhoun, and George Fitzhugh, had been developing for decades a powerful critique of “wage slavery,” chastising hypocritical abolitionists for their blindness to the poverty and degradation of northern White labor. As James Oakes (1990) argues, proslavery ideologues and advocates of “free White labor” could draw on a common set of republican concerns about dependency and labor.¹⁰

Master-servant law thus afforded masters of servants much the same conceptual resources as slavery had afforded masters of slaves. That is, the legal relation between masters and servants continued to subordinate the personality and will of the latter to the former.¹¹ A number of essays published in the late 1860s in the New Orleans publication *DeBow's Review* provide a useful lens into planter thinking. They suggest that planters sought to portray freedpeople as inherently unfit for any type of labor but agricultural, and assumed that labor entailed dependence and subordination, whether it was contractually engaged or not. In “The South: Its Duties and Destiny,” L. Reynolds (1866) draws explicitly on the language of master and servant to discuss the “crisis” caused by emancipation. Acknowledging that “the stern arbitrament of the sword has decreed [slavery’s] extinction,” Reynolds asks what was to him the “vital question for the South at the present time . . . : Can the colored man be profitably employed as a free laborer?” Comparing the South to the British West Indies, the author answers that the chances are good. “Our people,” he suggested “have been civilized and christianized. They are intelligent, have been trained to habits of industry, and can appreciate the importance of regular and well-directed labor” (Reynolds 1866, pp. 71–72). Reynolds emphasizes “our people” (as opposed to those owned by Whites in the West Indies)—the possessive, indicating not only

continued ownership of a dependent people, but also a relation to “these” people, whom “we” have civilized.

Reynolds also relies on “the advantage of climate. Those tropical regions enabled the negro to live upon the spontaneous productions of the soil, and hence tempted him to sloth. But in our climate, work is indispensable to existence. The negro must labor or starve” (1866, pp. 72–73). Reynolds does not adopt a full-blown account of wage labor as a commodity, rather he holds that the South is engaged in an “arduous, but benevolent, enterprise” to “elevate” the newly freed “colored population.” This enterprise began with, and was to some degree continuous with, slavery:

The South has already proved itself their greatest benefactor, by rescuing them from barbarism and heathenism and blessing them with the light of pure christianity. It now remains to complete the great work by elevating them to the status of intelligent, industrious and effective hirelings (Reynolds 1866, p. 73).

Aware now of the resonance of this term *hirelings*, it alerts us to the limits of our author’s “benevolence.” The “elevated” freedperson, “dependent” on “the Southern planter,” would enjoy idyllic relations little different from slavery itself:

Our patriarchal institution [slavery] may be replaced by one combining all its advantages with none of its evils. . . . But the relation of master and servant is natural and unalterable. Our former system may be replaced by one such as that which exists in England, where the playmate of childhood becomes the confidential agent of later years, resides at the old homestead, and dying leaves his children’s children in the service of his original employer, and attached to their native spot by all the sweet and gentle associations of home, kindred and friends. Such a system of hereditary employment, of transmission of duties and affections from parents to children, is the fairest school of human nature (Reynolds 1866, p. 74).

This system of “hereditary employment,” in Reynolds’s estimation, far “transcends the miserable scheme of mercenary and transient service which pervades the domestic economy of the North” (Reynolds 1866, p. 74). No dignity of labor here. Instead we get an extended fantasy of paternalistic and harmonious relations between master and servant within the bounds of “the old homestead.”¹²

Reynolds’s premise is that “the relation of master and servant is natural and unalterable” (Reynolds 1866, p. 74). As the allusion to England makes clear, the claim is that dependent labor relations in general are natural. Other essayists fuse this premise more directly to claims about the inherent capacities of “Negroes” themselves. Dr. Josiah C. Nott’s description of the “negro character,” for example, shows it to be compatible with Reynolds’s vision:

They are untiring in their kindness and attentions to the members of their master’s families in sickness. They watch night after night by the bedside of the whites, as if prompted by an instinct like the canine species. Their devotion in this respect is incredible to those who have not witnessed it; and their history shows that the race is a dependent one (Nott 1866, p. 281).¹³

What more suitable subjects for “hereditary employment”? The anonymous author of “Negro Agrarianism” goes further: “Nature never intended, and never will permit the races to live together, except as masters and slaves” (*DeBow’s Review* 1868, p. 136). Indeed, nature itself requires “some form of subordination of the inferior race that

shall compel them to labor, whilst it protects their rights and provides for their wants" (*DeBow's Review* 1868, p. 136). Like Nott, the author reads this from the very instincts of the various races:

White men, with very few exceptions, are in the eager pursuit of property; . . . that by means of accumulated property, or capital, they may be able to command (without paying for it), enough of the labor, or the results of labor, of others to support themselves, either plainly or luxuriously (*DeBow's Review* 1868, p. 134).

Laws protecting property, therefore, "arise, not from reason, but from the instincts of the Caucasian race" (*DeBow's Review* 1868, p. 135). By contrast, "Native and savage tribes, whether negroes or Indians," had never had any institutions of property, and indeed, were inherently opposed to them (*DeBow's Review* 1868, p. 135). "They are, from the necessity of their natures, the enemies of property, not of the white race. . . . [The Haitians], and all other negroes, are naturally and incurably agrarians, the implacable enemies of the institution of private property, not of the white race" (*DeBow's Review* 1868, pp. 134–135).

The crux of the matter, in any case, is that "the true dividing line between the negro and the white man" lies in their respective instincts toward property (*DeBow's Review* 1868, p. 136). Vague gestures toward natural instincts are not terribly compelling, however. Nott thought he could do better. In his open letter written to General Howard, head of the Freedmen's Bureau, Nott purports to "show from the physical and civil history of the negro race that it is now, wherever found, just what it was five thousand years ago" (1866, p. 268). Noticing the connection between dependence and the franchise (which we have seen in the antebellum debates above), Nott suggests that the "first question . . . to be settled is, the capacity of the negro for self-government. Is he capable of taking any part in the march of civilization beyond that of a mere 'hewer of wood and drawer of water'?" (1866, p. 270). Nott openly admits that "a very large proportion of the white population of this and other countries are wholly unfit to vote understandingly on the affairs of the nation, to say nothing of bribery and corruption in the lower classes" (1866, p. 271). The incapacity of "the negro race" is more general, however, since "the best educated have been the most vicious," which means, of course, that the Freedmen's Bureau was mad to encourage any further experiments in that direction. To clinch his point, Nott turns to depictions of ancient Egyptian monuments of "negroes literally by the thousands, as laborers, slaves, traders, etc., with their black skins and wooly heads, peculiar features, etc., as distinctly as if they were drawn from life but yesterday" (1866, p. 271)—certain evidence of the unchanging nature of "the negro" and that his nature condemns him to menial occupations (Nott 1866, pp. 271–272). One cannot change a bulldog into a greyhound, and nothing "short of a miracle can change a negro into a white man" (Nott 1866, p. 272). Cranial measurements, to which Nott also had recourse, are just another way of securing this point.

It is important not to get too drawn in by the language of inherent nature, however. Recall, for example, that the anonymous author of "Negro Agrarianism" wants the "true dividing line" to separate Whites from other races in terms of their instinct for property (*DeBow's Review* 1868). But don't some with "black skins" own property? Faced with such a case, which would yield? Physical characteristics? Or the classification by property? The former, it turns out. Consider this curious story about Haiti, which the same author attributes to Gustave d'Alaux, "a late French writer." It is worth quoting in full:

At the time of the Black reaction of 1844, the bandit Acaam, barefooted and clothed in a sort of linen gown, and coifed in a small straw hat, appeared at his parish church, and there made a public vow not to change his costume “until the orders of Divine Providence” should be executed. Then turning himself toward the negro peasants, assembled at the sound of the *lambis* (a conch shell), Acaam explained that Divine Providence commanded the poor people to hunt down the mulattoes, and secondly, to divide among themselves the property of the mulattoes. As indelicate as appeared this requirement to the higher class, the auditory could not call it in question, since it had the sanction of an *ex-garde champetre*, strengthened by a lieutenant of the gendarmes, for such was Acaam’s position when he announced himself, “General-in-chief of *the demands* of his fellow-citizens.” A murmur of disapprobation, nevertheless, ran through the assembly, whilst its attention wandered from some well-clad blacks to a few ragged mulattoes, who were lost in the crowd. Acaam understood it. “Oh, these are *negroes*,” pointing to the mulattoes in question.

A black, thirty years of age, employed as a laborer at a *guildline* (iron factory), then issued from the ranks, and said to the crowd: Acaam is right, for the Virgin has said, “The rich negro who can read and write is a mulatto; the poor mulatto who neither knows how to read or write, is a negro” (*DeBow’s Review* 1868, pp. 136–137; emphasis in original).

What the Virgin was doing making pronouncements on such matters, neither the author nor d’Alaux divulges, but at first glance she seems to make hash of the author’s argument. This, after all, was intended to show that races differed in their instincts when it came to property. But, as the story seems intended to illustrate, the Virgin was a fairly sharp reader of the social landscape. What is crucial is not the claim that each race has different instincts but that the instincts themselves are the “dividing line” between the races. It is tempting indeed to wonder whether a poor illiterate White agrarian might thereby be a “negro,” too.

Or maybe an “albino”? Recall Governor Worth in North Carolina in the mid-1860s who “used racial imagery to describe poor white men, referring to ‘the black and white negro’ and ‘negroes and albinos’” (Edwards 1997, p. 188).¹⁴ And, back in North Louisiana, the editor of a local newspaper poured scorn on the “white trash who got down in the ashes with the negroes”—“white ash cats,” as he called them (*Ouachita Telegraph* 1868). These surely are racial terms. It was not quite as simple as a “rich negro” being a mulatto; but the dependence and subordination with which “poor whites” always flirted opened up a terrain for racial distinctions *among* Whites. Put differently, race is being *produced* where independence is suspect, in a way that it needn’t be on that rosy English homestead. Here is an opening into how race works. Of course, it is possible to see something merely strategic at work here. Everyone assumes that “negroes” are inferior; calling someone a “white negro” is just an especially nasty insult, a way of keeping wayward Whites on the right side of the existing racial order; it doesn’t construct race, it might be argued, but rather presumes its terms.

But this applies too sharp a distinction between production and use. Arguably, the entire edifice of race was constructed strategically in the course of justifying slavery and colonialism, for which Christianity and the “rights of man” provided few resources. All accounts of race must construct the supposedly natural differences that then retroactively justify the hierarchies they name. This, I would suggest, is what Governor Worth is doing when he uses terms like *albino* and *white negro*, not simply keeping “poor whites” in line, but articulating the social distance between them and him *as* a racial difference.¹⁵

Or recall the Italians who are as “black as the blackest Negro” (Cunningham 1965, p. 27). At first sight it is hard to know what to make of such a statement. Is it a metaphor? A joke? A mistake? Again, clarifying the context helps explain the usage. Consider the following account by an historian of immigration to Louisiana (writing in the 1960s, but describing the 1890s and early 1900s):

The identification with non-white labor, especially the Negro, robbed the Italian of his status as a white man. This status decline was reinforced by the servility associated with working on the plantation. In the Delta, no self-respecting white man labored on the huge cotton plantations. This was Negro's work. It was the badge of his inferiority. By replacing the Negro in the same type of work and under the same conditions, the Italians assumed the status of Negroes. One blended into the other, and southern thinking made no effort to distinguish between them (Brandfon 1964, p. 610).

Notice that the “Negro's *work*” was “the badge of his inferiority,” not his skin color. And when Italians did “Negro's work,” they “assumed the status of Negroes.” Again, where White elites in Louisiana saw servility and dependence they articulated the resulting social distance as race. Tracing the usage reveals its consistency: race was produced as and through naturalized relations of dependence and independence.

This kind of usage, I would suggest, is relatively impervious to attacks grounded in the facts of human biology. If being “Black” or “albino” means being dependent or servile, the attribution will continue to make sense so long as existing forms of domination are understood to make those dominated servile and dependent. Thus, it is important to note that the use of race words in these examples is not (only) taxonomic—those who use them do not simply mean to apply labels, in the way we might apply the label “red” to a stop sign. A biologist might define races genetically, and then apply (or fail to apply) the resulting taxonomy to human populations. An economist might give an objective definition of *laborer*, and then apply or fail to apply it in the same way. But in each case the purpose is to properly classify the phenomena under investigation as a prelude to scientific study. Our everyday use of race words is different however. It is not just that our usage conforms to other rules, or departs from scientific exactness; it is that our usage is partly constitutive of the phenomena so named. Race simply is the social practices constituted by our race talk. When we use race words, then, we are sometimes applying labels. But we are also constructing statuses, imposing norms of behavior, policing boundaries, and justifying hierarchies of domination. And this is how we construct race.¹⁶

It is from this perspective that I want to suggest that race is (to the extent that it is) constructed out of the social practices that surround it (and which it in turn partly constitutes).¹⁷ Consider the relation between race and labor implied in the notion of “the Negro's work.” Here we learn what “Negro” means in part by understanding the nature of agricultural work. The servility and dependence thought to be entailed in working on a plantation form part of what it means to be racially inferior; thus when Italians and poor Whites are positioned as servile and dependent through association with the same kind of work, the implied inferiority is cast as a racial one.¹⁸ At the same time, the nature of “Negroes” tells us something about plantation labor, that “no self-respecting white man” (Brandfon 1964) would do it. Because “Negroes” are what “Negroes” (ought to) do.

As long as we are clear about *what* we are saying—and that this is a purely contingent claim about race in the late nineteenth-century South—it makes sense to say that race and labor are mutually constitutive here. Again, one mustn't imagine

taking two taxonomic tables, one for labor and one for race, and laying one on top of the other to discover that the definition of *laborer* is “a person with origins in one of the Black racial groups of Africa”—as if these taxonomic categories, abstracted from use, were themselves mutually constitutive. The Census Bureau’s definition of *Black*, is after all, besides being tautological, carefully crafted so as *not* to mean what southerners meant by the word *Negro*. Rather than a taxonomy, then, we have a social status embedded within a series of partially overlapping social practices and constituted by the sum of what was meant by “the Negro’s work.”

The contingency matters, however. I intend no mere reduction of race to class here. Instead, I am suggesting race naturalizes a particular form of subordination, one that casts relations of mastery and servitude in terms of dependence and independence. The central connection, indeed, links race to dependence, not race to labor. Where subordinate labor relations lack this feature, there is no reason (on my account) to expect the production of race.¹⁹

“NEW BEINGS”

I have been arguing that in this period, wage labor entailed dependence, and dependence produced race. But what if this account of labor itself comes under pressure? The existing social and economic order saw rapid and transformative change at the turn of the century as the South became a more urban and industrial society. I want to read the resulting challenges to the existing racial order in terms of *mobility*. But I mean to convey something more precise than mere “bodies in motion.” *Mobility* made clear that supposed racial dependents were fully capable of independent action, and thereby destabilized fixed social relations across a wide range of contexts. This, I want to suggest, was the crucial problem to which legal segregation, antimiscegenation laws, lynching, and to some extent disfranchisement responded. We can also see why Reconstruction failed to pose quite the same kind of challenge. Sharecropping, as a status relationship, preserved the crucial element of social inequality on which the racial order itself depended. Mobility, I am suggesting, challenged just this necessary ground.

Take legal segregation. Many scholars point out that legal segregation was mainly a phenomenon of urban spaces and railroads, and some argue it was essentially a response to the incipient urbanization and industrialization of the South in these years (Ayers 1992; Woodward 1974; Williamson 1968; Cell 1982; Rabinowitz 1978, 1992). If the puzzle is to account for the *timing* of legally mandated segregation (from about 1890 on), this is compelling. But these accounts take the racial character of the phenomenon for granted. What remains unexplored is exactly how urbanization and industrialization posed a challenge to the way race was constructed, and how legal segregation constituted a response to that challenge. In other words, the causal mechanisms may be relatively clear (if one accepts these accounts), but the *nature* of the change remains underspecified. I want to propose a general relationship between mobility and the various racist practices that marked the turn-of-the-twentieth-century South. Or, more precisely, I want to propose that different kinds of “mobility” problems provoked specific, but distinct, kinds of responses.²⁰

Labor law itself, for example, was undergoing substantial change as the old master-servant law gave way to a more modern employer-employee law grounded in the notion of “freedom of contract.” “Equality of conditions,” Tocqueville wrote, “makes new beings of servant and master and establishes new relations between them” (Tocqueville [1835] 2000, p. 549). The mobility inherent in “democratic” labor relations prevents the consolidation of classes in the feudal sense of the word, that is, classes

with distinct ways of life. As a result, the authority of the master is nothing but contractual—"the temporary and free accord of their two wills," as Tocqueville ([1835] 2000, p. 549) would put it—so that from the points of view of both master and servant, there is no natural hierarchy implied in the temporary submission of one to the other. As Tocqueville says of tenant farmers and property owners, the two sides are "two strangers whom interest brings together and who rigorously discuss between themselves an affair whose sole subject is money" ([1835] 2000, p. 554).

In distilled form, this captures the ideology of free labor as applied to wage labor relations—a free contract that is limited both in its terms and duration by the wills of the contracting parties. No statutes are created, and the contracting parties may leave "at will." When Tocqueville voiced his concerns about such "democratic" relations, few would have applied the idea to wage labor. But by the end of the century, such applications were becoming, at least in law, relatively routine. I hope it is obvious that there is at least something of a logical tension between this application of the doctrine of free labor and the conception of race I have traced so far. The essayists in *DeBow's Review* took it as given that contractual relations had replaced slavery. But Southern planters, their representatives, and their propagandists continued to view labor contracts as status contracts—contracts that created a hierarchy between the persons involved.²¹

These competing conceptions of labor relations (as purposive or status contracts) coexisted, even in the North, until at least the early twentieth century. In their 1905 *Lochner* decision, the U.S. Supreme Court applied the "liberty of contract" doctrine to wage-labor relations for the first time—to protect workers from invidious state interference in their pursuit of an early death and, Karen Orren (1991) argues, to assert the continued jurisdiction of the courts over labor relations.²² But this was the culmination of a long-term shift in the status and nature of wage labor in the United States, in part tracking the rise of an industrial labor force and increasing labor conflict.²³

The South was not wholly divorced from these developments in legal doctrine or in the industrialization of its labor force, though in the latter respect the lag was far greater. In 1900, Southern judges in federal courts began to apply free-labor ideas to what had become known as peonage—the result of a welter of state laws, often passed within the previous decade, intended to bind agricultural laborers to their place of employment.²⁴ Both the peonage laws themselves, however, and the decisions that struck them down, reveal that the legal status of labor was shifting. Each type of law, at least in its effects, violated the free-labor principle that a laborer was free to exit the contract "at will" without facing criminal penalties or the threat of compulsion. Yet these laws had a curious feature, as Robert Steinfeld (1991) notes in passing, in that they implicitly recognized the principle they intended to thwart: "The formal rationale for these statutes was that they were intended to punish fraud, not to enforce labor contracts" (Steinfeld 1991, p. 184). These were attempts to ward off the effects of a shift in the legal status of laborers that state lawmakers themselves could no longer avoid.

Planters and state lawmakers were concerned, of course, about labor mobility. Naturally sharecroppers had been able to move from plantation to plantation in search of decent wages and working conditions since the early years of Reconstruction. Such mobility was in a sense implied by the end of slavery itself. But the increasing mobility of Black and White laborers after the 1890s—from rural areas to small towns and cities or from one state to another or from South to North—threatened labor shortages and thus upward pressure on wages and conditions. Peonage laws were one way to tackle the problem. Of course mobility from rural to

urban areas (and Southern towns grew at a rapid pace in this period) posed problems in the towns as well as the country—the system of master and servant that structured race relations in rural areas was wholly absent from the towns. Since those who moved to town were frequently younger than those who stayed behind, “racial radicals” argued that a new generation, born after slavery, had been loosened from its restraints and norms of deference. There is no need to adopt this account, constructed in a self-serving manner to emphasize the “mistake” of abolishing slavery (Ayers 1992, p. 68).²⁵ But it highlights the sense of an old order breaking down, of old rules no longer followed, which such “radicals” sought to tap. Segregation, in part, ordered urban public spaces and residential areas, frequently remapping those spaces and areas to separate lower-class from upper-class Whites, as well as Blacks from Whites (Bartley 1995, pp. 106–119).

At the same time, “Black literacy, black wealth, black businesses, black higher education, and black landowning all increased substantially” (Ayers 1992, p. 140) over these years, creating a new Black professional middle class which might aspire to first-class accommodations on railroads, or might hope to attend the best restaurants and theatres. Here we have another kind of mobility, and another set of segregation laws. Upper- and middle-class Whites publicly professed the problem here to be the unwashed state of their Black fellow travelers. But John Gray Lucas, a young Black legislator in Arkansas in 1891, saw through the bluster:

Is it true, as charged, that we use less of soap and God’s pure water than other people . . . ? Or is it the constant growth of a more refined, intelligent, and I might say more perfumed class, that grow more and more obnoxious as they more nearly approximate to our white friends’ habits and plane of life? (cited in Ayers 1992, p. 140).

It was, in other words, the erasure of difference that threatened White elites, not merely mixing with their social or racial inferiors. As Edward L. Ayers (1992) notes, bars, racetracks, and boxing rings were rarely segregated and were “notorious, and exciting, for the presence of blacks among whites” (Ayers 1992, p. 140). But the thrill of violating a taboo requires a taboo. There was nothing here that threatened the social order, any more than White wives and Black cooks in the kitchen. However, when Andrew Springs, traveling by train to Fisk University in 1891, suggested to a White policeman that far from being a “black rascal” he “were very near as white” as the policeman himself, the two very nearly came to blows (Ayers 1992, p. 138).

Of course, lying close to the surface of this was sexual tension. Ayers (1992) suggests that “the railroads would not have been such a problem . . . had blacks not been seeking first-class accommodations where women as well as men traveled, where blacks appeared not as dirty workers, but as well-dressed and attractive ladies and gentlemen” (Ayers 1992, p. 140). Again it is useful to keep in mind that White men frequently had sexual relations with Black women in the context of slavery, while posing no threat to the social order. Whether physically coerced or not, such relationships were part of how masters dominated slaves (Fox-Genovese 1988). Even with regard to “antimiscegenation” laws, the issue was rarely “blood mixing,” *per se*; thus such laws targeted interracial marriage, not interracial sex. Such laws focused instead on the prospect of Black men and women meeting White men and women on the plane of social equality (Rosen 2005; Hodes 1997). Both segregation and antimiscegenation laws were intended to prevent this outcome.

The threat of sexualized Black men was also prominent in the public defense of lynching. But as many have pointed out, only a minority of cases arose from accusa-

tions of rape or sexual assault (Tolnay and Beck, 1995). It is easy to think that lynchings were a form of labor control and occurred where Black populations were densest. In fact the opposite was true. Areas with low population density but high rates of Black population growth had the highest lynching rates. In other words, as Black laborers left the main plantation areas and moved into upland regions, seeking employment in the lumber industry or on recently developed plantations, they were likely to meet with active hostility from the mostly White population. Such men, with few or no ties to the local community, were greeted with extreme suspicion (Ayers 1992, p. 156). The phrase “masterless men” (Herzog 1989) comes to mind, but here with the stronger sense of *rootless* men. Here mobility was met with especially harsh attempts to thwart it—no modern management of populations but an almost medieval “festival of violence” (Tolnay and Beck, 1995).

I cannot resist the play on words that the idea of rootless men opens up. These various forms of mobility, as it were, *deracinated*—they picked apart the construction of race at its roots. As I have sketched it, race was held in place by a set of agricultural labor relations in which racial inferiors were inferior insofar as they were dependent and servile. As Black (and White) men and women pushed at the possibilities that technological, economic, and political change presented, these sources of mobility, and also the simple fact of mobility itself, broke the old relations apart. If the social facts were seriously bucking, however, my suggestion is that legal segregation, antimiscegenation laws, and lynching should be understood as attempts to stay in the saddle. I do not mean to suggest anything like a conscious or coordinated plan of action. The forms of mobility were only loosely linked and appeared in disparate contexts. Various actors responded within those contexts and were not necessarily connected to each other by social class, region, or larger political purpose. The result, however, was a reconfiguration of race itself.

MODERNITY, RACE, AND DEPENDENCE

“But what is this group; and how do you differentiate it; and how can you call it ‘black’ when you admit it is not black?” so W. E. B. Du Bois ([1940] 1994, p. 153) has his fictitious White friend, Van Dieman, demand in consternation. And the famous answer is “I recognize it quite easily and with full legal sanction; the black man is a person who must ride ‘Jim Crow’ in Georgia.” And yet this ability was the result of laws that had been placed on the books within Du Bois’s own (admittedly lengthy) lifetime. These laws represented a political achievement, the victory of White supremacy over the course of the previous half century and more. Yet they were also testament to a profound instability in the concept of race itself. In the nineteenth century, even for a northerner like Du Bois, race had been “obvious and no definition was needed” (p. 100). Du Bois’s conversation with Van Dieman in *Dusk of Dawn* carefully unpacks all the possible ways of making sense of race that had been aired since that time, leading Van Dieman to frustration but leading Du Bois to conclude that race was, in an important sense, a creature of the very laws that presumed only to police it.

Here I have argued that this “obvious” quality of race, at least in the South, was not secured by the fact that southern views of human biology had yet to be challenged (their usage did not conform to these categories in any case), but rather was secured by the structure of the prevailing economic and social order. Various aspects, indeed almost every aspect, of this order underwent fairly substantial change in the late nineteenth and early twentieth centuries. It was these changes, I have argued,

that put race into question during these years. I have also argued that it is useful to read legal segregation, lynching, and so on, as various attempts by White elites to reconfigure race—and not merely conceptually, of course, but in the sense of maintaining power and position. Thus the various statutes approximating a “one drop” definition of *Black*, or the judicial opinions fretting over the difference between a “person of color” and a “person of the black race,” were produced by the instability of the underlying racial categories to which the laws applied.²⁶ One form of racial subordination, based on personal dependence through labor, was coming apart at the seams, but the laws that sought to police the resultant forms of mobility were inadequate to the task. And so epicycles on epicycles, between 1890 and 1910 states across the South mandated segregated accommodations for the races, and after 1910 had to spill copious judicial ink trying to define who belonged to which race.

But I think we can also see that Du Bois ([1940] 1994) was not quite right. Both before and after Jim Crow there was a certain obviousness to race, legal and scientific difficulties aside. Here again I want to insist that we construct race through the very act of speaking of it, not through our skin or hair color, but through our practice of naturalizing dependence and independence within which supposedly categorical biological differences are deployed. Our race talk partly constitutes the practices that make up race, and refers just to those practices. Insofar as this process is largely self-referential, it can also be relatively insulated from the demands of more exacting discourses. Discourses of law and science, while they might shore up the concept of race when it is under threat, are only tangentially connected to contexts of everyday speech, and the criteria we use in these contexts are quite different. It is quite possible for a concept to be thoroughly demolished in law and science (and this is not wholly true of race) while living on in other contexts, sustained in ways that neither the law nor scientific argument can, by themselves, undermine.

What did undermine a specific concept of race was the development of modern economic and social relations. This will sound strange to those who think race is tailor-made for modernity—or at least cut from its cloth. But I am not suggesting that race is an organic, let alone primordial, attachment atomized by modern impersonal relations. A specific concept of race was built into and out of an agrarian way of life that critics in the 1940s still described as “feudal” (Bartley 1995, pp. 31–33). And modernization did indeed thoroughly undermine this way of life. But, I have suggested, race was simply rebuilt, not as part of a conscious plan of action but as the result of disparate reactions to different aspects of the problems mobility posed. In this article, I cannot pursue the ramifications for how we conceive the relation between race and modernity. For now I want simply to show how a thick description of the process of social construction can offer analytical insights into the nature of social change itself. On this model, social constructionism about race is not just a fancy way of denying biological determinism, nor is it a way to seek the “purification” of race, as Fields (2003) contests. Race emerges, instead, as a specific set of social practices and beliefs centered on naturalizing forms of subordination that are understood in terms of dependence and independence. Social constructionism, in turn, tells us how these practices are built and sustained and how they change. An historical account of such practices, finally, helps to explain patterns of behavior that have otherwise eluded complete explanation.

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NOTES

1. Thanks to Barbara Allen, Mary Dietz, Don Herzog, Mika Lavaque-Manty, Ted Miller, August Nimtz, Jr., Rebecca Scott, Jacqueline Stevens, Kim Smith, Adolph Reed, Jr., Elizabeth Wingrove, and three anonymous readers for the *Du Bois Review* for comments on earlier versions of this article.
2. More precisely, my position is that race naturalizes dependence and independence arising from nonfamilial social relations but by extending the logic of familial dependence itself. This formulation allows me to consider the relation between race and gender, and race and the family, topics that go beyond the purview of this article, however.
3. I am moving very quickly here, I am aware.
4. Neither planters nor freedpeople were much enamored of wage labor. For planters' misgivings, see Davis (1982), Rodrigue (2001), and Royce (1993). For freedpeople's misgivings, see for example, Saville (1994), Royce (1993), Holt (1992), and Scott (1985). John Rodrigue's (2001) argument cuts slightly against the grain of this literature by suggesting that freedpeople were not opposed to wage labor as such, but rather "regarded it as but one among a host of factors that, considered together, enabled them to reconcile their desire for independence with the dictates of sugar production" (Rodrigue 2001, p. 3). This suggests that wage labor was not, at least initially, seen by sugar workers as hopelessly in tension with that desire. On the transition from slavery to free labor generally, see Berlin et al. (1992).
5. Southern Louisiana was a major exception. For a comparison of cotton and sugar production, with a view on why sharecropping failed to emerge in southern Louisiana, see Rodrigue (2001, pp. 73–77). For a recent and magisterial treatment of race, labor, and citizenship in Louisiana's sugar parishes, placed in relation to Cuba, see Scott (2005).
6. According to Royce, "The vast majority of blacks operated under sharecropping" (1993, p. 186). On the deteriorating situation of White farmers at the turn of the century, see Wright (1986, pp. 111–112) and Foley (1997).
7. This ideology was of marginal influence even in the North (Sandel 1996, p. 172).
8. North Carolina abolished the distinction in 1877, defining all tenants as croppers. Sharecropping is not even considered in a series of recent, and otherwise excellent, studies on the politics and law of labor in the nineteenth-century United States (Orren 1991; Hattam 1993; Steinfeld 1991). Thus the politics of Black labor is treated as an anomaly or as peripheral to the politics of labor generally. An exception is Schmidt (1998). On this point, see also Saville (1994).
9. For "freedmen" in Louisiana, see White (1970, p. 121), referring to 1867. I rely here, in part, on the findings of Ronald L. F. Davis (1982, appendix C) for Concordia Parish in 1880.
10. These ideas animated trade union and agrarian protests through the early 1890s (Forbath 1991). Most pre-Civil War labor contract cases were particular to disputes between overseers and planters, see Schmidt (1998, p. 45).
11. Sharecropping and slavery were not indistinguishable; the mobility that came from self-ownership was of immense importance to freedpeople. But this was wage labor thought as a status, not purposive, contract. See below.
12. This reference to the homestead and household highlights the relative absence of gender in my own analysis here. I have discussed the gender politics of this period in Steedman (2005).
13. On Nott's prewar writings, see Frederickson (1971).
14. Worth does not mean "White nigger," as used circa 1964. Worth is describing "poor white men," not race traitors.
15. Compare here the account of race in Herzog (1998).
16. I draw from Searle (1995, pp. 88–89). The line between assigning a status and applying a label is not a sharp one (presumably we do a bit of both with race). But the analytical point is still important.
17. Does it matter whether we call the result "race" or "racism"? Although some of Barbara Fields's (2003) concerns about the substitution are valid, I hesitate to drop the word altogether for two reasons. First, in popular discourse, *racism* is the name used for discriminatory beliefs. Second, the turn away from racism in social science was in fact partly prompted by the close identification of racism with "prejudice." In both cases racism directs us to individual psychology and "attitudes," rather than to systematic social practices of subordination.

18. Rather than simply a *social* inferiority. I do not mean to imply that the “Whiteness” of poor Whites was ever in question. But their social equality to other Whites clearly was—and this inferiority, I claim, was cast in racial terms. The case of Italian immigrants lends some credence to the claim that the “Whiteness” of such immigrants was in question in this period. But I am persuaded by Eric Arnesen (2001), who argues that the notion that Italian immigrants were pursuing something called “Whiteness” remains at best unproven. On Whiteness, see also Ignatiev (1995), Roediger (1991, 1994), and Fields (2001).
19. I am at work on a book-length manuscript which argues that in fact the connection between race and dependence is preserved in the Progressive Era, but the connection between race and labor becomes detached. The relevant notion of dependence also shifts, from personal dependence through labor to the dependence of a population on the state.
20. Why “mobility” and not “agency”? *Agency* implies intention and conscious action on the part of individuals. I do not mean to deny that Black and White southerners exercised agency. But constrained agency is a constant (even if the nature and extent of the constraints vary). What is distinctive here, I am suggesting, is that larger processes produced a more mobile society in ways that the individuals may not have intended, and through mechanisms not within their full control. And it is this mobility itself that is threatening.
21. On “status contracts” and “purposive contracts,” see Weber ([1968] 1978, pp. 671–681). I pick this theme up elsewhere. On “at will” contracts see Schmidt (1998, pp. 204–206).
22. The relevant case is *Lochner v. New York* (1905). I agree with Howard Gilman (1993) that *Lochner* drew on well-established doctrines, but their extension to labor relations was a departure. Orren (1991) views this decision as a constitutional enshrinement of master-servant law, but with *Lochner* the court presumed a legal equality between the contracting parties. For varying interpretations of *Lochner*, see Horwitz (1992) and Gilman (1993).
23. Forbath (1985, p. 795) cites an 1885 New York case as the first. See also Stanley (1998). On economic issues in late nineteenth-century politics, see Cohen (2002) and Richardson (2001).
24. See *Peonage Cases* (1911, 1914). For legal, social, and political context, see Schmidt (1982) and Daniel (1972). These decisions relied on the Fourteenth Amendment and the 1867 Federal Anti-Peonage Act. I do not find early twentieth-century readings of these clearly contained within them from the start. For the alternative view, see Montgomery (1993, pp. 120–121) on the Fourteenth Amendment and 1866 Civil Rights Act, and Steinfeld (1991) on the 1867 Anti-Peonage Act. In Louisiana, passage of peonage laws and segregation laws coincided (Cohen 1991).
25. Joel Williamson (1984), I think, adopts too much of it.
26. To the best of my knowledge, Louisiana did not have a specific statutory definition of any racial categories, leaving this issue up to the courts. The state legislature did make clear in 1910, however, that miscegenation laws were to apply to any “person of the colored or black race” (Domínguez 1986, p. 32). In practical terms, by the 1940s, any “traceable” African ancestry defined one as *colored*. See Domínguez (1986).

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