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A HISTORICAL ESSAY ON BLACK WOMEN'S GENDERED RACIAL TERROR IN THE UNITED STATES

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The Black body has been a site of exploitation and criminalization for as long as Black people have existed in the United States (U.S.). Incontrovertibly, there are clear ideas about which bodies in the U.S. are indictable and which ones exist unobstructed. Race and gender color the conversation around punishment in America in critical ways; radical Black activists have responded to this interlocking raced and gendered system of punishment by centering complete abolition. In *Freedom is a Constant Struggle*, Angela Davis spoke of the U.S. abolition movement in this way, "It is about prison abolition; it also inherits the notion of abolition from W.E.B. DuBois who wrote about the abolition of slavery. He pointed out the end of slavery per se was not going to solve the myriad problems created by the institution of slavery."[1] The parallels between prison abolition and slavery abolition are ostensive in understanding the ways that gender and race order and maintenance the systemic criminalization of Black bodies. Systems of crime and punishment have been modernized to further conserve white supremacist ideals in American society. One such example is the system of convict leasing that followed from the emancipation of Black people in America. Explaining how the system of convict leasing was a contemporary iteration of enslavement Sarah Haley in *No Mercy Here* argues:

> Convict leasing represented a gendered regime of neo-slavery that constituted modernity by extending the gender logics produced under slavery through gendered racial terror and gendered regimes of brutal labor exploitation. Jim Crow modernity premised upon [B]lack subordination in the service of southern capitalist development required definitive ideas about gender difference.[2]

These logics were grounded in racist and sexist ideas that imposed subordinate status on bodies deemed less valuable than those of the property-owning white male ruling class. These constructions were systems of inextricably linked gendered racial terror and violence.

Public intellectuals such as Malcolm X referred to Black women as the most "disrespected and unprotected" people in America.[3] Literary scholars like Zora Neale Hurston noted that Black women's second-class citizenship and exploited labor made them the "mules of the world."[4] In a similar vein, scholars across disciplines have written about this gendered racial violence in nuanced, profound, and critical ways. Radical historians, gender theorists, and legal scholars have contributed significant insight around Black women's race, gender, and punishment in the United States, assisting with the illumination of their specific gendered racial terror.

Sarah Haley's *No Mercy Here* positions gendered racial terror "as a technology of white supremacist control"[5] and argues that it "encompassed a range of violent practices that were routinely inflicted upon [B]lack women's bodies, but from which white women's bodies were almost always exempt."[6] These violent practices were often predicated on notions of domination and subjugation. For Black women in particular, this sometimes meant there was no refuge in homes, communities, or any other social or political institutions. Haley notes, "As Georgia developed from an agricultural, plantation-based economy to an industrial one, gendered racial terror fortified white patriarchal control over economic, political, and social relations, thereby enshrining Jim Crow modernity."[7] Most saliently, she contends:

> All violence is, of course, gendered insofar as it is exacted by and against people socially constructed as gendered subjects. Examining violence against [B]lack women as gendered racial terror is not meant to reinforce or naturalize the idea that women and African-Americans are gendered and racialized subjects while white men are not. Instead, this analysis delineates gendered racial terror as a particular realized instrument of state attack against [B]lack women and as a mechanism through which gender was constructed in historical, cultural, and political contexts... Gendered racial terror was a resource in the production of race.... Its forms included specific psychic, physical, and symbolic acts of violence against [B]lack women.[8]

Here Haley illuminates the abstract and material ways

that gendered racial terror served as a form of state violence to capture, harm, target, and violate Black women's bodies, minds, and spirits within Jim Crow modernity. Gendered racial terror was specific and far-reaching. It encapsulated multivalent forms of violence and even read gender itself as a system of state control. With gender came the maintenance of womanhood that protected white women while simultaneously leaving Black women vulnerable. As Haley and other Black feminist scholars before her note, "gendered racial terror worked to crystallize the position of the [B]lack female subject outside the normative category woman."[9] This de-womanization (a specific type of targeting) of Black women meant that their bodies existed in temporalities that allowed impunity for any assaults, torture, or violations inflicted upon them. The "pornographic performative rituals of violence and humiliation"[10] were common occurrences during enslavement, in convict leasing camps. These pornographic violent rituals included nude whippings, rape, and other forms of racial-sexual domination. With this in mind, gendered racial terror can be understood as the personal and political, psychic and social, interior and exterior forces working against Black women's bodies.

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In *Women, Race, and Class*, Davis describes enslaved women as exploited, tortured, and abused. Black women, during enslavement, were subjected to grueling manual labor and vicious sexual abuses at the hands of white men. Davis argues this was done to remind these women of their vulnerability and subjugated status. During this period, Black women functioned inside and outside of the gender construct-- all at once gendered and genderless. To that point, Davis illuminates:

But women suffered in different ways as well, for they were victims of sexual abuse and other barbarous mistreatment that could only be inflicted on women. Expediency governed the slaveholders' posture toward female slaves: when it was profitable to exploit them as if they were men, they were regarded, in effect, as genderless, but when they could be exploited, punished, and repressed in ways suited only for women, they were locked into their exclusively female roles.[11]

Gender, which offered the concept of womanhood to protect white women's dignity, was muted at will with respect to Black women. Black women were not allowed to participate in the daintiness and delicateness associated with womanhood. The enslaved were property, tool, and object - incapable of motherliness, wifeliness, and cleanliness. Even still, when it suited the slaveholder, these enslaved Black women were used to service the enslavers' sexual pleasure and twisted fantasies. Black women were not women. To quote Davis, "they were simply instruments guaranteeing the growth of the slave labor force. They were "breeders" - animals, whose monetary value could be precisely calculated in terms of their ability to multiply their numbers."[12] This notion of Black women as breeders carried over into other facets of these enslaved women's lives and had tragic implications for their children who often served as living, breathing signifiers of their torture and abuse.

Mothering was an impossibility for enslaved Black women. As Davis notes, "Since slave women were classified as 'breeders' as opposed to 'mothers,' their infant children could be sold away from them like calves from cows ... a South Carolina court ruled that female slaves had no legal claim whatsoever on their children."[13] The absurdity in the logic of white supremacist violence was circular yet comprehensive. From day-to-day, the pregnant women and mothers could be subjected to floggings, sexual abuse, grueling labor, and the abduction of their children at any moment. This inhumane treatment of Black women spilled over in multivalent ways but particularly with respect to punishment.

The technologies of patriarchy and white supremacy spelled doom for Black people in general, but Black women in particular. Under these restrictive and harmful conditions, Black women were not afforded any protective factors. Those who would dare resist these unendurable logics and technologies were often punished inhumanely

in order to cement the notion of white dominance. These Black femme bodies represent a more complete and thorough analysis of the criminalized Black body. These discourses often contend with the brutality that Black men suffered under enslavement, reconstruction, Jim Crow, and the War on Drugs era. Most saliently, several researchers have argued that enslavement evolved into the 21st Century phenomenon of Black mass incarceration. While it is true that Black men have suffered incontrovertible indignity, suffering, and harm under white supremacist violence, Black women have often been refused dialectical sanctioning in popular discourse. Stated plainly, the violence against Black women has not been deemed worthy of public discussion. Haley's work cements the notion of a comprehensive assault against Black women and offers gendered racial terror as a lens by which this assault can be understood. Haley makes the case that Black women have been targeted by vigilante violence as well as state violence. Importantly, she notes that courts, judges, juries, and the American legal system "crafted, reinforced, and required [B]lack female deviance as part of the broader constitution of Jim Crow modernity premised on the devaluation of the Black life broadly."[14] She argues that police, prosecutors, and judges reinforced conceptions of the Black female deviant, criminalized Black mothers, and targeted Back women. This state sanctioning, she contends, fortified racial constructions of gender through the criminal legal process.[15] To drive this argument, Haley reads through the interventions of Black female historians such as Angela Davis and posits: While historians have analyzed the relationship between slavery and the white supremacist logic of postbellum convict labor regimes, the violent reproduction of racially specific gender categories represents another continuity. The chain gang replicated the particular dialectics of [B] lack women's oppression under slavery. As Angela Y. Davis has argued of the [B]lack woman: "she was a victim of the myth that only the woman … should do degrading household work. Yet, the alleged benefits of the ideology of femininity did not accrue to her. She was not sheltered or protected; she would not remain oblivious to the desperate struggle for existence unfolding outside the 'home.' She was also there in the fields, alongside the man, toiling under the lash from sun-up to sun-down."[16]

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This reading of Black women as victims to the mythology of "women's work," but non-recipients of its "womanly benefits" like protection, care, and reverence is profoundly clear. Black women have always worked alongside men in the United States. They have always had to work to provide for their families and larger communities. For centuries, Black women's bodies have been as vulnerable as Black men's bodies. In *Killing the Black Body*, legal scholar and activist Dorothy Roberts discusses, in part, the myriad ways that Black women's bodies were regulated by the state. Elucidating the legacy of racialized and capitalistic investment in the reproductive productions of Black bodies, Roberts notes, "The story of control of Black reproduction begins with the experiences of slave women… Black procreation helped to sustain slavery, giving slave masters an economic incentive to govern Black women's reproductive lives."[17] To that end, the justifications for the rape and impregnation of kidnapped and enslaved Black women can be understood through a prism of labored exploitation of Black bodies. Elucidations such as this demonstrate how it is inconceivable to disentangle the evil ways that whiteness, patriarchy, and capitalism interplay to etch out systemic violence for Black women's bodies - with their children as physical signifiers and personifications of that violence. Sarah Haley illustrates the phenomenon that Roberts described by presenting the case of a young and expecting Black mother. She notes, "At the age twenty-two, [Eliza] Cobb was raped and became pregnant, [when she felt the pain of childbirth she fled to the outhouse of her home]. She gave birth 'at stool' on the floor of the outhouse, between sharp devices, tools, and debris[.]

Police alleged that she killed her baby, and as a result, she was arrested and convicted of infanticide in 1889."[18] This arrest is a stark example of gendered racial terror because it elucidates how Black women were denied humanity even in pain, grief, and suffering. This example highlights how Black women who were historically denied

motherhood through systems of white violence, could be penalized for being subjected to comprehensive forms of white violence like the denial of healthcare, medical treatment, protection from rape, and clear second-class citizenship. Rape, a tool of dominance and control, was not punishable when perpetrated against Black women. However, their bodies' response to such trauma could be an imprisonable offense under patriarchal white supremacist logics. This denial of Black women's personhood continued into the 20th Century.

Ain't I a Woman: Black Women and Feminism by bell hooks[19] explores the inextricably linked raced and gendered oppression that Black women suffered. hooks contends, "No other group in America has so had their identity socialized out of existence as have [B]lack women."[20] Black women were often erased from conversations around liberation and freedom. Yet, their intellectual property and physical bodies were used in service of Black men's liberation and white women's liberation - two groups who refused to "see" them. hooks laments:

> Contemporary [B]lack women could not join together to fight for women's rights because we did not see "womanhood" as an important aspect of our identity. Racist, sexist socialization had conditioned us to devalue our femaleness and to regard race as the only relevant label of identification. In other words, we were asked to deny a part of ourselves--and we did. Consequently, when the women's movement raised the issue of sexist oppression, we argued that sexism was insignificant in light of the harsher, more brutal reality of racism. We were afraid to acknowledge that sexism could be just as oppressive as racism.[21]

Black women had to choose which to be - Black or woman. hooks' work is building on the theorizations of scholars such as Frances M. Beal who argued that Black women were trapped in a reality of racist and sexist oppression. These ideas have been advanced further to account for the numerous ways that Black women are situated in complex systems of marginalization. bell hooks calls this multi-layered configuration imperialist capitalist white supremacist patriarchy. At the core of this "naming" is a recognition of Black women as social agents and humans who experience suffering in numerous ways. Going beyond "naming" and mutual recognition, hooks offers a sharp critique of the Civil Rights Movement and asserts:

> The 60s movement toward [B]lack liberation marked the first time [B]lack people engaged in a struggle to resist racism in which clear boundaries were erected which separated the roles of women and men. [B]lack male activists publicly acknowledged that they expected [B]lack women involved in the movement to conform to a sexist role pattern. They demanded that [B]lack women assume a subservient position. [B]lack women were told that they should take care of the household needs and breed warriors for the revolution.[22]

Here hooks conjectures that the Civil Rights Movement was expressly for the benefit of Black men. She writes, "...a movement to free all [B]lack people from racist oppression become a movement with its primary goal the establishment of [B]lack male patriarchy."[23] This politically charged statement has been vigorously contested by a number of scholars who tend to focus on hooks' "primary goal" argument. While "unintended consequence" might have been more digestible and appropriate, her major premise that racialized oppression was being replaced with gendered oppression is lucid and tangible. It was apparent that Black women were engaging in the difficult work of anti-racism only to have to fight an anti-patriarchy battle soon after. hooks complicates the Civil Rights Movement and forces us to see figures that have been deified and "heroified" as flawed human beings. Other historians who write on the Civil Rights Era have followed in the tradition of bell hooks by further complicating the legacy of this period by developing the missing gender analysis.

At *The Dark End of the Street* by historian Danielle McGuire proceeds in a similar fashion, she writes:

> The real story - that the civil rights movement is also rooted in African-American women's long struggle against sexual violence--has never been written. The stories of [B]lack women who fought for bodily integrity and personal dignity hold profound truths about the sexualized violence that marked racial politics and African-American lives during the modern civil rights movement.[24]

McGuire argues that this consideration necessitates a historical reinterpretation and rewriting of the Civil Rights Movement.[25] Her text is a significant contribution to America's civil rights historiography. Rightly, she centers the often-ignored sexual violence, suffering, and resiliency of Black women as a primary site of civil rights organizing. She does a brilliant job of describing the countless ways Black women fought, resisted, and organized in an effort to save their own lives and the lives of those in their community. McGuire described the sexual terror enacted against Black women in this way:

During the 1940s, reports of sexual violence directed at [B]lack women flooded into local and national NAACP chapters. Women's stories spilled out in letters to the Justice Department and appeared on the front pages of the nation's leading [B]lack newspapers. The stories told how white men lured [B]lack women and girls away from home with promises of steady work and better wages; attacked them on the job; abducted them at gunpoint while they were traveling to or from home, work, or church; and sexually humiliated and harassed them[.][26]

White violence was comprehensive and far-reaching in Black women's lives. McGuire describes how even when Black women sought new work, better opportunities, and pay increases their bodies and spirits were under racial sexual assault. To that end, Sarah Haley argues that these types of assaults against Black women were necessary to cement the stable category of "woman." She argues, …woman did become a property right and a privilege in the context of southern punishment. [I am not arguing] that the fundamental problem of this history was [B]lack women's exclusion from womanhood [as to suggest that justice comes from] normative femininity [encompassing] [B]lackness. Far from contending that woman is a category into which more people should have been included, [my goal is to demonstrate that] gender is constructed by and through race, and that the production of woman and other stable gender categories required violence."[27]

This is important because it highlights the ways in which the establishment of normativity was a comprehensive tool of colonial and white supremacist violence. A system where woman literally meant all the things for which Black women could never become (i.e., dainty, soft, virtuous, and chaste), spelled continuous harm for Black women. This denial of "womanhood" meant that Black women were un-attackable, un-rapeable, and un-victimizable. Even still, Haley does not believe Black women's inclusion into "womanhood" was the prescription for circular, comprehensive, and far-reaching white violence. On the contrary, she suggests that the creation and maintenance of stable categories such as gender actually required violence. This might be read as Haley suggesting that only the dismantling of these stable categories is sufficient in countering the violence associated with their creation. Gender-based harm is multilayered and requires multilayered approaches. Imani Perry's *Vexy Thing* reads through the layers of gender-based domination. It grapples with a complex legacy embedded in feminism that attends to property. national sovereignty, and what it means to be a legal citizen. The text moves beyond critiques of patriarchy and deals seriously with domination and violence. This work gestures towards a more rigorous conversation around gendered terrorism - one that does not place Black women's specific violence in competition with violence enacted on other bodies. Perry contends: [T] he shift toward greater awareness of the particular forms of domination experienced by Black women has happened in a discursive space that often posits dominated people (in this case, Black men and women or Black queer and straight people) in competition for attention rather than collaboratively seeking liberation…it is a result of the marketization of identity and entrepreneurial subject status. Each of us is in categorical, as well as individual, competition, and that lies in tension with conceptions of interdependent communities. Zero-sum games abound. Patricia Hill Collins's landmark work on matrices of domination merits revitalization. We are not all subjugated in the same way, but the interrelationship of forms of subjugation ideally forge creative pathways toward alliance rather than competition.[28]

This is an important commentary on gendered forms of violence and domination during neo-liberal times. It forces us to examine the marketization of domination and to deal seriously with the solidarity economy. Perry's work allows us to explore not only the ways in which rape, labor, and carcerality have inflicted Black women's bodies but also how scholars can look more broadly at gender

terrorism as functioning inside and outside of the body in complex and multivalent ways. As Sarah Haley notes, "In the white imaginary '[B]lack woman' was an oxymoronic formulation because the modifier '[B]lack' rejected everything associated with the universal 'woman.' The [B] lack female subject occupied a paradoxical, embattled, and fraught position, a productive negation that produced normativity."[29] This denial of Black women's Blackness and woman-ness has been a theme throughout the Black freedom struggle. It colors the way Black women have engaged in movements toward liberation and freedom. Imani Perry argues counter to Haley that perhaps the complete dismantling of gender is not necessary. She proposes a more expansive, improvisational, and less stable category as one answer. She notes: Gender liberation may not require the evacuation of all categories, but it does require us to imagine that each human being might be afforded access to embodying and experiencing and representing all of the beautiful traits we have ascribed according to gender, irrespective of the accidents of birth of body, the ascriptions of our cultures, or the decisions of identity. It pains me to admit this, but human beings appear to require some kind of organization of who and what we are; it is just as important, however, that human organization be broad, improvisational, and appropriately contingent and open to change. The organization should help us make sense of our lives, be a map that is essentially affirming of all of our humanity. But instead, much of our social organization is devoted to crushing people, either their entire identities or aspects of the self that ought to be affirmed and that bring good to the world. We must build into our way of doing gender a confrontation with the ethical questions posed by gender that exist at the level of gender ideology (which may be different from one's actual gendered experience), as well as market-based and other social, familial, and intimate interactions that occur both between groups and within them.[30] This is a salient argument because it attends to many of the public fears around categorization and deconstructionism. Often the refusal to engage in rigorous conversations around the gender construct is centered on the notion of destabilizing society. This might explain why there is so much contention around trans and non-binary identities. The notion that marginalized and oppressed people are in competition for liberation is a product of what Perry calls, the "marketization of identity and entrepreneurial subject status."[31] This formulation almost certainly ensures that Black women are kept at a subjected status because under this market-driven logic, their liberation is in conflict with some other marginalized or oppressed groups' liberation. In this way the mantle must be taken up by those committed to justice for all bodies irrespective of adherence to some stable category.

ENDNOTES

1 Angela Davis, *Freedom is a Constant Struggle*: Ferguson, Palestine, and the Foundations of a Movement, (Chicago: Haymarket Books, 2016), 25. 2 Sarah Haley, *No Mercy Here*: Gender, Punishment, and the Making of Jim Crow Modernity, (Justice, Power, and Politics. Chapel Hill: University of North Carolina Press, 2016), 67.

3 Malcolm X: Speech Excerpt from Los Angeles. Produced by Educational Video Group. https://search.alexanderstreet.com/view/work/bibliographic_entity%7Cvideo_work%7C2787248.

4 Hurston, Zora Neale. Their Eyes Were Watching God. New York: Harper Perennial, 1998. 5 Sarah Haley, *No Mercy Here*, 3.

6 Ibid., 8. 7 Sarah Haley, *No Mercy Here*, 12.

8 Ibid., 86.

9 Ibid., 57.

10 Ibid., 252.

11 Angela Yvonne Davis, Women, Race & Class (New York: Vintage Books, 1981), 6.

12 Ibid, 7.

13 Ibid, 7.

14 Sarah Haley, *No Mercy Here*, 2016, 3.

15 Ibid.

16 Ibid, pp. 158-159

17 Dorothy Roberts, *Killing the Black Body*, 1997, 22-23.

18 Sarah Haley, *No Mercy Here*, 2016, 17.

19 bell hooks intentionally lowercases her name for political purposes.

20 bell hooks, *Ain't I a Woman: Black Women and Feminism* (Boston, MA: South End Press, 1981), 7.

21 Ibid, 1.

22 Ibid, 5.

23 Ibid.

24 Danielle L. McGuire, At *The Dark End of the Street*, 2011, xx.

25 Ibid.

26 Ibid, 33-34.

27 Sarah Haley, *No Mercy Here*, 2016, 8. 28 Imani Perry, *Vexy Thing*, 2018, e-book location 3071

29 Sarah Haley, *No Mercy Here*, 2016, 21.

30 Imani Perry, *Vexy Thing*, 2018, e-book location 5135.

31 Ibid, e-book location 3071.