Zoe Hansen
Professor Renatta Fordyce
AAS 138
14 May 2024

Social Foundations: The Construction of Black Women as Subjects for the Carceral State:

The construction of Black women as subjects for the carceral state rests on a foundation of systemic enfleshment, and associations of Blackness with criminality, laid in the era of Transatlantic Slavery when the concept of race was still being built to support a racialized slave trade. Although the building blocks forming this foundation are complex, the conversation between Hortense Spillers' "Mama's Baby, Papa's Maybe: An American Grammar Book", Khalil Gibran Muhammad's "The Mismeasure of Crime", Sarah Haley's "Carceral Constructions of Black Deviance", and the 2012 documentary, *Out in the Night*, provide clarity through nuanced analysis of how their systemic enfleshment, the vulgarization of violence against them, and the commonality of their categorization as abject figures contribute to the construction of Black women as subjects for the carceral state.

In her 1987 work "Mama's Baby, Papa's Maybe: An American Grammar Book," Spillers discussion of a 1781 slave ship document categorizing Black bodies as goods of different sizes provides a starting point to trace the systemic enfleshment of Black women back to the ungendering and enfleshment endured by Black women as a mechanism to construct them for the carceral state. "The Brookes Plan" details the amount of space each enslaved body should be allotted aboard a slave ship called "the Brookes". Spillers writes, "Under these conditions, one is neither female, nor male, as both subjects are

taken into ‘account' as quantities. The female in ‘Middle Passage,’ as the apparently smaller physical mass, occupies ‘less room’ in a directly translatable money economy. But she is, nevertheless, quantifiable by the same rules of accounting as her male counterpart,” (Spillers 72). Documents of the transatlantic slave trade like this one exemplify the captors’ thinking around the enfleshment of Black bodies into flesh cargo to be used for their capitalistic gain. The use of the terms “female” and “male” in the document is telling because these words denote sex, not gender. The purpose of this document is to categorize cargo and not human passengers because the people being transported have been reduced to flesh. The categories were to differentiate between different sizes of enslaved flesh to most effectively transport it, and the terms used evidence this. The stripping of identity markers like proper names, family relationships and roles, titles, culture, gender, and ownership over one’s body endured by the Africans enslaved set the basis for the enfleshment that continues to be foundational in the construction of Black women as subjects for the carceral state.

A more recent demonstration of the role of systemic enfleshment for sexual gratification in the construction of Black women as subjects for incarceration comes from the story of the New Jersey 4 as told in the 2012 documentary, *Out in the Dark*. When this group of queer Black women is approached by a strange man who immediately expresses his belief that he should have the right and access to one of their bodies for his sexual gratification. The man specifically says he wants, “that”, referring to one woman’s vagina, addressing her as if she is no more than her flesh and the use he sees for it. As their story plays out, this group of queer Black women is not afforded the same right to self defense as a white woman under the protection of her association with the victimhood of femininity would be. Due to their Blackness and visibly queer presentations the New Jersey 4 were stripped of their claim

to femininity — ungendered — and thus unprotected from becoming subjects of the carceral state. This is reflected in their trial in a court reserved for gang trials: the assumption that gang activity is the only explanation for a group of non-feminine Black people being out at night. This assumption turned what should have been an investigation into the homophobe injured in his attempt to attack a group of Black women into the trial of his intended victims as hardened criminals. The media's treatment of the New Jersey 4 also contributed to their construction for the carceral state through actions like describing them as a "wolf pack," both stripping them of their humanity, and conflating them with animals known for their viciousness and intentional use of groups to hunt and attack that one could assume nobody would want loose on the streets of NYC. This comparison communicates to the public that this group of women should be incarcerated, just as a violent animal should be put down. The deviance of the New Jersey 4 from feminine ideals through their queerness and Blackness combined with the enfleshment of their bodies in the eyes of their attacker, and treatment by the media constructed them to be subjects for the incarceration they were sentenced to.

Sarah Haley's "Carceral Constructions of Black Deviance" adds the layers that are adherence to femininity, the vulgarization of violence, and the pervasive categorization of Black women as abject figures to the conversation of the construction of Black women for the carceral state through the side-by-side comparison of the treatment of Eliza Cobb and Martha Gault after committing similar crimes in different bodies. Haley writes,

> Eliza Cobb was Martha Gault's antipode. The judge's assessment of Gault powerfully exposes the polarity between black and white women, categorically opposed yet entangled in constructions of reason, freedom, and subjectivity. In the cases of Cobb and Gault, both crimes were perceived as heinous, but while Cobb's crime was associated

> with innate qualities and physical depravity—monstrosity and idiocy—Gault was cast as the victim of bad male influence. It was the trial judge's opinion that "this girl was more or less under the dominion of her companion and that but for him she could not have planned and executed. (Haley 22)

Haley's use of the words 'innate' and 'monstrosity' in this description are significant because they connote that criminality is naturally part of who Eliza is at her core as a Black person and that this core nature of hers is neither human, nor animal, but comparable to something even lower and inherently evil. The judge's perception was clouded by his anti-Black view of the Black Eliza Cobb as not only biologically inferior, but incapable of not behaving criminally due to this perceived inferiority. In contrast, even in committing a crime, the white Martha Gault is still the victim. Her whiteness, class, lack of physical deformities or practical skills like Eliza helped to construct Martha as someone who was generally helpless and thus incapable of being anything but an unwilling accomplice or victim in a crime. While also diminishing, the idea of helpless white womanhood differs greatly from the enfleshment of Black women because it is never used to transform them into flesh to receive inhumane treatment. The construction of white women as helpless functions as an excuse that takes away their agency to make decisions like committing a crime, removing blame, while the enfleshment of Black women takes away personhood, making them only capable of being the criminal and not the human victim of a crime. In addition to its links with femininity, Martha's whiteness marks her as a person capable of having a life after committing a crime, while Eliza has her association with abjectivity to contend with, which is only deepened by the violence she has experienced as a captive body. The mention of Eliza's "physical depravity" and "idiocy" in the text paints the image of someone

with no hope for the future due to the vulgarized violence she has survived, as evidenced by her physical deformities, and who lacks the intellectual capabilities to create a future as a person outside of the carceral state.

Although in Eliza Cobb's story, the anti-Blackness she experienced was rooted in since-disproven concepts of Black biological inferiority from fraudulent "race scientists", another layer to the construction of Black women as subjects for the carceral state emerged in the progressive era, evidenced in mismeasured crime statistics, as discussed by Khalil Gibran Muhammad in his 2019 book's introductory chapter titled "The Mismeasure of Crime".

Muhammad describes a shift in the construction of Black criminality from a racial-biological framework to a cultural framework that emerged in the 1890s, supported by seemingly empirical data, adding a new layer of scientific authority to the conflation of Blackness with criminality. Muhammad writes, "In a moment when most white Americans believed in the declining significance of racism, statistical evidence of excessive rates of black arrests and the overrepresentation of black prisoners in the urban North was seen by many whites as indisputable proof of black inferiority," (Muhammad 7-8).

In this quote Muhammad traces the simultaneous popularization of the belief, among white Americans, that racism couldn't be *that* bad anymore, and the rise of mismeasured crime statistics to reduce Black people to racialized flesh with criminal tendencies. This new layer in the construction of Black criminality was used by white Americans to confirm their biases rooted in the biologically-based anti-Black rhetoric exemplified in the trial of Eliza Cobb. Statistics are viewed as indisputable facts and the result of their use in this biased way has been the lasting conflation of Blackness with inherent criminality, which we see exemplified in the immediate criminal treatment of the New Jersey 4 in 1998. The biases that informed the categorization of

this group of women as worthy of gang court and incarceration grew from the seeds planted by white supremacists in the progressive era seeking to borrow the authority of statistics to produce effective disinformation about Black criminality. In this way, the pervasiveness of Blackness being conflated with inherent criminality contributes to the construction of Black women as subjects for the carceral state.

Although harmful on their own, the combination of the systemic enfleshment of Black women that leaves them ungendered and dehumanized, the lasting impacts of disinformation about Black criminality, the history of vulgarized violence against Black women, and the pervasiveness of their cataloging as abject figures across eras form the institution that is the construction of Black women as subjects for the carceral state. As discussed in the materials referenced, the construction of Black women to be subjects for the carceral state is supported by deep historical roots and self-reinforcing aspects that attempt to entangle all aspects of life and self for Black women, making the necessary deconstruction of this dangerous institution a complex undertaking.