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Defeating the New Jim Crow with Antilynching Activism's Best Tools

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The United States has always been invested in empire, a high-stakes game that makes certain populations pawns; shaming is therefore a matter of efficiency, not a reflection of the character of marginalized groups. As they prioritize empire building, elites not only amass resources; they also shame exploited populations to make irrelevant their victims' merits and the immorality of their own actions.¹ In other words, empire depends on casting suspicion on the disfranchised, thereby stifling interest in the elite.² Subjugating people of color is especially profitable, so racial marginalization remains one of empire's most important collaborators.³ Routinely casting people of color as guilty (and whites as innocent) is violence;⁴ some might call it discursive violence, but its effects are not simply symbolic. Misrepresentation amounts to character assassination for people of color, but it also encourages property violence and physical violence; this tendency has animated American culture since Europeans slaughtered Native American "savages."

Even in its brutal aggression, whiteness seems benevolent and innocent,⁵ thanks to a powerful combination of deflection and shaming. Accordingly, between the 1890s and 1920s, lynching was justified because it presumably subdued the "brute rapist" (who was conveniently black), and today, mass incarceration seems legitimate because it supposedly controls "criminals" (who are conveniently black and brown). People committed to justice today should therefore consider the strategies of those who survived mob violence. As I learned from writing *Living with Lynching*, some became activists and playwrights to help their communities cope.⁶

When marginalized groups are constantly portrayed as dangerous and immoral, anyone associated with them can hardly avoid feeling the shame that these characterizations are meant to impose, but shame is politically paralyzing,⁷ so targeted groups must equip themselves against it. They must adopt a *critical demeanor of shamelessness*. Yet doing so is not about conquering shame,

because resisting shame keeps one focused on the lies designed to create it. For example, when determined to avoid confirming a stereotype, the stereotype shapes one's behavior. In contrast, a *critical demeanor of shamelessness* becomes possible when looking at oneself without the lens of dominant representations. This demeanor does not require pretending that one can ignore mainstream images. Instead, you recognize not only the power of dominant assumptions but also how little they have to do with you and the communities to which you belong.

Today, as the majority of the more than two million people incarcerated in the United States are black or brown,⁸ I call for a *critical demeanor of shamelessness* like that modeled by lynching plays. In doing so, I assert the power of performance in everyday life by emphasizing *embodied practices of belonging*.⁹ Black-authored lynching plays illuminate the *community conversation* African Americans had in the early 1900s, revealing that they understood lynchings as violent attacks on their conceptions of themselves as citizens. The dynamic discussion that lynching plays joined did not emerge in response to racial violence. Instead, violence was a reaction to African American success, including their success in seeing themselves as honorable, despite living in a nation bent on convincing them otherwise. Like the mainstream discourses insisting blacks were rapists and whores, the community conversation was not limited to words; it involved tones of voice, gesture, movement. Most lynching plays entered this discussion as one-acts designed for amateur performance in schools, churches, and homes; the scripts encouraged audiences to engage in embodied practices of belonging. For example, they invited readers to rehearse mourning as the appropriate response to lynching, which was important because mainstream messages insisted mob victims (not unlike today's "criminals") got what they deserved.

Lynching terrorized African Americans, and the excuses for it were designed to humiliate; likewise, the fact that men of color are twenty to fifty times more likely than whites to be incarcerated on drug charges both produces material consequences and induces shame.¹⁰ Lynch victims were overwhelmingly African American, suggesting that race helped make them vulnerable, but mobs claimed to avenge the rape of white women, so blacks could presumably avoid lynching by not being predators. However, as activists knew and historians later confirmed, the "brute rapist" justified lynching even while rape was alleged in only a third of cases. Thus, while many believed that protesting lynching amounted to excusing rape, the mob seldom pretended rape was its motivation. The image of black men as rapists was so effective that accusing individuals of rape was not necessary for having their deaths deemed justified. Likewise,

because Americans are bombarded with the idea that people of color are criminals, too few question a system that disproportionately imprisons them. Indeed, many assume opposing mass incarceration means endorsing crime; these beliefs erase black and brown innocence, as the black rapist myth did.

Still, the power of deflection and shaming is best illustrated by the fact that racial violence most often emerged in response to achievement, not criminality. Lynch victims were often accomplished men, owning land that whites wanted to take; brave men, resisting unfair pay; and devoted family men, protecting black women from sexual assault.¹¹ American culture has routinely cast black and brown people as criminals, even when they are not, so if the above findings are surprising, it only proves that deflection and shaming distort people of color even when they embody everything the country claims to respect.

The most vigorous opposition to nonwhites—whether in the form of physical violence, discursive violence, or public policy—has never been motivated by these groups' immorality or criminality, and the racialized aggression of the prison-industrial complex is no exception. Violent repression consistently emerges as backlash to civil rights victories.¹² For instance, efforts to empower African Americans after the Civil War receded as post-Reconstruction violence paved the way for Jim Crow. The respect that black soldiers earned in World War I was followed by lynchings of black men in their military uniforms. This pattern repeated a generation later when soldiers returned from World War II. Thus, in the 1940s and 1950s, African American veterans collected more insult and injury than GI Bill benefits.¹³ The progress of the 1960s and 1970s was answered by the Reagan administration and its innovations of deflection and shaming. Specifically, Reagan sold the public on the driving force of mass incarceration, the War on Drugs, by creating mythic "welfare queens" and "crack babies" that solidified struggling whites' belief that black and brown success had come at their expense.¹⁴ For people of color not devastated by 1980s Reaganomics, the 1990s brought some prosperity; in the 2000s, then, many Americans blamed financial problems on presumably unqualified "affirmative action babies." Later, President George W. Bush's failures enabled the rise of the first president who is not 100 percent white. This apparent victory has been answered with hostility that intensified with the 2008 financial crisis because national hardships can always be blamed on black and brown people. Barack Obama's presidency is a historic achievement, but its most distinguishing feature may be the unprecedented number of death threats that he and his family have received.¹⁵ Despite undeniable animus, Obama won reelection in 2012. This fact unleashed more aggression, including the Supreme Court's gutting of the Voting Rights Act only months after voter suppression animated the

2012 election—because black and brown voters are supposedly prone to fraud, which endangers American democracy.¹⁶ Decade after decade, violence of all kinds has been an answer to progress made by people of color, and it has been consistently excused by depictions of these groups as threats.

Even when successful, marginalized groups are cast in a shameful light to discourage them from making public demands, and black-authored lynching plays evince awareness of this strategy. Lynching dramas' authors, characters, and audiences were vulnerable to mobs and therefore might have distanced themselves from lynch victims, as many distance themselves from drug offenders today. However, the scripts show no sign that, within the community conversation, shame was deemed a reasonable reaction. Instead, the dramas convey that mainstream claims about the victim's guilt have not been accepted. Further, the genre encourages audiences to rehearse mourning as the appropriate response, by highlighting black suffering and vulnerability, thereby emphasizing that the race is *unjustly* under siege.

The genre performed identity-affirming work by depicting what I term “de-generation,” the removal or prevention of generations, which resembles the impact of incarceration on families today. With particular vengeance toward men, the mob structurally alters families, eliminating the generation that would otherwise guarantee community survival. The plays usually feature a grandmother and grandchildren, but no mother–father pairing in the middle. The mob accomplishes de-generation in one of two ways: either the mother and father are missing altogether or lynching keeps the husband–wife unit from functioning—not unlike incarceration, which typically traps victims in their prime. Of the genre's seven foundational scripts, four do not depict the middle generation at all, and two represent mothers who are now alone.¹⁷

De-generation's significance as a convention is best demonstrated by Georgia Douglas Johnson's *Safe*, the only foundational script in which both the husband and the wife survive.¹⁸ When his spouse needs him most, John is hiding. He leaves to gather information about Sam, a family friend whose life has been threatened, and while he is away, the mob drags Sam past the house. Liza, John's happily pregnant wife, hears Sam's screams and goes into labor. Having killed one man and restrained another, racial violence takes male leaders from both households. Then, when Liza's child is born a boy, she strangles him to death, insisting her baby is “safe—safe from the lynchers—safe . . .”¹⁹

Like mainstream assumptions today, which are designed to inspire shame, dominant discourse would have explained Liza's behavior as evidence of racial deficiencies that prevent strong relationships, but *Safe* depicts African Americans with well-established familial bonds. Liza's painful declaration therefore

spotlights the hostile environment the United States provides for some citizens. Sam is known as a hardworking mama's boy who resists when his boss tries to cheat him out of wages, so his death devastates his neighbors. By representing collective grief, *Safe* exposes vulnerability, including vulnerability to criminalization. A wage dispute precipitated Sam's murder, but his individuality can too easily fade in the mass of "brutes" who presumably got what they deserved. By validating mourning, Johnson's work insists mob victims belong to families and communities, both of which have a rightful place in the body politic. Like other lynching plays, *Safe* shamelessly asserts: he was a citizen and so are those who mourn his loss.

Grief can empower victims to seek justice, but shame never does, so while de-generation is disturbing, it likely reinforced blacks' commitment to claiming citizenship and making public demands. Mainstream rhetoric induced shame to keep African Americans preoccupied with countering racist lies, but lynching plays encouraged them to acknowledge their unjust circumstances. If one wonders whether the lynching might have been warranted, it is impossible to voice the level of despair articulated through de-generation. Thus, both the character and the playwright demonstrate absolute certainty about the injustice—certainty that fueled additional activism.²⁰ Partly by depicting despair, lynching drama lent confidence when mainstream discourse offered only shame. Today, as violence against people of color is constantly excused,²¹ losses must be acknowledged, pain expressed, and injustice shamelessly exposed.

Racial violence continues today through the prison-industrial complex, also known as mass incarceration, and only a shift in cultural consciousness can slow its violent efficiency.²² To facilitate this shift, marginalized communities and their allies need a *critical demeanor of shamelessness*. A renewed *cultural conversation* must emphasize community truths more than it contradicts mainstream lies. Also, *embodied practices of belonging* should not be underestimated. It is worth rehearsing mourning as the appropriate response to mass incarceration, including immigrant detention. It is also worth recognizing that the devastation to families rivals that represented in lynching drama as *de-generation*.²³ Mourning is valid and will fuel other embodied practices of belonging, such as fiercely advocating for "criminals."

Demanding civil rights when bombarded with messages that you are not a citizen, and that your kind do not deserve to be, requires a fortitude and clarity that shame prevents, but why shouldn't marginalized groups be shameless? The dramatic rise in the number of black and brown people incarcerated has little to do with their being dangerous criminals from whom society must be protected. Thanks to the War on Drugs, prisons are being built, but not to

contain growing numbers of rapists and murderers. The number of black and brown people behind bars does not correspond to these populations' propensity toward *nonviolent* crime either. Although "the majority of illegal drug users and dealers nationwide are white, three-fourths of all people imprisoned for drug offenses have been black or Latino."²⁴ These populations are targeted, and they receive harsher treatment at every point, from police stops and searches to prosecutors' decisions to press charges, to sentencing. Quite literally, "white drug offenders are rarely arrested, and when they are, they are treated more favorably at every stage of the criminal justice process. . . . Whites are consistently more likely to avoid prison and felony charges, even when they are repeat offenders. Black offenders, by contrast, are routinely labeled felons."²⁵ Insisting the legal system is color-blind, Americans ignore how often people of color are imprisoned for nonviolent drug missteps that are overlooked when taken by whites.

Generally, "it is no longer permissible to hate [based on race], but we can hate criminals. Indeed, we are encouraged to do so,"²⁶ and our system labels people of color "criminals" while ensuring white offenders typically avoid that designation. Like "brute rapist," this selectively applied label alters one's life: "criminals" can be legally denied employment, housing, education, jury service, and voting rights.²⁷ It is telling, then, that "we, as a nation seem comfortable with 90 percent of the people arrested and convicted of drug offenses in some states being African American."²⁸ As with lynching, disproportionate outcomes show race determines vulnerability, but the system operates on the assumption that black and brown people are guilty, so justifying racial disparities remains unnecessary.²⁹ The legal scholar Michelle Alexander explains, "If the figure were 100 percent, the veil of colorblindness would be lost."³⁰ The veil must be shamelessly stripped away now.

Mass incarceration fuels empire by keeping entire groups available for exploitation. Like lynching during the Jim Crow era, today's mass incarceration (which Alexander calls *The New Jim Crow*) is not a strategy for crime control but for subordination.³¹ The legal system claims to see black and brown men as raceless men who refuse to follow society's rules, but guilt and innocence do not animate a system in which whites routinely avoid arrest and criminal records for the same behaviors. Further, because the system regularly extracts guilty pleas from the innocent, punishing guilt is not its mission.³² As Angela Davis has detailed for decades,³³ incarceration is about profit, not crime. Corporations freely cross national borders while ensuring workers cannot and while thwarting labor organizations.³⁴ Having restricted labor's negotiating power, corporations nevertheless pursue cheaper personnel, often taking jobs

overseas. Big business thereby creates unemployment in US cities and a lower tax base for education and social services, making entire neighborhoods perfect prey for the drug trade. As corporate interests ensure smaller infractions trigger incarceration and longer sentences,³⁵ they also make prisons seem beneficial. The very populations criminalized and exploited by these processes often see prisons as lifelines because the correctional industry brings jobs to their otherwise neglected communities.³⁶ Meanwhile, prisons advertise to other industries, touting access to labor pools that are “cost effective, dependable, and trouble free” because there will be “no benefit package[s],” “no car breakdowns,” and “no babysitting problems.”³⁷ Stating the case as shamelessly as advertisements for prison labor warrant, mass incarceration is a hustle. Real hustlers remain unseen and do not go to prison; they use prisons to amass wealth.

Pretending prisons exist to address crime, Americans ignore the lives destroyed by them, just as belief in the black rapist myth excused lynching and made victims’ innocence irrelevant. Most Americans cannot imagine demanding fewer prisons because we wonder, “What else can you do with rapists and murderers?” but this fear obscures the truth: incarceration is the response to all sorts of infractions *because prisons are profitable*. Rapists and murderers are not the only people incarcerated, but assuming they are, many Americans resist the idea of prisoners’ rights.³⁸ However, as ads for inmate labor demonstrate, disregarding prisoners’ rights fuels corporate greed and hurts all workers.³⁹

Noticing that our government and legal system commit more shameful acts than the “criminals” with whom they distract the public will empower more Americans to advocate for those who need it most. Looking at the facts, shame does not apply: a drug “criminal” today has much in common with a hardworking black man who refused to be underpaid and suddenly found himself labeled “brute” or “rapist.” Society’s insistence upon his guilt shapes his experiences more than his behavior does.⁴⁰ Therefore, rather than abandon those caught in the prison-industrial complex, Americans should mourn the losses that drug “felons” have suffered and that we have suffered as larger communities. Doing so will inspire additional *embodied practices of belonging* that affirm human life over profit.

When more Americans engage the devastation visited upon countless families, more will question the corporate freedom fueling mass incarceration and immigrant detention. Because generation removal and prevention have not waned, *community conversations* must again represent de-generation. Americans must acknowledge that too many men of color are missing against their will and not because they have committed egregious crimes. Their absence is more about the nation’s crimes against them.

As was the case with lynching, mass incarceration relies on the belief that those targeted have no rightful claims within the body politic.⁴¹ Opposing this violence therefore requires insisting its targets *belong*, they belong to families and communities with legitimate demands in the country they helped build. This involves advocating for people who may not exhibit “perfect” behavior. However, because marginalized groups are often attacked for being successful, scrutiny is best applied to the environment that they must navigate. When a system makes pawns of people whose impeccable character will not save them from violence, abandoning individuals who do not seem perfectly behaved reinforces brutality. Advocating only for those who fit a “respectable” profile leaves unquestioned the shame-inducing logic on which racial violence depends.

Focusing on the overall hustle rather than its victims’ behavior requires not taking on the shame that the legal system, a mechanism of racial violence, encourages targeted groups (and potential allies) to accept. When acknowledging the treacherous terrain marginalized people navigate, mourning becomes a more natural response than shame, and advocacy emerges as the *embodied practice of belonging* that logically follows. When not preoccupied with contradicting stereotypes and racist lies, one can mourn those crushed by the workings of empire. Suddenly, a life-affirming truth emerges: “criminal” is a convenient, profit-generating label, not an accurate reflection of their humanity and citizenship . . . or ours when we defend them.

Notes

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1. Elites need not shame directly; politicians and media they control do it. See Howard Zinn, *A People’s History of the United States* (1980; rpt. New York: Harper Perennial Modern Classics, 2005).
2. Whites are not exempt from criminalization (note the Occupy Movement), but it is most effective with people of color (the entire spectrum).
3. See Frantz Fanon, *Black Skin, White Masks*, trans. Constance Farrington (New York: Grove, 1994); and Toni Morrison, *Playing in the Dark: Whiteness and the Literary Imagination* (New York: Vintage, 1992).
4. Not all whites are elites, so racist tendencies promoting elite interests sometimes benefit nonelite whites who otherwise do not avoid oppression.
5. George Lipsitz, *The Possessive Investment in Whiteness: How White People Profit from Identity Politics*, rev. and expanded ed. (Philadelphia: Temple University Press, 2006).
6. Koritha Mitchell, *Living with Lynching: African American Lynching Plays, Performance, and Citizenship, 1890–1930* (Urbana: University of Illinois Press, 2011).
7. Melissa Harris-Perry, *Sister Citizen: Shame, Stereotypes, and Black Women in America* (New Haven, CT: Yale University Press, 2011), 122, 108–9.

8. Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (New York: New Press, 2010), 8–9.
9. On critical demeanor, see Ann DuCille, “The Occult of True Black Womanhood: Critical Demeanor and Black Feminist Studies,” *Signs* 19.3 (1994): 591–629. On embodied practices of belonging, see *Living with Lynching*, 5–6 and 23–28. On shamelessness, see José Esteban Muñoz, *Disidentifications: Queers of Color and the Performance of Politics* (Minneapolis: University of Minnesota Press, 1999); Darieck Scott, *Extravagant Abjection: Blackness, Power, and Sexuality in the African American Literary Imagination* (New York: New York University Press, 2010); and Christopher S. Lewis, “Cultivating Black Lesbian Shamelessness: Alice Walker’s *The Color Purple*,” *Rocky Mountain Review* 66.2 (2012): 158–75.
10. Alexander, *New Jim Crow*, 7.
11. Blacks lynched for success: Philip Dray, “*At the Hands of Persons Unknown*”: *The Lynching of Black America* (New York: Random House, 2002), 224, 226–27; Kidada Williams, *They Left Great Marks on Me: African American Testimonies of Racial Violence from Emancipation to World War I* (New York: New York University Press, 2012) 212, 44–46; Ida B. Wells, *A Red Record, Southern Horrors, and Mob Rule in New Orleans, in Southern Horrors and Other Writings: The Anti-Lynching Campaign of Ida B. Wells, 1892–1900*, ed. Jacqueline Jones Royster (New York: Bedford, 1997), 204. Targeted for protecting women: Hannah Rosen, *Terror in the Heart of Freedom: Citizenship, Sexual Violence, and the Meaning of Race in the Postemancipation South* (Chapel Hill: University of North Carolina Press, 2009).
12. See “know-your-place aggression” in Koritha Mitchell, “Love in Action: Noting Similarities between Lynching Then and Anti-LGBT Violence Now,” *Callaloo* 36.3 (2013): 689–717.
13. Ira Katznelson, *When Affirmative Action Was White: An Untold History of Racial Inequality in Twentieth-Century America* (New York: Norton, 2005).
14. Alexander, *New Jim Crow*, 47–53.
15. Mitchell, “Love in Action.”
16. *Ibid.*
17. Mitchell, *Living with Lynching*.
18. Georgia Douglas Johnson, *Safe* (1929), in *Strange Fruit: Plays on Lynching by American Women*, ed. Kathy Perkins and Judith Stephens (Bloomington: Indiana University Press, 1998), 110–15.
19. *Ibid.*, 112.
20. Mitchell, *Living with Lynching*, 42.
21. Nonviolent misdeeds land people of color in prison, while the system refuses Marissa Alexander and Trayvon Martin’s family justice.
22. “Prison-industrial complex” is Angela Davis’s term; “mass incarceration” is Alexander’s.
23. Public housing residents can be evicted if a relative with a record visits and is accused of a drug-related parole violation. Because family members need not be guilty of anything to become homeless, the system essentially orders the deterioration of familial bonds because people can avoid risk only by abandoning loved ones. See Alexander, *New Jim Crow*, 141–45, 184–85.
24. Alexander, *New Jim Crow*, 96–97.
25. *Ibid.*, 184.
26. *Ibid.*, 194.
27. *Ibid.*, 138.
28. *Ibid.*, 199.
29. The Supreme Court developed rules enabling discrimination and preventing remedy (Alexander, *New Jim Crow*, 105–16, 126–36, 189).
30. Alexander, *New Jim Crow*, 199.
31. Alexander says criminal justice went from punishing crime to managing the dispossessed (*New Jim Crow*, 183). There was no shift, according to “Racialized Punishment and Prison Abolition,” in *The Angela Y. Davis Reader*, ed. Joy James (Malden, MA: Blackwell, 1998), 96–107.
32. Alexander, *New Jim Crow*, 228, 85–88; and Michel Foucault, *Discipline and Punish: The Birth of the Prison*, trans. Alan Sheridan (New York: Vintage, 1977).
33. Davis’s work dates to the 1970s. See Davis, “Race and Criminalization: Black Americans and the Punishment Industry,” in *The House That Race Built: Original Essays by Toni Morrison, Angela Y. Davis, Cornel West, and Others on Black Americans and Politics in America Today*, ed. Wahneema Lubiano (New York: Vintage, 1997), 264–79; and Davis, “Prison Abolition,” in *Black Genius: African American Solutions to African American Problems*, ed. Walter Mosley, Manthia Diawara, Clyde Taylor, and Regina Austin (New York: Norton, 1999), 196–214.

34. See also Noam Chomsky, *Profit over People: Neoliberalism and Global Order* (New York: Seven Stories Press, 1999); and Zinn, *People's History*.
35. See also Alexander, *New Jim Crow*, 217–20.
36. Davis, *House*, 271–72.
37. *Ibid.*, 273.
38. Davis, *Genius*, 213.
39. Profit also comes from privatizing prisons and expanding criminal and felon categories to fill existing facilities and encourage construction.
40. School-to-prison pipelines fuel construction, too: see Southern Poverty Law Center (splcenter.org) and American Civil Liberties Union (aclu.org).
41. To make “public demands” concrete: funds are never available when disfranchised communities want local jobs and better schools, but there is always money for more police surveillance and repression.