

## Black Politics and the Neoliberal Racial Order

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*That successful businessman who doesn't have to but pays his  
workers a fair wage . . . he's marching. (Applause.)*

—President Barack Obama

*My presence is charity. Just who I am. Just like Obama's is.  
Obama provides hope. Whether he does anything, the hope that  
he provides for a nation, and outside of America, is enough.*

—Jay Z

*Does the system work? It didn't work for us.*

—Tracy Martin, father of Trayvon Martin

**W**e are at a critical moment in the history of race in the United States. The years 2013–15 mark the fiftieth anniversaries of some of the most important milestones in the civil rights movement. In 1963 Martin Luther King Jr. gave his stirring “I Have a Dream” speech at the March on Washington for Jobs and Freedom. President Lyndon B. Johnson signed the most sweeping piece of civil rights legislation into law in July 1964. And in 1965 Congress passed the Voting Rights Act, which explicitly forbade voter disenfranchisement measures and opened the pathway for a generation of black people to vote for the first time in their lives. These historic events were the culmination of decades of

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struggle by many women and men who often risked their lives for freedom and justice. But even when a process of struggle seems to culminate in a series of transformative events, realities on the ground are often a reminder that significant social change is complicated and slow moving. Indeed, during the one hundred years between the Emancipation Proclamation and the March on Washington, progress was made, but African Americans still faced a deeply divided America: one in which a war was being waged to preserve Jim Crow.

On August 28, 1963, in the shadow of Abraham Lincoln and amid thousands of onlookers, King stood on the Washington Mall and observed that in the one hundred years since the Emancipation Proclamation “the life of the Negro is still sadly crippled by the manacles of segregation and the chains of discrimination. . . . America has given the Negro people a bad check, a check which has come back marked ‘insufficient funds.’” Now, fifty years later, it is necessary to ask two important questions: How far have we come? And where do we go from here?

Two men recently presented different lenses through which one can look to understand the state of race in the United States. President Barack Obama in his 2013 inaugural address painted a cautiously triumphant portrait of race relations: “Through blood drawn by lash and blood drawn by sword, we learned that no union founded on the principles of liberty and equality could survive half-slave and half-free. We made ourselves anew, and vowed to move forward together.” Born in Hawaii to a black father from Kenya and a white mother from Kansas, Obama is the hopeful dreamer who through hard work and a steel determination plotted a path to the highest office in the nation. Obama provides us with a happy rendition of the complicated story of race in America, embodied by his own journey: the biracial son raised by a single mother, evidence that our nation can overcome its dark past and that people of different races can coexist in harmony. Writing about the 2008 election, Lauren Berlant (2011b: 237) observes that the Obama campaign was deliberate in its attempts to roll out a specific populist image and that “Obama wanted to embody white Americans’ desire to perform post racism in the name of national metaculture.” And in reflecting on Obama’s memoir *Dreams from My Father*, theorist Robert Gooding-Williams (2014: 162) acknowledges that much of the narrative is meant to show “how racial two-ness is possible without conflict.” But what happens when the realities of race in America do not map neatly onto this optimistic perspective? How does Obama reconcile racial progress in American politics with continuing inequalities that break down along racial lines?

Obama’s solution has been to redirect attention to individual choices—after all, how can political institutions with color-blind policies discriminate? When

activists in Chicago petitioned him to address the tragic shooting death of Hadiya Pendleton, an honor student who had performed in his own inauguration, and to take a stand regarding massive levels of gun violence that have taken the lives of an alarming number of black youth, Obama flew to Chicago and proposed marriage as a cure: “There’s no more important ingredient for success, nothing that would be more important for us reducing violence than strong, stable families—which means we should do more to promote marriage and encourage fatherhood” (Obama 2015).

After the acquittal of George Zimmerman for the killing of Trayvon Martin, Obama (2013c) initially released what many perceived to be a tone-deaf statement advising the public to accept the verdict and quickly pivoted to a focus on personal responsibility: “We should ask ourselves if we’re doing all we can to stem the tide of gun violence that claims too many lives across this country on a daily basis.” Yet when the protests droned on throughout the ensuing week, particularly in the black community, Obama surprised reporters at a Friday White House briefing and gave extended remarks in which he stated that Martin could have been him thirty-five years ago. While his remarks were praised by most as the first strong statement made on race relations by a sitting president, one of his potential resolutions—to “bolster and reinforce our African American boys” because, as he noted, “there are a lot of kids out there who need help who are getting a lot of negative reinforcement” (Obama 2013b)—veered into a familiar familial narrative that Obama has used to contextualize persisting grievances in the black community. The president made good on his promise in February 2014 with the announcement of My Brother’s Keeper, a White House initiative focused on “empowering boys and young men of color.” In his remarks, Obama (2014) went to great pains to make clear that My Brother’s Keeper (a partnership of businesses, foundations, and community groups) was *not* a government program:

And in this effort, government cannot play the only—or even the primary—role. We can help give every child access to quality preschool and help them start learning from an early age, but we can’t replace the power of a parent who’s reading to that child. We can reform our criminal justice system to ensure that it’s not infected with bias, but nothing keeps a young man out of trouble like a father who takes an active role in his son’s life. (Applause.)

According to Obama, government institutions are rarely the source of continuing racial inequalities; to move to a more just society, we must first address the pathologies of our own communities.

A slightly different version of the state of race in America is encapsulated in the life of Shawn Corey Carter, better known as hip-hop mogul Jay Z. Raised in the notoriously dangerous Marcy Projects in the Bedford-Stuyvesant area of Brooklyn, New York, Jay Z has characterized his trajectory as that of the consummate hustler who, through his own hard work, lifted himself out of poverty and into worldwide stardom. It doesn't matter to him that, even according to his own account, he got his start from selling crack—he opens up about it on his first album, *Reasonable Doubt*, released in 1996, rapping over a buyout piano loop: “Made a fortune off Peru, extradite, china white heron.” He is now a legitimate black multimillionaire with friends in high places—on the aptly titled song “Murder to Excellence” Jay Z boasts, “Black excellence, opulence, decadence / Tuxes next to the president, I’m present,” and, in his own words, he has gone from “grams to Grammys” (he has twenty-one of the coveted awards). But he is more than seductive baselines and clever lyrics, Jay Z insists—he is just as able to talk investment strategies with the likes of Warren Buffet. The two men graced the cover of the business magazine *Forbes* in 2010. Later *Forbes* praised Jay Z as “inspirational” and pointed out that he “epitomizes the essence of the American entrepreneurial spirit” (*Forbes* 2012). Jay Z shows us that you don't need an Obama Ivy League pedigree to make it—the school of hard knocks offers equivalent training.

Obama is without all the luxurious trappings of Jay Z—there are no Bugattis to drive around town in, no Tom Ford suits, no Basquiats in his private art collection; however, what both men have in common is much larger than what they do not: they represent the ascendance of neoliberal values in black politics. The understanding of the American dream that Obama and Jay Z embrace is one where individuals are, by and large, the sole architects of their fate. It's a modern recasting of Booker T. Washington's famed racial uplift ideology—that blacks can do anything if they work hard enough. It's not that race doesn't matter anymore; Jay Z acknowledges that race still plays a role (he often pays homage to the likes of Malcolm X, Fred Hampton, and King), but through hustling and brushing haters off one's shoulders, one can push past the vestiges of racism and lift oneself out of the hood. Appropriating Jay Z's street diction, Obama exhibited a similar type of sentiment in a 2013 commencement speech at Morehouse College, where he gave the following advice to graduates: “If you stay hungry, if you keep hustling, if you keep on your grind and get other folks to do the same—nobody can stop you.” According to this new guard of neoliberal black leaders, racist institutional structures are no longer the problem and government should not be depended on as a problem solver. Articulated most succinctly by Jay Z in the song “Nickels and

Dimes,” “I got a problem with the handouts, I took the man route.” People need not look outward to government for the solution—they need to look inward and change their behavior. This modern-day Booker T. outlook might seem different from that of the president, but more unites black neoliberals than divides them—as partially attested to by Jay Z’s boast after his recent trip to Cuba, in his song “Open Letter”: “Obama said ‘Chill, you gonna get me impeached’ / But you don’t need this shit anyway, chill with me on the beach.” Differences between black neoliberals, as we will see, are at least in part a matter of style rather than substance.

In this article, we propose a deeper examination of neoliberalism in black politics and ultimately argue that a new neoliberal racial order has emerged. Neoliberalism is a set of policies and an ideology that has led to the transformation of government, starting under President Ronald Reagan, from New Deal–type social policies to policies that not only would be dictated by market principles but also would seek to have market values dominate every sphere of human existence from entertainment to science, from education to the arts. Reagan and his contemporaries Prime Minister Margaret Thatcher of Great Britain and Chancellor Gerhard Schröder of Germany were mostly successful in waging war on the Keynesian social contract by attacking the social safety net, labor and its organizations, and any argument or policy that favored, even if ever so slightly, those who were not members of “the 1 percent.” Neoliberals embrace market models as a solution for all policy problems and matters of institutional governance.

The meaning of neoliberalism has been greatly debated among academics. We define *neoliberalism* as a set of policies and ideological tenets that include the privatization of public assets; the deregulation or elimination of state services; macroeconomic stabilization and the discouragement of Keynesian policies; trade liberalization and financial deregulation; a discursive emphasis on “neutral,” efficient, and technical solutions to social problems; and the use of market language to legitimize new norms and to neutralize opposition (Duggan 2003; Wedeen 2008, 2013; Dawson 2011; Ciepley 2013). Neoliberal ideology is so powerful because it creates the illusion of a privatized sphere in which corporations and private actors assume the responsibilities of formerly government functions in a more “neutral and efficient” manner. In doing so, neoliberalism corporatizes government functions, conceals the persisting operation of the state, and removes government accountability. Monica Prasad (2006: 4) also correctly emphasizes how neoliberal economic reforms include fiscal policies (particularly taxation policies) that favor “capital accumulation over income redistribution.” That aspect of neoliberalism has led to massive transfers of wealth and resources to the extremely wealthy. There has been income redistribution, but mainly from the bottom to the top.

Over the years, scholars have documented the deleterious side effects of this neoliberal turn on many different aspects of American and indeed global life (Duggan 2003; Harvey 2005; Berlant 2011a; Dawson 2011, 2013; Spence 2011; Panitch and Gindin 2012).<sup>1</sup> What scholars have spilled far less ink on is explaining how neoliberalism has shaped black politics.<sup>2</sup> Under the neoliberal racial order, talk of racism is viewed as irrelevant to a government that has long since formally removed Jim Crow restrictions and embraced minorities into its political and economic fabric. If blacks are poor, the stipulated cause has to do with individual failings and bad culture. It is a belief, endorsed by an increasing number of high-profile blacks such as Obama, Jay Z, and Senator Cory Booker (D-NJ), that the state should have a very limited role in addressing racial and economic disadvantage.<sup>3</sup> The turn toward neoliberalism in black politics is in stark contrast to the collective black political traditions, practices, and ideologies of the nineteenth and twentieth centuries and necessitates a reframing of the current moment. To begin our task we discuss the two dominant frames that are often used to describe the current state of race in the United States and explain how the utility of both is weakened by not attending to the role of economic institutions. After making the case for an inclusion of neoliberalism in the contemporary racial discourse, we review the differences and similarities between this neoliberal-dominated era and the Jim Crow period. Finally, after sketching an account of the contours of the neoliberal racial order, we discuss that regime's effect on black politics.

1. Loïc Wacquant (2001, 2009, 2010, 2014) has particularly explored the nexus of race and neoliberalism in the United States as well as in France. However, Michael C. Dawson (2014: 1768) in an extended critique sharply differentiates Wacquant's analysis from that put forth in this article, writing: "Notwithstanding Wacquant's substantial and critical interventions, there are two major flaws in his analysis of race and neoliberalism. First, Wacquant severely underestimates the role of capitalism in shaping neoliberalism and neoliberal regimes. Second, Wacquant has an impoverished understanding of the American racial order, which is tied to an incorrect understanding of racial hierarchy as an analytic and as a historically constituted phenomenon."

2. It is worth noting that a few studies (Omi and Winant 1994; Johnson 2011; Spence 2012) represent notable exceptions.

3. To be clear, we are not arguing that these individuals, in their personal lives, do not give back to the community—they do engage in various fund-raising efforts. Our concern is with how these individuals take public stances that represent an ideological shift away from addressing societal problems through a partnership of government policies *and* community organizing to an almost sole embrace of approaching persisting inequalities through a community organizing lens. As Robin D. G. Kelley (2013) rightly observes: "They may say and do very nice, uplifting, philanthropic things, but rarely do celebrities stand against the policies and ideas of neoliberalism and U.S. Empire."

## Deconstructing the State of Racial Discourse

Scholars and observers of race and American politics have provided different lenses to interpret the current racial landscape. One group of scholars on the political right (and increasingly on the left) continue to contend well after it was clear that the 2008 election would not result in a racial reckoning, certainly not for black people, that the goals of the civil rights movement have been largely achieved and we have now entered into a postracial era in American politics. These postracial conservatives and liberals point to the dismantling of the legal architecture of Jim Crow in the South, the legal if not factual “integration” of public schools, and the increasing numbers of black professionals with college degrees who have entered the middle and upper economic tiers as evidence that race no longer plays a significant factor in determining one’s chances in life. There are different varieties of the postracial narrative. Linguist and social critic John McWhorter affirms that race still matters but has argued in numerous articles that “America is past racism” (McWhorter 2008). Conservative political commentator Dinesh D’Souza takes this one step further in arguing that “if Obama’s election means anything, it means that we are now living in post-racist America.”

Under the postracial framework, too much discussion of race and racism is viewed as divisive to a society and a government that have embraced minorities into their political fabric. Obama in his famed 2004 Democratic National Convention speech declared, “There is not a Black America and a White America and Latino America and Asian America—there’s the United States of America. We are one people.” Emblematic of this desire to avoid any explicit discussion of racial division in American politics, Obama (2009) in an interview with CNN’s John King was quick to squash former president Jimmy Carter’s accusation that some of the attacks against him were racially motivated (e.g., signs of Afro-socialism, swastikas with Obama’s name, and the “You lie!” outburst by Representative Joe Wilson [R-SC]) by placing the animosity in line with supposedly traditional American values and explaining, “Yelling at politicians is as American as apple pie.” Pivoting away from Carter’s focus on race, Obama attempted to neutralize this vocal opposition by conflating it to criticism that his role models, former presidents Franklin D. Roosevelt and Ronald Reagan, received while in office. Government institutions are also off the hook and are not believed to contribute to continuing racial inequalities—after all, how can an institution with color-blind policies discriminate? This type of thinking was evident in Obama’s assessment of the federal government’s disastrous handling of Hurricane Katrina when he

called the response “color-blind.”<sup>4</sup> According to postracialists who believe in the classical civil rights narrative of a nation that has overcome, political institutions are no longer the crux of the problem.

The postracial narrative is persuasive because it plays to the desires of a citizenry with race fatigue—the large majority of white Americans are convinced that blacks have achieved racial equality, and many also believe that blacks are demanding unfair advantages and do not appreciate all that has been done for them (Dawson 2011). Affirmative action is certainly no longer warranted and, indeed, is under attack throughout the nation (Anderson 2010). Thus the postracial narrative makes (some of) us feel good about the stories we tell ourselves about the development of this nation.

While compelling to large swaths of American society, the postracial narrative is riddled with severe problems due to its constrained focus. The claim that race no longer dominates life outcomes and that our nation has largely overcome its troubled past hinges on the absence of explicitly racist laws and policies in our nation’s institutions. This literature makes the simple calculation that color-blind laws equal a color-blind nation. In doing so, we believe that it has created a type of “civil rights fiction” in which *equality* and *civil rights* are interpreted strictly through the lens of formal equality.

We fear that this constrained understanding of what constitutes the world of civil rights has led to a displacement of alternate visions of equality. In particular, our concern is that the economic aspect of civil rights has been neglected and more often forgotten altogether as a result of the hegemonic focus on ending overt forms of racial discrimination. For the most part, the triumph of the civil rights movement and the subsequent implementation of civil rights legislation are thought to represent a new era of economic freedom for blacks. If racist laws fell by the wayside, then surely discriminatory economic policies would as well. However, instead of being dismantled, Jim Crow economic structures and relations have evolved as the basis for a new neoliberal racial order and continue to perpetuate racial inequality in the modern era. Thus when we seek to understand the current state of race in American politics, the crux of that discussion might need to center not on the passage of landmark civil rights and voting rights acts but on how and why racial divisions have gotten magnified in economic institutions.

A counternarrative has developed within black and progressive discourse during the past several years. This narrative, of which Michelle Alexander’s power-

4. It should be noted that a study on racial attitudes conducted after Hurricane Katrina by the research team of Dawson, Melissa Harris-Perry, and Cathy Cohen (2006) found that a significant portion of black respondents—84 percent—felt that the race of the victims played a role in the government’s slow response.

ful work *The New Jim Crow* (2012) is an outstanding example, argues that we should pay attention to the ravages that particularly poor black communities have experienced due not only to the broad implantation of neoliberal policies but, in particular, to the war on drugs. It argues that when one examines the massive levels of incarceration especially of black youth, the extremely dismal economic opportunities available to most poor black families, and the continued devaluing of black life as unarmed blacks are gunned down by both officers of the state and private citizens without punishment, there are more than a few reasons to believe that we live in a “new” era of Jim Crow.

Our two dominant narratives of the current racial order are distinguished by how one understands what has happened since the formal end of Jim Crow. Both frameworks are tied to a sanitized and restricted understanding of Jim Crow as a set of legal and state institutions and policies. The New Jim Crow literature is particularly prone to this interpretation: by the time Alexander’s book appeared, there had been more than ten years of discourse among legal activists, practitioners (such as American Civil Liberties Union lawyers), and scholars centered on the idea that this era could be labeled as the New Jim Crow (Forman 2012). But in emphasizing the political and legal structure, the economic aspect of Jim Crow has been neglected in this progressive counterdiscourse. As Lisa Duggan (2003: xvi) observes in her insightful work on neoliberalism: “The Achilles’ heel in progressive-left politics since the 1980s, especially, has been a general blindness to the connections and interrelations of the economic, political, and cultural, and a failure to grasp the shifting dimensions of the alliance politics underlying neoliberal success.” It is undeniably true that laws played a significant role in the maintenance of a system of racial domination that led to the dramatic incarceration of minorities in the Jim Crow era and that they continue to do so in the contemporary moment. However, to appropriately understand the relationship between these two periods of mass incarceration, it is necessary to also attend to the racialized political economy of the two periods. The key is to work out the particularities of the configuration of what historian Walter Johnson (2013) calls “racial capitalism” for any given period. Racial capitalism denotes the system that is produced by the mutually constitutive hierarchical structures of capitalism and race in the United States. It is not just that capitalism shapes how race is understood and produced within the United States but, as Johnson makes clear, that white supremacy shaped the contours of capitalism all the way down to the level of the production of the key commodity upon which the nation’s economy revolved during much of the nineteenth century—cotton. It was impossible well into the twentieth century to analyze the category of “worker” (or “capitalist”) without understanding how race

shaped the category and the relation of that category to other categories such as “capitalist” or “market.” The mechanisms by which white supremacy shapes identity as well as the contours of racial capitalism itself differ in extremely important ways from period to period. One consequence of overlooking the role of economic factors is overestimating the similarities between these periods of massive structural discrimination based on race and underestimating the differences.

We argue that despite their vastly different political and ideological priors, post-racial and New Jim Crow narratives mediate and conceal the evolving complex relationships between race, capitalism, and the lived experience of blacks in the United States. While analyses of the contemporary racial order are often predicated on an examination of political and legal institutions, we want to remediate an understanding of the racial order away from this type of institutional framing to a political economy framing that focuses on the interconnectedness of race and capitalist policies. Doing so facilitates our ability not only to distinguish the structural differences between the periods but, as importantly, to formulate political, economic, and social strategies to address today’s racial inequalities and, more generally, to build movements to secure justice in a country still fundamentally structured to generate massive inequalities that are unjust and deeply undermine the prospect of democratic governance.

Neoliberal ideology, by stressing the virtues of free markets and excessive consumerism, redirects attention away from the havoc caused by the intertwined history of white supremacy and capitalist economic structures. There is little need to attend to the complicated history of race in making corporate decisions since we have moved past its fraught legacy. We see this neoliberal erasure of race manifest in the current economic landscape. In one recent example of predatory capitalism, billion-dollar retailer Urban Outfitters was forced to stop selling a popular jean shirt that was embroidered with the trademarked United Farm Workers of America (UFW) logo after receiving a cease and desist letter from UFW attorneys. Another clothing chain, Forever 21, sought to capitalize on the so-called trend in Native American print and sold clothing (and flasks) that the company referred to as “Navajo Hipster.”<sup>5</sup> The neoliberal racial order does the work of

5. The UFW, founded by civil rights activists César Chávez and Dolores Huerta in 1966, has used the logo of a dark eagle as a symbol of struggle, and it was featured on a blue denim shirt that retailed for \$64 in Urban Outfitters’ stores nationwide and online. Urban Outfitters is not without its share of scandal for capitalizing on culture—in 2012 it faced a lawsuit from the Navajo Nation for using its name to sell “tribal” merchandise such as clothing, underwear, and a liquor flask. And in 2011 Forever 21 was criticized for “Navajo-themed” merchandise such as underwear, flasks, necklaces, and clothing. Urban Outfitters and Forever 21 were viewed by the Navajo Nation as violating the Indian Arts and Crafts Act of 1990.

encouraging the rest of us to ignore the logics of race and offensive cultural appropriation while celebrating the logics of rogue capitalism. This blind spot, if gone unaddressed, will continue to have devastating consequences for the future of racial progress in the United States.

Today we live neither in a postracial society, as many conservatives and some liberals claim, nor in an era of New Jim Crow, as sympathetic as we are to the force of the latter claim. As sociologists and historians such as Lawrence Bobo, James R. Kluegel, and Ryan A. Smith (1997), Howard Winant (2004), Jacquelyn Dowd Hall (2005), and Thomas C. Holt (2000) have argued over the past several years, the racial order and racism have evolved out of the old order into something new—a new racial order with its own logics, practices, and ideologies. In the remainder of this essay, we assert that a neoliberal racial order has emerged. To better understand the contours of the neoliberal racial order, we analyze what we see as the key similarities and differences between the Jim Crow era and the present in the following areas: debt, activist terrain, the criminal justice system, and the political economy. We look back in our analysis not because we have any great nostalgia for the past but because one aspect of neoliberalism is the drive to erase our memory of the past and our ability to derive productive insights from the past, making it infinitely more difficult to forge a new democratic, egalitarian, and just future for all.

### **Similarities**

Jim Crow was a comprehensive system of oppression meant to create two societies, separate and unequal, between blacks and whites. Jim Crow laws mandated segregation in all areas of public life, including schools, work, department stores, courts, marriage, and transportation. The laws were instituted mainly in the South, but, as a number of scholars have detailed, the North was also plagued by entrenched racism, for example, in racial covenants, discriminatory union rules, and the firebombing of homes and businesses (Biondi 2006; Sugrue 2008; Muhammad 2010). These state laws emerged in the aftermath of Reconstruction when Southern political elites began strategizing about a new way to return to the system of white supremacy that existed under slavery, and they were subsequently aided by the Supreme Court's decision in *Plessy v. Ferguson* (163 U.S. 537 (1896)) that the doctrine of "separate but equal" was constitutional. Afterward, Southern states tripped over themselves in passing new laws, which lasted until the Civil Rights Act of 1964 and the Voting Rights Act of 1965 made them illegal. Unfortunately, contemporary politics has demonstrated that there are still simi-

larities between the racial logics of this period and those of Jim Crow. Instead of a permanent destabilization of the infrastructure of Jim Crow, neoliberalism has facilitated a rebirth of two of its flagship elements: race-based crime policies and economic exploitation.

### Crimes of Injustice

*Meanwhile the DEA*

*Teamed up with the CCA*

*They tryna lock niggas up*

*They tryna make new slaves*

*See that's that privately owned prison*

—Kanye West, “New Slaves,” *Yeezus*

The US criminal justice system has significantly shaped the development of America’s racial order. After Reconstruction, the criminal justice system became the institution at the heart of Southern efforts to strip African Americans of their citizenship rights. The development of criminal law in the South was intertwined with the efforts of Southern states to centralize authority among a select group of white elites and reinforce white supremacy. The goals were quite straightforward. Southern state governments wanted to dismantle and suppress the black political power that had grown and, in some parts of the South, flourished during Reconstruction. The architects of Jim Crow hoped to facilitate and entrench divisions between poor blacks and whites, frustrating the politically dangerous alliances that had been experimented with during the populist movements of the late nineteenth century. Southern political elites also wanted to secure a subservient and captive black labor force by driving blacks who were becoming economically independent—figuratively and actually—back onto the plantation.

To facilitate the increase of African Americans who would be under the control of the state, new laws were enacted. Many scholars of American political history have documented how one state after another passed new laws in the 1870s through the early 1900s with the specific intent of controlling African American bodies (Du Bois 1935; Woodward 1971; Foner 1988; Kousser 1999). Documenting the growth of the machinery of criminal justice in the South, historian Matthew Mancini (1996: 41) observes, “Southern states rewrote the criminal law and created such ‘Negro crimes’ as incitement to insurrection and criminal trespass.” New notions of what defined a criminal act were quickly formed such as vagrancy (for being out of work), curfew laws (for being outside of one’s home), and contract evasion (for not wanting to take a job because one thought the terms unfair). To

increase the number of African Americans under the state's control, many counties conducted dragnet sweeps of African American neighborhoods, looking for African Americans who were out of work and therefore could be arrested under these new criminal offenses. The most famous law was Mississippi's "pig law," which defined any theft of property valued at more than \$10 or of any kind of cattle or swine, regardless of the value, as grand larceny, subjecting the thief to a term of up to five years in the state penitentiary. The institution of these laws resulted in a state prison population increase from 272 in 1874 to 1,239 in 1878; of these, 1,124 were African American (Wharton 1947; Oshinsky 1996).

Prison populations immediately expanded in the post-Reconstruction period, but this increase resulted from a rapid increase in the incarceration of African Americans and not from any commensurate trend for white offenders. Frequently, African Americans found themselves in jail for months, without trial, and unable to obtain adequate legal counsel. At the same time that prison populations were swelling, Southern state governments were strapped for resources, and increasing taxes to accommodate the influx of prisoners was not a viable option. The South's solution to this crisis was to institute the convict lease system (Lichtenstein 1996; Mancini 1996; Oshinsky 1996; Blackmon 2009; Perkinson 2010). Under this practice, convicts were leased out to private companies, which assumed responsibility for all expenses, including housing, food, clothing, and tools, related to the prisoners. In exchange for a small fee, complete authority over the work and punishment of the prisoners was abdicated to the lessee. Convict leasing proved especially enticing to businesses such as railroads, lumbering and mining companies, and cotton planters that wanted cheap labor they could easily control. Under the convict lease arrangement, the state would receive a small sum for the prisoners even though it expended zero resources and big business would reap enormous profits from cheap convict labor. It soon became profitable for the state to incarcerate: additional convictions meant additional revenue.

While it is important to describe the tradition of black labor exploitation through the criminal justice system, it is also necessary to note how the criminal justice system was used as a tool of the state to obstruct black political power. In the heyday of the civil rights movement, the criminal justice system emerged, again, as a foe of the black freedom struggle. In hopes of deterring civil rights leaders from speaking out and to intimidate nonviolent demonstrations, Southern political elites used racist policing and jail time as a tool to weaken the movement. Bull Connor, the well-known commissioner of public safety in Birmingham, was just following the practice of many Jim Crow-era public officials when he notoriously used his power to encourage the police force to turn fire hoses and attack

dogs on nonviolent demonstrators in 1963. Connor, it should be remembered, had allies at the federal level, like J. Edgar Hoover. The head of the Federal Bureau of Investigation for several decades, Hoover led a campaign to discredit and destroy successively the civil rights movement (including personal attacks on Martin Luther King Jr.), the black student movement, and the black power movement. The coercive power of the state at all levels and in all regions targeted the black freedom movement throughout the first eight decades of the twentieth century.

In the post-civil rights movement era, the blatant use of the police force to “keep blacks in their place” has become legally indefensible, but the stain of racism is not yet erased. Today, under the banner of “law and order,” the criminalization of blackness is found in more routine forms of race-based policing. Whether walking to school, returning home, or driving, blacks are more likely to be stopped and questioned by the police. The 2011 statistics released by one of the nation’s most diverse cities—New York City—led to protests when it was revealed that 87 percent of individuals who were “stopped and frisked” by the New York Police Department (NYPD) were black or Latino. However, arrests were made in only 6 percent of the stops, and the vast majority of these were for nonviolent offenses (NYCLU 2012). Many of the innocent victims of stop-and-frisk describe harrowing experiences in which they were thrown to the ground and a gun put to their temple or they were brutally beaten by NYPD cops and then let go. The racial bias against individuals who were stopped appears to be the result of institutional directives, as revealed by a secretly taped conversation of a deputy inspector instructing a patrol officer to stop and frisk “male blacks 14–21” because they commit the most crimes (Gearty and Siemaszko 2013). And on a radio show in June 2013, former mayor Michael Bloomberg minced no words in defending the city’s stop-and-frisk program: “I think we disproportionately stop whites too much and minorities too little” (Chen 2013, A16).

The racially discriminatory drafting and enforcement of drug laws and the overpolicing of minorities have led to a skyrocketing number of incarcerated Americans: one in every fifteen black men and one in every thirty-six Latino men are incarcerated (Pew Center on the States 2008). At the end of 2013, blacks constituted the highest population of people incarcerated in state and federal prisons (549,100) (Carson 2014, 2). The Bureau of Justice Statistics reports that one in three black men can expect to go to jail in their lifetimes (Bonczar 2003, 1). The work of sociologist Becky Pettit (2012) reveals the very dangerous ramifications that mass incarceration has had on contemporary assessments of black mobility. Through an impressive analysis of evidence, Pettit details how federal statistical agencies and social science research studies consistently do not collect data on the

incarcerated or include inmates in household samples in national surveys. Thus, by not accounting for the incarcerated population, studies documenting social and economic growth in the United States conceal persisting racial and economic inequality and overstate the amount of real progress that has been made.

While Pettit contends that mass incarceration has rendered prison populations invisible to many researchers, they are hypervisible to corporations. As with the Jim Crow criminal justice system, the state and private corporations have profited from incarceration. Prisons partner with Fortune 500 corporations (e.g., IBM, AT&T, and Bank of America) to employ prison labor. The financial magazine *Fortune* recently revealed that the flexible prison workforce has attracted the interests of artisanal food companies in Colorado and California (Alsever 2014). Instead of paying a fair wage to inmates, the companies provide them with meager earnings and are provided with the cheapest labor possible. The state has also looked to inmates to fill positions in areas like firefighting that have been downsized as a result of federal cutbacks. For example, the California Department of Forestry and Fire Protection (CAL FIRE 2014) has the largest inmate firefighting program in the country: roughly four thousand prisoners who make up 196 crews.<sup>6</sup> But it's not simply prison labor that is exploited. One of neoliberalism's key policy interventions has been to make even prison services more "market-based." Today every aspect of prison care is commodified—basic food services are outsourced, bidding wars erupt over who will manufacture prison mattresses and sheets, prisoners' physical and mental health care needs are contracted out, and the operation of phone services goes to the highest bidder (R. Gilmore 2007; Herivel and Wright 2007; Wacquant 2009).

The most obvious manifestation of the neoliberal turn is the increasing operation of private prisons by companies that are publicly traded on Wall Street. The Corrections Corporation of America (CCA) is the world's largest prison company with a market capitalization of over \$2 billion. Only thirty years old, the company has reaped enormous profits by taking over and running federal and state prisons. In its 2010 annual report, CCA reassured shareholders, "We believe we have been successful in increasing the number of residents in our care and continue to pursue a number of initiatives intended to further increase our occupancy and revenue. Our competitive cost structure offers prospective customers a compelling option for incarceration" (United States Securities and Exchange Commission 2010: 16).

6. CAL FIRE (2014) is authorized to operate thirty-nine Conservation Camps in conjunction with the California Department of Corrections and Rehabilitation. The 196 crews are available to respond to all types of emergencies including wildfires, floods, search and rescue, and earthquakes.

The capitalist impulse to make a profit off prisoners has been so overwhelming that private individuals have attempted to follow the government's lead: in what has been called the "kids for cash" scandal of 2009, two judges from Philadelphia were found guilty in federal court of imposing harsh sentences on hundreds of juveniles in exchange for millions of dollars from Robert Mericle, a builder of two for-profit juvenile facilities in Pennsylvania. While the facts surrounding this particular case are disturbing, they are not surprising. Neoliberalism encourages individuals to choose wealth accumulation and the privatizing of services over human needs. Dehumanizing prisoners and viewing them as an untapped source of revenue rather than as people deserving of rights and dignity demonstrates an important similarity between Jim Crow and the contemporary neoliberal racial order.

### Racializing Debt

*We just went right after them.*

—Elizabeth Jacobson, former top-producing subprime loan officer at Wells Fargo

It is also important to understand that Jim Crow was propped up not only through political power but also through an iron grip on the economy. To make up for the loss of cheap labor after slavery ended, many white planters attempted to trap African American tenant farmers in a system called sharecropping or peonage. Under these conditions, African American tenants were loaned equipment and supplies until the cotton crop was harvested. Afterward, tenants were given a statement telling them how much they owed for supplies, how much the crop was worth, and the amount of the balance due. Planters almost always refused to provide itemized accounts of their workers' debts but continually maintained that tenants still owed money and could not leave. African American tenant farmers had very little recourse; instead, an unwritten law, often enforced through physical violence, established that no African American could leave until his or her debt was paid off. As a result of this debt regime, many plantations got richer and African Americans remained penniless (Litwack 1979; Wright 1986; Woodman 1995). Debt operated in the South as a way to buttress the economic and legal regime of Jim Crow.

The current debt crisis and different loan and lending rates to minorities are a reminder that this type of exploitation does not belong to a bygone era. In 2011 it was revealed that a number of major banks—SunTrust, Wells Fargo, and Bank of America—used race as a central factor in determining higher fees and interest rates during the housing boom. The discrimination was not isolated to one

city or state—it was systemic (over two hundred thousand minority borrowers were involved in the Bank of America case and over thirty-four thousand in the Wells Fargo case) and revealed that similarly situated blacks and whites received significantly different treatment, increasing the debt of the former far more dramatically than that of the latter. Specifically, the Department of Justice (DOJ) found that these banks *both* steered minority borrowers into costly and dangerous subprime loans *and* charged them higher fees. Brokers steered home buyers into subprime loans even when they qualified for lower-interest prime loans because brokers could earn a higher commission on subprime loans.<sup>7</sup> Signed court affidavits from former Wells Fargo loan officers paint a portrait of a company that preyed on minority housing debt. “The company put ‘bounties’ on minority borrowers,” Tony Paschal a former loan officer revealed. “By this I mean that loan officers received cash incentives to aggressively market subprime loans in minority communities” (*Mayor and City Council of Baltimore v. Wells Fargo Bank*, 631 F. Supp. 2d 702 (D. Md. 2009), Paschal Aff. at 6). The practice was so prevalent in working-class black communities that Wells Fargo loan officers referred to subprime loans as “ghetto loans” and strategized about how to infiltrate African American churches to exploit vulnerable black families who wanted to buy homes.

Simply looking black or brown could lead a borrower to a higher interest rate and more debt in the twenty-first century. The discrimination was so rampant that the DOJ sued Bank of America and Wells Fargo for their predatory lending practices, and in the first- and second-largest fair-lending settlements in the DOJ’s history, Bank of America agreed to pay \$335 million and Wells Fargo agreed to pay \$175 million. In its investigation the DOJ found that, compared to whites with similar profiles, highly qualified black borrowers were four times as likely, and Latino borrowers three times as likely, to receive a subprime loan from Wells Fargo (*United States of America v. Countrywide Financial Corp., et al.*, No. CV11-10540, C.D. California, Filed Dec. 21, 2011). Discrimination was so persistent that Thomas Perez, assistant attorney general for civil rights, stated that these discriminatory lending practices amounted to a “racial surtax.” The similarities between Jim Crow-era racism and the contemporary moment were not lost on Perez, who continued: “People with similar qualifications should be

7. Some loan officers received anywhere from \$600,000 to \$1 million in commissions for securing subprime loans. Subprime loan rates can range from only 1–2 percent to over 10 percent higher than the cost of a conventional/prime loan, depending on a lender’s rates and the borrower’s credit history. See *Mayor and City Council of Baltimore v. Wells Fargo Bank*, 631 F. Supp. 2d 702 (D. Md. 2009), Jacobson Aff. at 5.

treated similarly. They should be judged by the content of their credit worthiness and not the color of their skin” (United States Department of Justice 2012).

While history making, these legal settlements came too late for the countless minority borrowers who had already lost their homes. The short-term impact for those who were able to meet the higher interest rates and fees has been a loss in income and savings. For example, a homeowner who was steered into a \$165,000 subprime mortgage instead of a prime mortgage—with a difference of three percentage points in the loan rate—would have to pay more than an additional \$100,000 in interest. Foreclosure rates on those who could not meet their subprime loan payments quintupled from 3.3 percent in 2005 to 15.6 percent in 2009 (Barr, Dokko, and Keys 2011). The impact on credit access for blacks whose homes the banks foreclosed on has “wiped out a generation of economic progress,” according to one expert (Mui 2012), and will likely have longer-term consequences on education and future investment opportunities.

From our vantage point, the operation of an exploitive credit-debt system is endemic to modern capitalism. We argue that a racist debt regime operated during Jim Crow and operates in the present, as a project of the upper, landowning classes to reverse the setbacks they suffered, first during Reconstruction and then during the era of Keynesian welfare, by entrapping the working class in a cycle of debt (Hirsch 1983; Taylor 2012; Connolly 2014c). To be clear, we are arguing not that these two systems of debt are identical but only that analyses need to be more attentive to the way the credit-debt system has contributed to the subordination of blacks under the guise of capitalism. Even when it was clear to many that the housing boom would crash, investment bankers from the top banks on Wall Street continued to buy up more risk and to profit by betting against these “subprime” borrowers’ ability to pay. Through the creation of options and derivatives, Wall Street investors hedged their bets and reaped huge monetary rewards during the foreclosure crisis, while working-class minorities defaulted on payments and lost their homes and their futures. This spectacular display of profit maximization even at the expense of eviscerating the personal savings of blacks at the bottom rung of the economic ladder is consistent with the logic of neoliberalism. Black labor/wealth continues to provide a reliable opportunity for converting economic vulnerability into monetary gain.

These travesties are prime examples of the neoliberal racial order. The fact that financial institutions are the principal actors in perpetuating black economic subordination is representative of a general pattern of the financialization of the economy and of mega financial institutions engaging in predatory practices that further inequality. The transformation of the black church, once an important

site for black political organizing in the nineteenth and twentieth centuries, into a vehicle used by banks to promote subprime loan travesties is an example of the degree to which neoliberalism has penetrated black politics (Powell 2009). A *difference* between the crushing debt of the Jim Crow era and the current neoliberal racial order is that debt during the previous era was tied to blacks' roles as *producers* in the economy—specifically, first as agricultural workers (primarily sharecroppers) and then during Jim Crow as industrial-sector urban workers (heavily concentrated in unionized manufacturing). In this era, the debt is primarily tied to blacks' roles as *consumers*.

In this section we have sought to lift the veil on the similarities relating to the criminal justice system and debt in the contemporary era and during the era of Jim Crow. Yet it is as important, if not more so, to examine the differences, as we demonstrate in the next section.

### **The Neoliberal Racial Order**

While there are similarities between this era's racial order and that of the Jim Crow period, there are also profound differences. Racial orders change over time as the political economy and the institutional context of race change. A critical transformation marking the transition to the neoliberal racial order was that numerous mechanisms for maintaining and reproducing white supremacy moved from the state sector to the economic sector and civil society.

The shift to a neoliberal racial order in the United States was marked by changes in the economy, particularly the move from a manufacturing-based Fordist economy to a service-based economy within which financial interests were dominant. This shift had the effect of generally undercutting the wages of labor and reducing the political power of unions. Further, the civil rights, black power, and other antiracist movements of the decades that followed World War II were aimed at dismantling Jim Crow. This dismantling process also led to a major shift in the racial order. For example, during slavery the economy was the central aspect of the racial order, with the state and civil society in secondary, but critical, supporting roles. Walter Johnson (2013: 244) forcefully demonstrates the degree to which slavery was at the center of the Atlantic economy when he explains that “the daily standard of measure to which slaves in the Mississippi Valley were held marked the conceptual reach of the global economy in the first half of the nineteenth century: lashes into labor into bales into dollars into pounds sterling.” Johnson (*ibid.*: 254) continues in more blunt terms: “In actual historical fact there was no nineteenth-century capitalism without slavery.” During Jim Crow,

the state—using coercive, institutional, and ideological components—played the dominant role in maintaining and reproducing white supremacy, with the economy and civil society playing massive but secondary roles within the racial order. What was unique about the Jim Crow racial order was that, more than either the slavery racial order or particularly the neoliberal racial order, it appeared to be imposed from above by the state. Yet while in the other two orders, civil society and the economy had or have larger roles than the state, they nonetheless were or are also racial orders serving to maintain and reproduce a system of white supremacy.<sup>8</sup>

In this neoliberal period, due to black and other antiracist movements' victories against the Jim Crow state, relative power has shifted once again, and the main locus of power has been balanced primarily between the economy, civil society, and, to use Louis Althusser's (2001 [1971]) phrase (building on Antonio Gramsci), the ideological apparatuses of the state.<sup>9</sup> In this period, coercion is exercised through increasingly unregulated markets and the administrative arms of the state, with the police and other coercive arms—particularly the components that comprise the new surveillance state—in reserve. Neoliberalism provides putatively “raceless” regulations combined with massive levels of unemployment and incarceration that reinforce white supremacy, particularly for the black poor, across all domains. The result is a racial order that maintains white supremacy but is much more insidious, since it is now cloaked in the scientific trappings of neoliberalism.

Neoliberal ideology provides individualist-grounded, competition-driven, market values for attacks on mass politics, notions of solidarity and cooperation, and collective mutual responsibility. A fierce campaign was launched to regain hold of ideological centers such as the arts and education and to compel them to adhere to market standards and values. Some of the most egregious examples come from the Southwest. In Arizona there has been a war in K-12 education, with the state school board launching an attack on ethnic, particularly Chicano, studies. In 2015, the Texas State Board of Education approved social studies textbooks that downplayed both slavery and Jim Crow segregation. This attempt to regain control of what occasionally (particularly during the 1960s and 1970s) were centers of

8. It is beyond the brief of this essay to undertake a detailed analysis of a historically grounded theoretical analysis of the relationship between race and class. That task is left for future, later works of ours. For a useful recent set of comments on this question, see Chen 2013.

9. For Althusser, the nonrepressive components of the state are its institutional apparatuses including the church, educational institutions, and political parties, among others. Like the repressive apparatus, they have both an ideological and a coercive side; however, it is their ideological side that is dominant.

opposition to the dominant ideology has led to attempts to materially and ideologically restructure these institutions along market lines that make it extremely more difficult for them to criticize either white supremacy or rogue financial capitalism. This attempt to regain control over the discourse within movements and institutions has also been aimed at black communities.

As numerous black theorists, activists, and scholars have argued, the black movement has historically been a key site for criticizing white supremacy, the excesses of capitalism, and American military interventions abroad (see, e.g., Dawson 2001). Not only did the black movements of the 1960s have to be crushed, but, also as important, black discourse and sites of alternative political training and education—including black studies programs—had to be redisciplined. The repressive arm of the state was brutal, murderous, and efficient in suppressing black movements. However, the longer game has been the disciplining of black discourse, and the key tool for doing so has proved to be neoliberal ideology (which has incidentally played a similar role in the labor movement). For blacks, what was “obvious” (to echo Althusser), or, in Habermasian terms, what were the “agreed-upon patterns of interpretations” or what was the “storehouse of unquestioned cultural givens,” did not exist for blacks in the same way that it did for the vast majority of white Americans, and thus blacks were far more likely to challenge white supremacy and dominant rule during the slavery and Jim Crow racial orders (Habermas quoted in Dawson 2011: 5). It was not the discovery that the emperor had no clothes—for most blacks, the naked cruelty of the US system was intuitively obvious to the most casual observer. It was this widespread belief among blacks that black neoliberal ideology unsettles.

Today neoliberal ideology has an easier task given the state’s ability to convince critical segments of black elites that the brutality that characterized white supremacy in the past has been civilized, if not completely eliminated.<sup>10</sup> Since the beginning of the twentieth century, many members of the black middle class have been prone to view poor black communities as at least somewhat pathological and responsible for the problems these communities have faced. Thus there was fertile ground for the neoliberal argument that the black poor were culpable for their own

10. The current division in the Congressional Black Caucus (CBC) concerning cutting key financial reforms is emblematic of the power of neoliberal ideology on the black elite. At the end of May 2014, it was revealed that a number of CBC members were supporting measures that were championed by Wall Street and widely viewed as harmful to the middle class and poor black communities (Carter and Grim 2014). The situation deteriorated so much that Maxine Waters, representative from California and the most senior Democrat on the House Committee on Financial Services, voiced public concern about the actions of certain CBC members.

poverty and disadvantage and that the state and political approaches were unlikely to be efficacious. The recasting of the black poor as “undeserving” was simultaneously accompanied by the elevation of a substantial sector of black elites. Once again, they were labeled as part of the talented tenth—a black elite that was far distanced not only from the black poor but also from their natural leaders. The emphasis among current black leaders of their educational and business credentials, as well as their technical expertise, not only is consistent with contemporary neoliberal moral values but also cloaks their own ideological position. The growth of a powerful black elite that embraces neoliberal policies and ideology is a powerful force for attacking progressive black political traditions—black political traditions that themselves had proved to be valuable resources for the twentieth-century assault on Jim Crow.

It should be emphasized that the dismantling of state-sponsored white supremacy—Jim Crow—was a monumental victory for democracy in the United States. Yet this victory, particularly when coupled with the transition to neoliberal hegemony, presented new difficulties for black political movements. Jim Crow provided a massive visible target that simplified the task of forging a black political agenda and provided material and symbolic foundations for the formation of a decades-long black united front across classes. While there was always more political difference across class than many commentators on the twentieth century acknowledge, the case remains that multiple black movements were firmly oriented toward dismantling Jim Crow throughout the United States in various sectors including the military, the workplace and labor markets, educational institutions at all levels, and within the formal political institutions of the state. Ideological, political, class, and gender-based differences that had bubbled under the surface (although often erupting spectacularly during some crises) began to dominate black politics as the civil rights movement’s victories were won, and the limitations of those victories became increasingly manifest in the mid- to late 1960s. By the mid-1970s, the widely accepted agenda on black political goals, strategies, and tactics had severely fractured. During the 1980s, it was clear that large segments of affluent blacks had opted out—either consciously or subconsciously—of the increasingly difficult struggle to eliminate the effects that a revamped white supremacy had on the most disadvantaged members of black communities (Reed 1999; Cohen 1999; C. Johnson 2007; Dawson 2011). Particularly susceptible to neoliberal arguments were black leaders, intellectuals, and organizations that either were predisposed or came to believe that cultural pathologies of the underclass were substantially responsible for persisting black inequalities.

At the same time, the targets of those who continued the fight against white

supremacy became ever more elusive. It was no longer primarily the state and its institutions that inscribed white supremacy openly in its legal code and institutional practices; the enforcement and replication of white supremacy was now mainly the work of multiple key discriminatory markets (in the twenty-first century these include labor, loan, real estate, and retail markets) and the formal and informal actions of both the organizations of civil society and individual citizens.

Concurrent with the move of white supremacy's enforcement to civil society was the savage victory of neoliberal policies and ideology. Elsewhere we describe in detail the implications of neoliberal hegemony for black and racial politics in the United States (see Dawson 2011). We note here that critical aspects of neoliberalism include the adoption of race-neutral language that masks the violent intensification of racial as well as economic inequality. Technical language replaces overtly racist language for justifying policies that exacerbate the exploitation of working people and the poor as well as continued racial and gender discrimination (Dawson 2011). The state remains complicit in reproducing systematic racial disparities and enforcing white supremacy. While the overt economic mechanisms of discrimination are found in the languages of civil society, negative liberty, and technical expertise, it is still the coercive arm of the state—the police, the courts, and the massive prison system—that remains the all-too-visible and potent bastion of white supremacy. Whether it is a system that sanctions the killing of unarmed black youth by modern racist vigilantes such as Zimmerman or the deadly school-to-prison pipeline, the state plays its own role in keeping blacks in their place in good neoliberal, “race-free,” and economically profitable fashion.

Yet the lure of desire as presented by neoliberal dystopian fantasies of professional advancement and consumer fulfillment has proved extremely seductive to many, particularly the upper-middle class and aspiring populations around the world. The only requirement of the Faustian bargain is that one must be willing to give up antiquated notions of equality for all and helping those who, because of their own “pathologies,” find themselves in severe straits. W. E. B. DuBois, Ella Baker, King, and countless other black leaders and activists, often themselves members of the black upper-middle class, had frequently chastised their class cousins for being reluctant to support and, in some cases, outright oppose the twentieth-century black freedom struggle. What is different under neoliberalism, however, is the extraordinarily massive embrace of the abandonment of mass organizing and politics more generally, other than the most vapid electoral politics and interest group lobbying; the elevating of questions of technique and prudence over those of justice; and the elevating of market values, principles, and ideology over all competing (and usually more just) claims by a wide swath of black leaders,

intellectuals, and organizations. Further, a key aspect for delineating the differences between the Jim Crow racial order and this neoliberal racial order is analyzing the specific effect of the broad neoliberal regime on black political practice. Specifically, in the next section we examine how black neoliberals have adapted broad neoliberal ideology, practices, and policies to “fit” within the contours of black political discourses.

### Black Neoliberalism

There are some distinguishing features of neoliberalism as adapted by black adherents. For black neoliberals, “legitimacy” is grounded in an individualism where hedonistic, consumerist, capitalist actions/achievements are often celebrated as advances in the crusade for black progress and *an actual vindication* of the sacrifices and struggles of the past. Black forms of neoliberalism come in various flavors. As Michael C. Dawson argues in *Black Visions* (2001) with respect to political ideologies, there is a long tradition within black politics of adapting ideologies found within mainstream political discourses and politics to the needs and forms of black politics. This is no less true of neoliberalism than it was (or *is* in some cases) for nationalism, feminism, Marxism, or liberalism. One of the flavors of black neoliberalism is the “celebratory” version, which is marked by an “up from the hood” (instead of “up from slavery”) narrative. This narrative uses the often harsh childhood conditions faced by “celebratory” black neoliberals for the grounding of their authenticity claims. Another flavor is the “progressive” version of black neoliberalism. Its adherents embrace the great majority of neoliberal policy and ideological planks, but they view the plight of disadvantaged blacks as a central policy concern and argue for the state’s continued role in addressing the problems of the poor. This is a hybrid version, since the role of the state *does not* conform to neoliberal policy and ideological viewpoints. Obama exemplifies it in a weak form, producing an incoherent policy that is mainly neoliberal but with some desperate and highly watered-down Keynesianism thrown in.

The celebratory version of black neoliberalism emphasizes self-reliance, excessive consumerism, and individualism. Jay Z’s music career exemplifies it. From the very beginning, Jay Z has promoted a vision of success that is directly tied to the economic exploits of others. On “Can’t Knock the Hustle,” the title track of his first album, he raps: “Thieving, as long as I’m breathing / Can’t knock the way a nigga eating.” Years later, on the 2003 hit song “Moment of Clarity,” he addresses criticism that he is not a “progressive” rapper, explaining, “I dumbed down for my audience to double my dollars,” and later in the song he admits, “Truthfully I

wanna rhyme like Common Sense / But I did 5 mill’—I ain’t been rhyming like Common since.” The rationale is straightforward: the system is stacked against poor blacks, particularly poor black men, thus the market is the only way up and out of poverty. Finally, “Watch Me,” from his latest effort *Magna Carta Holy Grail*, released on Independence Day in 2013, provides another example of black nihilism (to use Cornel West’s phrase [1993: 17–31]) defense of predatory economic behavior, whether slinging crack in the hood or securing lucrative corporate partnerships, for example, with Samsung (which bought a million copies of the album before it was even released). According to this celebratory version of black neoliberalism, one should focus on gaining personal wealth and indulging in its excesses by whatever means necessary. That this topic has remained at the center of Jay Z’s rhymes from 1996 to today (and that millions of people consume his albums) is evidence of how much it resonates with a significant portion of the population. The absurdities of the authenticity claims made by some adherents of this form of black neoliberalism were apparent when Jay Z started selling “Occupy Wall Street” T-shirts through his Rocawear clothing line, keeping all the profits for himself, while refusing to publicly support the Occupy movement. This behavior would have been akin to that of a popular black entertainer of the 1960s selling T-shirts that portrayed King’s Poor People’s Campaign, keeping the profits, while refusing to support the goals of the movement.<sup>11</sup>

An example of the progressive version of black neoliberalism can be found in perhaps the most famous speech from Obama’s 2008 campaign when he was forced to address the public uproar over remarks made by Jeremiah Wright, reverend of Trinity United Church of Christ, where Obama was a member. Obama (2008) argued in his March 2008 “race speech” in Philadelphia that the politics “of the past” are labeled as dangerously anachronistic. Wright espoused a combination of black radical, black nationalist, and anti-imperialist ideologies that was, and more importantly *is*, well within the mainstream of black political traditions. Obama’s attack on Wright was consistent with the black neoliberal strategy of civil rights erasure—the relegation of the goals and strategies of the civil rights movement to a faraway past and a belief that the strategies honed during this historic period provide little value to address contemporary racial inequalities. During

11. It should be noted that many black elites at the tail end of the civil rights movement harbored not so private doubts about the increasingly anticapitalist focus of King’s rhetoric and organizing during the last year of his life, including his plans for the Poor People’s Campaign, which were considerably more militant than what occurred when the march was launched only after his assassination on April 4, 1968. None, however, tried as blatantly to benefit financially from the movement, despite their doubts.

his speech commemorating the fiftieth anniversary of the March on Washington, Obama (2013a) praised the heroes of the civil rights movement. In a rhetorical sleight of hand, he ended the speech by stating that raising one's children, paying a decent salary, and performing other private, voluntary acts were the equivalent of marching. This was Obama's answer for how to confront the unfinished business of the present—not to call for the collective action and robust politics of black political traditions, not to demand that the state live up to its responsibilities and that movements organize to demand that states and corporations keep their side of the social contract, but to blame and burden those least able to deal with the continued, if evolving, structural inequities that generated movements half a century ago and need to (and are) generating new types of movements today. When we combine this revisionist civil rights narrative with the March 2008 campaign speech where Obama blasted black political ideologies as embodied in Wright's remarks, we see the double move of attacking the relevancy of militant movements of the past while simultaneously using the heroic legacy of those same movements to absolve the state of responsibility today.

So why did so many black elites, including many political elites and, more generally, large segments of the black middle class, abandon black insurgent ideologies while embracing neoliberal ideology? There is a push and a pull. The push is the fact of crime and violence in black communities combined with the ideological demonization of the black working class and the poor that has occurred within and outside of black communities since the 1980s. There were the massive "welfare queen" attacks of the Reagan era pushed by black conservatives (and some liberals) throughout the 1990s, the trumped-up public fear of a black supercriminal, and the attack on black HIV victims that mostly focused on the black poor. Intellectually, scholars revived and updated culture of poverty theories and attacked structural explanations of black poverty that emphasized systemic failings instead of individual or group pathologies when explaining black disadvantage. In sum, what Cathy Cohen (1999) has theorized as a massive process of secondary marginalization combined an intersectional attack by black elites and intellectuals along lines of class, gender, and sexuality. As policies were criminalizing the black poor (through the war on drugs and other travesties) and allowing the murder of black children (through stand and defend laws), discourse was demonizing the black disadvantaged.

There is another push factor that even the staunchest progressive activist of any race finds hard to ignore. Neoliberalism often allows small segments of communities to be helped through community/voluntary action and activists' searches for best practices and policies. This would be a necessary process during any

period—and we need more, not fewer, of these efforts, whether in education, housing, public health, working with street youth, or other similar initiatives. However, under a neoliberal paradigm, the danger can be in settling for aiding just one relatively small community or even region without engaging in struggle to extend the benefits of these programs to the vast majority of underserved communities. Educational initiatives in many black communities fit this pattern. Heroic and often successful attempts are made on behalf of disadvantaged black and other poor children. Yet in some of these programs, these initiatives are explicitly counterpoised to political struggle that could extend these programs to larger numbers of poor children or are pursued in a manner that puts them into conflict with important potential allies such as teachers' unions.

But desire plays an even more powerful role in pulling some blacks toward neoliberalism. There are psychic and material benefits. In addition to decent incomes, there's the constant drone of being told that you are special, exceptional, and unique. The white version is that some young black person, usually male, is anointed as the exception and “the best of his race” (to use anachronistic language whose meaning is still used, even if those terms are not). This language is heard in college, high school, and often in graduate or professional school. This language is also applied to select athletes and artists. While this chosen group is often talented, it is not the talent but the exceptional quality of one's status that is emphasized. Yielding to this narrative can be extremely rewarding; it pays and it is good to be told (and often believe) that you are the talented—the deserving exception. The black version of this premise is the talented tenth, which has been resurrected by the duo of West, a leftist minister and scholar, and Henry Louis Gates Jr., his former colleague and black entrepreneurial academic par excellence, in their book *The Future of the Race* (Gates and West 1996). Going back to DuBois's early notion, black leadership is the art of those who are the best of the race governing and ruling—shaping the policy and beliefs of the masses—and is the privilege and duty of black elites (Gooding-Williams 2009). A key question of the DuBois/Washington debates was which set of black elites would rule over the black “masses” (to use DuBois's terminology), which black elites *should* rule. As then, today's debate in part is whether the entrepreneurs or the intellectuals should guide black life.

All of the above demonstrate that, while it is clearly the case that we are nowhere near achieving a postracial society (or state or economy), we cannot claim that the logics of the *current* racial capitalism are the same as those of Jim Crow or earlier racial orders. The state no longer mandates racial discrimination, but the economic powers that be, the organizations, networks, and publics of white

civil society, and the coercive arm of the state still work explicitly and implicitly, consciously and unconsciously, to maintain a new form of white supremacy. It is therefore necessary to analyze the logics of this era's racial capitalism.<sup>12</sup>

### The New Political Economy of Race

*In this new period the expectations of the Negro Americans will go beyond civil rights. Being Americans, they will now expect that in the near future equal opportunities for them as a group will produce roughly equal results, as compared with other groups. This is not going to happen.*

—The Moynihan Report, 1965

Any analysis of the differences for blacks between the two eras should also have as a central analytical feature the difference in blacks' relationship to the labor market, and matters of political economy, more generally. During both the slavery and Jim Crow eras, black labor—while ruthlessly exploited first through slavery and then through the sharecropping and other economic arrangements of Jim Crow—was central to capital accumulation and economic growth in all regions of the country. By the last stages of Jim Crow, blacks were the most urban and most unionized population in the United States and had the highest levels of representation in the manufacturing and public sectors of the labor market. While the concentration of blacks in these sectors during the mid-twentieth century led to a substantial growth in the incomes of black families, it also left blacks particularly vulnerable to the neoliberal restructuring of the global economy that was occurring at the same time that the civil rights and black power movements

12. These are not the only differences between the eras that have reshaped the racial terrain. For example, in addition to the massive changes in black life and politics outlined above, there have been other huge transformations of the racial terrain during the post-civil rights era. The post-1965 large-scale immigrations from primarily, but not exclusively, Latin America and Asia resulted in a massive reworking of the racial terrain. First, the somewhat overemphasized black/white orientation of race in the United States no longer dominated racial discourse, politics, or the structuring of civil society. Second, the relatively reliable alliances of blacks, Asians, and Latinos that were instrumental in the fight for racial justice during the third quarter of the twentieth century were no longer as readily available due to the new immigrants' lack of experience in working with black activists as well as a lack of sufficient opportunist leadership in virtually all nonwhite populations who were willing to fan the flames of interracial conflict among people of color to further their own individual self-interest. It is also the case that, as with blacks and whites, Asians and Latinos have also been influenced by conservative accounts of black poverty and disadvantage, making some from these communities more leery of political alliances with particularly poor black communities. Anti-immigration rhetoric has similarly influenced opinion among African Americans, even though research has shown that blacks are not economically harmed by increased immigration.

were beginning to wind down (Stein 1998; Darity and Myers 1998; Panitch and Gindin 2012).

Neoliberal transformations of the economy and state policy are best understood in the context of a post–World War II elite consensus that American national interests could best be served by a massive expansion of the system of global capitalism. The Keynesian version of this system collapsed during the 1970s in the face of domestic unrest, international turmoil, and economic crisis. The new neoliberal economic regime that consolidated in the 1980s was marked by the twin phenomena of a global division of labor that saw manufacturing shift from the global North and the West to the global South and the former Warsaw Pact countries and an overwhelming American dominance of the increasingly central system of global finance.

A consequence of the shift to a neoliberal regime for the US economy was an economic and ideological shift from production to (conspicuous) consumption fueled by massive consumer debt. Those at the top of the economic ladder in particular embraced lifestyles of conspicuous consumption where, from the 1980s until the financial crisis of this century, the rich wanted more and many of the rest of us wanted to be rich. In the middle and working classes, another dynamic was at work. Massive credit was used to buffer families from a declining economy and simultaneous and increasingly effective attacks on the social safety net. Indeed, the shift to a consumption-driven economy is partly at the root of the current crisis. Home ownership is the basis for household wealth for the great majority of Americans. As the mortgage market collapsed, between mid-2007 and 2008, American households lost 22 percent of their wealth (\$14 trillion), and at the same time 3.3 million jobs disappeared (Panitch and Gindin 2012: 318). Another devastating economic consequence was that involuntary part-time employment nearly doubled between mid-2007 and early 2013 (Lambert 2013). These losses led to great increases in poverty rates for families with involuntary part-year workers. The effect of involuntary part-time work was particularly devastating for households headed by black or Latino women, since they had poverty rates over 55 percent (*ibid.*). Welfare reform exacerbated all of these trends by transferring the responsibility of providing a social safety net from government agencies to private households and charities.

Another form of white privilege that reinforces black inequality in the labor market originates in the networks of white civil society. Sociologist Nancy DiTomaso (2012, 2013) shows how white “favoritism” in labor reproduces racial inequality in the labor market. Seventy percent of the white workers she interviewed got their jobs through personal acquaintances and networks. They

reserved jobs for “people like them” (DiTomaso 2013). Indeed, DiTomaso (ibid.) argues that, with respect to her respondents’ opposition to affirmative action, “the real complaint is that affirmative action undermines long-established patterns of favoritism” and “blocked their own privileged access” to jobs. Tellingly, it was the *least* qualified white workers who were most resistant to affirmative action, since they were the ones who *most* needed the network-generated access to decent jobs. This process differs from the racial labor regime of Jim Crow in two ways. First, what does the work of reproducing racial inequality is *not* overt racial discrimination but the reliance on personal ties to other white people who do “favors” for families and friends. Given the continued segregation of America, by and large blacks are not in the friendship and other key networks that generate job referrals for large majorities of white job seekers. Second, and relatedly, neoliberalism’s race-neutral language (if not practice) facilitates white respondents’ belief that they achieved their position in the labor market due to hard work and merit, while it condemns blacks for bringing race unfairly into the labor market through support for affirmative action and similar programs.

The transition to neoliberalism has had other dire consequences for black workers. The wholesale detachment of blacks from the labor market due to neoliberal state and corporate policies led black labor force participation to decline from 63 percent in 1970 to 49 percent in 1991 (Darity and Myers 1998). Black labor force participation rose during the 1990s, but, as Bruce Western (2006) argues, this observation is mostly illusory since it does not account for the mass incarceration of black men, and even by official standards the black labor force participation rate has declined precipitously since the beginning of the century and is forecast to decline even further. Whole neighborhoods changed from production to consumerism as black working-class communities were decoupled from the labor market (Dawson 2011).

Huge proportions of the black working and middle classes were thrown out of the working class into the lumpen proletariat as a result of those processes. As Sudhir Venkatesh (2006) empirically describes, and Lauren Berlant (2008) theoretically explores, the result of this shift was that large sections of the American populace were consigned to an existence where mere survival was seen as a victory and politics was a luxury. While these populations could be temporarily mobilized for electoral purposes due to outrage at the latest travesty, long-term sustained campaigns to bring about change have been much harder to mount. The hollowing out of the state and the dismantling of the social safety net exacerbated these effects. As Tommie Shelby (2007) has persuasively argued, the

basic arrangements under which the “dark ghetto” was produced and continued to be maintained are fundamentally unjust and call for indigenous militant movements in order to secure the material necessities of life, which are also necessary for the participants’ human dignity and the opportunity to fully develop their potential.

Thus the economic world of the era of neoliberal hegemony is extremely different from that of even late Jim Crow. Since the economic gains that blacks made during the late Jim Crow period and the civil rights movement era (approximately 1950–70), there has been under neoliberalism a reworking of blacks’ relationship to the economy with disastrous results, particularly for working-class and poor blacks whose very bases for economic success—the public sector and manufacturing—were no longer vehicles for black economic survival, let alone for black economic growth and social mobility.

## **Conclusion**

*And we know that we have no future in a society in which 6 million black and white people are unemployed and millions more live in poverty. Nor is the goal of our civil rights revolution merely the passage of civil rights legislation. Yes, we want all public accommodations open to all citizens, but those accommodations will mean little to those who cannot afford to use them.*

—A. Philip Randolph, opening remarks, 1963 March on Washington

It has been the claim of this article that a neoliberal racial order has emerged in black politics in which racial divisions have become magnified in economic policies and civil society and that we must understand how this has happened to properly formulate strategies to battle persisting racial inequalities. While the accepted logic among many is either that we have pushed past the vestiges of racism or that we are in a New Jim Crow era, we believe that both views are inadequate to describe the contemporary landscape because they rely on a fictionalized view of equality that is contingent on politics and law and neglects the economic sphere. The neglect of the economic sphere has led to manifest inequalities in the contemporary era that have taken shape through neoliberalism and undercut the larger quest for civil rights.

This article also serves as a cautionary tale about the way marginalized groups construct rights movements. Often missing in the triumphant stories we tell about civil rights is recognition of what goals were left out. Available accounts of the civil rights movement often treat it as inevitable that the movement pursued a

political- and legal-centered agenda—but this was not a foregone conclusion in the formative years of the movement. As many scholars have documented (Kornweibel 1975; Biondi 2006; G. Gilmore 2008; Moses 2004; Wright 2013; Francis 2014), at the end of the nineteenth and beginning of the twentieth centuries, African Americans were fighting for a vision of civil rights that viewed economic justice as a foundational goal—even ahead of the now famous objective of educational equality. In the first half of the twentieth century, critical cost-benefit decisions were made in which the goal of economic justice was submerged and civil rights were redefined along the more narrow lines of formal political and legal equality. Many activists argued that it would be easier to fight along this front and that if political and legal rights were secured, then surely economic equality would follow. Now, with the benefit of retrospect, we know that this belief was the idealism of certain movement leaders and that racial divisions have become entrenched and continue to fester through neoliberal policies.

While we have bemoaned the way racism has flourished in economic policies, our goal in this article has been not to paint a completely dismal portrait of the political landscape but to point a way forward in the modern era. Economic justice must have a prominent place in the larger rights agenda if this nation is to achieve any real progress in the future. More and more activists and intellectuals are coming to this conclusion. It is not surprising that in the wake of the predatory subprime policies of this nation's major banks, black historians (Franklin 2012) are rekindling the demand for a reparations "superfund" funded by the penalties imposed on the banks for their preying on communities of color. It is also not surprising that public opinion evidence reveals that grassroots blacks continue to support reparations despite massive opposition from white Americans (Dawson 2001, 2011). And last year, a lively public debate about reparations was stirred when Ta-Nehisi Coates wrote a 16,000-word cover story in the *Atlantic* magazine (Coates 2014; McWhorter 2014; Linker 2014; Connolly 2014a, 2014b). While a black movement built on reparations may or may not be the right tactical move at this time, the continued support for reparations among blacks clearly is symptomatic of both a deep belief that blacks continue to experience systematic racial disadvantage and a failure of contemporary black politics that has not been capable of building sustained movements to oppose white supremacy in this neoliberal era. Movements that do not depend on the electoral system must be built if these problems are to be addressed.

Yet the social and economic basis of the black movements of the 1960s and 1970s depended on the black working class, particularly the segment deeply involved in labor organizing, indigenous black middle-class organization and relative eco-

conomic solvency, and stability in black communities.<sup>13</sup> Scholars such as David Scott, in *Conscripts of Modernity* (2004), argue that we need to guard against nostalgia, against adopting the old “romanticism” that dominated twentieth-century black politics worldwide. Scott urges that such a nostalgic move is dangerous in this “tragic” postcolonial (or, in the US context, post–civil rights) era. We agree with Scott that we cannot mechanically apply the lessons from a past era dominated by a different racial order if we wish to be successful. We disagree, however, in that we believe that there *are* lessons from the past that can be usefully adapted for these times. We certainly can learn from the militancy, radicalism, and steadfastness of past black movements. Yet any political movement today could not depend on that social and economic basis or even the basic centrality of black labor to the economy. Any future political program will have to take the economic realities of this neoliberal era as its starting point—not the assumptions that were based on the Fordist economic regime of the mid- and late Jim Crow era.

Much has happened since this article was submitted and then accepted during the summer of 2014. We have been regularly inflicted with images of savage state and white extremist violence directed at individual blacks such as Walter Scott, peaceful protesters such as those chanting “black lives matter” on the streets of Ferguson, Missouri, and black institutions such as the tragic massacre at Emanuel A.M.E. in Charleston, South Carolina. At the same time that we have witnessed the racist violence directed at black people and black institutions, astute observers have commented on the underlying neoliberal economic policies that have exploited and oppressed black communities from Ferguson, Missouri, to Baltimore, Maryland. More and more blacks are realizing the violent consequences of predatory capitalism. Not only has the underlying economic logic of the neoliberal racial order been exposed but the ideological apparatus has also become increasingly shrill as it continues to reject claims that racial oppression and exploitation in the US are systemic. Fortunately, new leaders like the individuals behind the #BlackLivesMatter movement have emerged to challenge the moribund leadership of the black neoliberal elite who no longer have the answers demanded by the masses. The ownership by young people has led to a decentralized movement

13. By indigenous black middle-class organizations, we mean black organizations that had a middle-class social base tied to providing goods and services to the black community. During the late nineteenth century and the first three quarters of the twentieth century this was the primary economic base for the black middle class and politically was often strongly allied with the black working classes within social movements for racial justice. The post–civil rights movement black middle-class is much more diversified and, specifically, much more integrated into the mainstream US economy.

that holds itself accountable to marginalized black communities, resists (for now) the allure of capitalist co-optation, and actively seeks to connect injustices felt by blacks to other struggles for justice.

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