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# REPOSSESSION: OF HISTORY, POVERTY, AND DISSENT

Martha Minow\*

THE DISPOSSESSED: AMERICA'S UNDERCLASSES FROM THE CIVIL WAR TO THE PRESENT. By *Jacqueline Jones*. New York: Basic Books. 1992. Pp. xiii, 399. \$25.

With the passing of Justice Thurgood Marshall, this nation has lost not only a man who truly made history, but also a man who knew history and knew it mattered. His attention to history crucially served his pursuit of racial and social justice, for history supplied details about how oppression works and how human experiences and institutions simultaneously change and stay the same. For those moved by Justice Marshall's legacy, renewed attention to history can spur devotion to the struggle to include the excluded, and it can guide those struggles with reminders about the complexities of human experience.

For reminders and for spurs, reading *The Dispossessed: America's Underclasses from the Civil War to the Present* is one place to start. The historical details of impoverishing circumstances are more powerful than the book's comments on the current scene. In *The Dispossessed*, award-winning author Jacqueline Jones<sup>1</sup> extensively documents the dislocations of the most impoverished Southern Americans — both black and white — during the economic transformations that accompanied the Civil War, the World Wars, and the Depression. Jones provides thick, factual details about sharecropping and peonage labor, phosphate mining and migrant labor camps, government practices, and survival strategies pursued by individual families facing an economy moving from agriculture to industry and from local to global. She wants to locate the “underclass” in a history of national and worldwide economic change, which displaced whole groups of workers from the mainstream economy (pp. 205, 271, 287).

Jones wants to use this history to comment on current claims that poor people deserve their poverty because they lack the virtues which promote hard work and thus perpetuate a culture of dependency (pp. 27, 291-92). She also wants to challenge the image of the underclass as

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1. Harry S. Truman Professor of American Civilization, Brandeis University. Her previous book, *LABOR OF LOVE, LABOR OF SORROW: BLACK WOMEN, WORK, AND THE FAMILY FROM SLAVERY TO PRESENT* (1985), won the Bankcroft prize in American History and the Brown Publication Prize of the Association of Black Women Historians.

African American; in its place she offers a story of poor Southern whites and blacks who share experiences of economic exploitation and dislocation (pp. 1-2, 174-75).

By her own acknowledgment, however, blacks continuously faced harsher circumstances and more invidious oppression than whites (pp. 110-11, 128-29, 140-55, 163-64, 233-34). In addition, the book does not systematically address the "culture of poverty" argument, nor does it address what portion of the population did not fit Jones' story about individuals and families desperately seeking work. I do not disagree with her critique of the culture of poverty but only note that this critique is not the book's strong suit.<sup>2</sup>

Indeed, the strength of *The Dispossessed* lies in its details, details garnered from government documents, oral histories, and an array of archival and secondary sources. The author's concerns about public debate over the "underclass" neither capture nor contain these details. A better way to summarize the details is to marshal them to address the central theme of dislocation: Why did so many poor Americans find themselves moving from place to place during the past century-and-a-half? In what way is it fair to describe this dislocation — as chosen or imposed? As dispossession? I will use this review as a chance to offer this summary and to invite readers to consider how such history can guide future struggles for social justice.

## I. WHY DID PEOPLE MOVE?

*The Dispossessed* paints a picture of poor Southern Americans moving — from plantation to plantation, from plantation to city, from South to North, and back again. Ultimately, some nine million people, white and black, migrated from South to North between 1910 and 1969; in 1910, ninety percent of all blacks lived in the South and, by 1960, as many blacks lived in the North as in the South (p. 205). Jones convincingly identifies the multitude and variety of reasons and contexts for such movement. The quest for autonomy by former slaves and the effort by whites to distinguish themselves from blacks led individuals and families to change jobs and homes after the Civil War (pp. 14-15). The simple search for more favorable work conditions influenced many who moved (p. 26). Some moved to resist employers who wanted to impose employment terms resembling slavery.<sup>3</sup> Others moved to avoid total dependency on hugely oppressive work conditions such as those in coal and phosphate mines.<sup>4</sup> Many moved

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2. For a sharp criticism of the book, especially in its efforts to relate to contemporary policy debates, see Adolph Reed, Jr., *Parting the Waters*, *THE NATION*, Nov. 23, 1992, at 633, 637-41 (reviewing RAYMOND S. FRANKLIN, *SHADOWS OF RACE AND CLASS* (1991) and JACQUELINE JONES, *THE DISPOSSESSED* (1992)).

3. *Cf.* p. 45.

4. *See* p. 130.

to take seasonal jobs, such as picking crops (p. 167), or to seize occasional opportunities, such as construction projects (p. 225) or wartime factory work (p. 226).

According to Jones, families frequently settled accounts at the end of a period of agricultural employment only to find that they had made barely any cash, given the employer's terms on debts or the employer's fraud (pp. 116-17, 124, 191). A congressional representative from North Carolina reported in 1901 that "[t]here is a great deal of fraud perpetrated on the ignorant; they keep no books, and in the fall the account is what the landlord and the store man choose to make it. They cannot dispute it."<sup>5</sup> Many employees responded to such exploitation by moving. Some started by traveling local roads to look for work but ultimately had to venture to other states.

As an illustrative example, Jones offers the story of John and Virginia Crews, black sharecroppers in York, Alabama. She quotes from their daughter's book:<sup>6</sup>

[R]eckoning time in December 1911 brought the shock of bitter disappointment; the white plantation owner paid the three adults in their household only \$11.00 for a whole year's labor. But cries of outrage would not put food on the table, so in January Virginia hired on as a strawberry picker for a neighboring farmer, and John "was riding for miles each day checking out any rumors about public work, road repair, anything," in the vicinity of their home. . . . [C]onvinced that justice would continue to elude him on the Alabama countryside, this black man left his family in the spring of 1912 and traveled to the city of Bessemer, where he learned of jobs for coal miners in far away Virginia. John Crews summoned his family, and together they traveled by company-sponsored train to the town of Embodin. Over the next six years the family sought steady work and refuge from exploitative employers, first in a small settlement in the hills above Embodin; then in Cincinnati, where John could find only irregular construction work and Virginia labored as a domestic; and after that in Logan, West Virginia. In Logan the family felt keenly the lack of schools and churches, and in 1917 a disastrous flood forced them to leave. Finally they settled in Detroit, so that John could take advantage of the wartime boom and work for American Car and Foundry, a job he lost after the armistice. Over the next half century he would scrounge for work of any kind, whether pushing a broom or a junk cart, in an effort to make good on a vow Virginia had made to herself one wintry night in Alabama long ago: "Stars, I promise you that I won't stop until I get a home of my own . . . a REAL HOME!" [pp. 206-07]

As this story suggests, frequent moves reflected a persistent search for work frustrated in part by racial barriers, in part by exploitative employers, in part by job shortages, and in part by the lack of a supportive community.

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5. Pp. 117-18 (quoting U.S. Representative George Henry White).

6. BURNIECE AVERY, *WALK QUIETLY THROUGH THE NIGHT AND CRY SOFTLY* (1977).

Jones tells of one man named Ed Brown, a black sharecropper, who moved in search of a better mattress, by which he summarized his view of success for himself and his family (p. 78). Brown claimed that “‘every time you come up in the world you got a better mattress’ ” (p. 78). A sharecropper’s bed would probably be made of unginning cotton, lumpy from seeds, while a farmer who rented land could sleep on a mattress stuffed with cotton softened by ginning — the kind of mattress Ed Brown’s wife wanted. In the 1920s Ed Brown’s search for a better mattress “took him to six different plantations, six different white employers” (p. 78). Under the terms set by a white employer, Brown could grow a good crop but could not extricate himself from debt, and that frustrated him. On one occasion in 1925, an employer announced that, after settling accounts, Brown was free of debt but could take home only three dollars for his labor. Brown had been savvy enough, however, to hold back two extra cotton bales until after the reckoning — and managed to collect \$150 for them. But that only happened once. Brown continued to search for better employment, even when that required him to pursue seasonal jobs away from his family (p. 81).

Jones concludes that a family’s decision to leave exploitative employers was normal and that the contrary decision to stay would have been perceived as exceptional.<sup>7</sup> Employers even developed a practice to facilitate the movement of employees with debts: through “debt transferral,” one employer agreed to assume the debts of a worker in exchange for securing the worker’s release from his present employment situation. Jones comments: “Assuming that many of these unpaid bills were rather small, transferrals seem to have represented a form of collusion among planters, a gentleman’s agreement among competitors for subordinate labor” (p. 116).

Devotion to family played a central role in decisions to move, even though such decisions often split families. Many restricted their moves to a local or regional terrain in order to stay close to kin (p. 41). Some would move as extended families — when one household faced eviction (p. 123), or when a better economic opportunity attracted some family members (p. 223). Families moved to save children from exploitation (p. 215) and to find a better way to provide for themselves (p. 211). Men sometimes moved away from their families to work sites inhospitable to the rest of the household and sometimes moved to rejoin families or to search for work that would allow the family to live together (p. 226).

Families moved and split apart in search of work, and employers

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7. P. 124. Jones talks of family relocations without much attention to the dynamics of choice and constraint among the adults in the family. Although evidence of such dynamics would be difficult to find, Jones’ approach has the unfortunate effect of treating families as singular units rather than sites of potential conflict and accommodation among actual individuals.

became expert in “exploiting the desire — and, in many cases, the desperation — of kin to provide for each other” (pp. 155-56). Jones shows a gift for locating the interests of employers behind the onerous lives of employees; she explains how

different kinds of households served different purposes. Farmers who commuted to mills and distilleries depressed the wages of laborers resident in work camps. The lack of employment opportunities for wives in extractive-industry communities kept them dependent on the wages of their menfolk. In contrast, camps that employed women and children reduced their labor costs by means of a meager family wage. And finally, the counterpoint to these examples was the all-male camp, a “little man-made hell,” where men were stripped of all dignity and of the hope that flows from the nearness of, and contact with, family members.<sup>8</sup>

The patterns of mobile and constantly shifting labor evidently served the interests of employers (p. 116); thus, employers seldom sought to enforce Jim Crow laws limiting the mobility of agricultural workers, except during labor shortages (p. 107).

## II. HOW TO CHARACTERIZE MIGRATION

One word for the moves Jones describes is “shifting” and, as Jones notes, “[i]n the minds of Southern planters, shifting was intimately related to croppers’ ‘shiftlessness,’ an all-purpose term used to refer to indolence and moral laxity” (p. 106). I, for one, will never hear the term *shiftless* again without thinking of Jones’ stories of so many lives spent searching for work. Her stories are a powerful response to charges of moral deficiencies among the poor.

### A. Choice?

Closely connected to debates over the moral virtues of those who so often moved is the cloudy issue of choice: Were the moves chosen or coerced? The debates over morality reflect a faulty view that choice and coercion are cleanly separated. Instead, they are intimately connected, for some choice remains within all but the most extreme constraints while some constraints render choice all but meaningless.<sup>9</sup> Thus, Jones’ reports of individuals who would have preferred to be settled but had to move (pp. 169-70), and others who moved because they hoped for something better (p. 193), are difficult to assess. Similarly, it is unclear what Jones wants to say about choice and constraint when she describes black men moving their families in search of work; she asserts that the legacy of slavery made these men feel especially inadequate as providers (p. 211). Does Jones mean to imply that these

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8. P. 156 (quoting W.O. Saunders, *Clearing Out North Carolina’s Convict Camps*, THE SURV., May 15, 1915, at 152).

9. See generally Martha Minow, *Choices and Constraints: For Justice Thurgood Marshall*, 80 GEO. L.J. 2093 (1992).

efforts to assume personal responsibility are themselves socially determined?

But most curious, and elusive, is the matter of choice and constraint for people who did not move. For Jones, contemporary urban ghettos provide a vivid example: Are people trapped or do they choose to stay? (pp. 277-81). Jones implies that the presence of drugs, especially crack, alters the scene. She also suggests that postindustrial wages are too low to provide an incentive to uproot a family (p. 285). But insufficient evidence exists that high wages, perceived job prospects, or freedom from illicit drugs explain fully, or even largely, the pattern of moves during the past 150 years. The moves always imposed large costs in terms of family stability, kinship networks, community ties, and loss of home. Yet those costs seem acceptable to those who have *made it*. As Justice Marshall noted shortly before he died, "Even many educated whites and successful Negroes have given up on integration and lost hope in equality. They see nothing in common — except the need to flee as fast as they can from our inner cities."<sup>10</sup>

Jones tells of Jimmy Green, "who lived [in the 1970s] in the black section of Natchez, Mississippi . . . with a sporadic income," and who "yearned for a steady, \$6-an-hour job" (p. 285). But he did not see the point of moving: "'Natchez is Natchez all over the world. The other places are only bigger than Natchez.'"<sup>11</sup> Perhaps Jimmy Green had heard enough stories of those who moved and found nothing better, stories like those Jones has accumulated. Perhaps Jimmy Green and others like him are choosing under enormous constraints and favoring community ties over the risky venture of moving. Jones contrasts "[w]ell-to-do families [who] can afford to explore new job opportunities" and who "sever community ties, and relocate, secure in their decent standard of living," with "poor communities" whose "social networks, more than jobs, constitute their lifeblood" (p. 291). But why should social networks be this lifeblood now and not before, during the period studied by Jones? Poor people who moved in the past had more hope for jobs, and perhaps more hope of transporting their social networks with them. Jones elsewhere indicates that extended families at times moved together; at other times, whole communities transplanted themselves. Attention to that level of choice — choices by individuals to act as communities — would strengthen the story and shed light on the complex issues of choice and constraint in the lives of the migrants.

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10. Justice Thurgood Marshall, Philadelphia Liberty Medal Acceptance Speech, July 4, 1992, in CARL T. ROWAN, *DREAM MAKERS, DREAM BREAKERS: THE WORLD OF JUSTICE THURGOOD MARSHALL* 453-54 (1993).

11. P. 285 (quoting HENRY MAURER, *NOT WORKING: AN ORAL HISTORY OF THE UNEMPLOYED* 185 (1979)).

The book is strangely devoid of discussion of its subjects as political actors or of the political choices that caused the economic and social patterns that produce migration and perpetuate poverty. Jones largely treats the migrations as inevitable social responses to inevitable economic change. Yet, in her introduction, Jones asserts that “[t]he historical processes that created impoverished groups represented political as much as economic forces,” and that these forces should be understood as decisions by planters, factory owners, and public officials to abandon certain communities (p. 3). This critical insight seldom reappears in the rest of the book, which refers instead to national and global economic forces as if they were natural, inevitable, and immune to human influence.<sup>12</sup> A worthy successor to this book would be a project exploring the range of political choices that influence the economic divestment and displacement that constrained the structure of opportunities for impoverished people. Similarly, a worthy political initiative would ask how to distribute the costs and benefits of economic transformations fairly, rather than assume that the costs should fall on the most vulnerable.

### B. *Dispossession?*

Notions of constricted choice inform Jones’ authorial choice of title and her periodic use of the term *dispossession* throughout the book. This is an intriguing way to describe the dislocation of people from their homes as they searched for better lives and employment or simply escaped from exploitation. It is a curious word choice because it implies that these poor people *had* possessions to lose. For the freed slaves, such possessions may seem hard to locate; even the poor whites who joined the migrating stream<sup>13</sup> seem to have had little to lose by moving. The historical reality is that moving took little away from people who had nothing from the start.

Yet, a close reading of Jones’ assembled facts supports the use of *dispossession*. Surely all who move risk losing simple attachments to home, origins, and familiar places even when they remain within the same county or region. This loss must have been even more acute for those who *did* leave familiar territory and for those who became newcomers, “hillbillies,” or strangers in their new environments. As Jones notes, after the Civil War the former slaves lost customary scavenging

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12. *E.g.*, p. 287. Jones does acknowledge that “corporations created distressed communities when they abandoned their own workers in favor of cheaper ones abroad” (p. 285), but she then treats such decisions as part of an inexorable process of worldwide labor exploitation (pp. 285-87).

13. Jones actually discusses how the notion of a *stream* of migrant agricultural labor misleads us if it implies a “regular and continuous pattern” of people following crops for harvesting, when, in fact, “most migrants labored in only one or two states each summer.” P. 173. Nonetheless, Jones herself uses the stream metaphor to describe the migrations along the Atlantic shore between 1880 and 1990. Pp. 170-71.



rights as landowners invented a system of wage labor that served their own interests (pp. 32-34). Depriving people of the opportunities to gather leftover crops, to hunt, and to fish meant depriving them of the small space for self-sufficiency they had once enjoyed. Later, changes in agricultural practices even deprived sharecroppers of their land, which converted them into rootless providers of specialized labor with no opportunity for choice or autonomy (p. 170). Along with restrictions on workers' abilities to market their own crops (p. 76), the conversion of agricultural work into wage labor deprived many people of degrees of self-possession.

Basic physical safety also declined over time, although Jones provides no hard data of this phenomenon. Still, a form of dispossession occurs when poor black people fear the predatory impulses of whites cruising for entertainment in black neighborhoods (p. 164), harassment by whites disturbed by blacks' purchasing power (p. 216), and violence and crime at the hands of a few truly deviant people within the poor black community (p. 293). Dispossession is the result when corporations divest from low-income communities (pp. 285-87). The abundance of ways to deprive desperate people of hope profoundly demonstrates the looming potential for dispossession.

### III. HOW TO FRAME NEW STRUGGLES

Lawyers *use* history. In debates over the Constitution, lawyers point to historical patterns and to historians' arguments. Historians also use history, and they often seek to influence public policy and law. One danger for both lawyers and historians is oversimplification. When used instrumentally, history is too often shorn of its complexity, nuance, and tension. Another danger arises in reading present-day concerns back into the past. These risks can arise in histories of American poverty. But Jones' *The Dispossessed*, along with Nicholas Lemann's work *The Promised Land*,<sup>14</sup> and Michael Katz' *In the Shadow of the Poorhouse*,<sup>15</sup> largely avoid such pitfalls. Instead, they locate contemporary problems within the past and perhaps fuel new struggles for social justice.

Those struggles have and will continue to invoke the ideals of equality, liberty, and fairness. What *The Dispossessed* may add is the language of compensation for takings. For, as Jones demonstrates, the impoverished have suffered not just poverty, but successive takings of their dignity, autonomy, homes, and hopes. The resonance of compensation arguments should grow, given the Supreme Court's recent

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14. NICHOLAS LEMANN, *THE PROMISED LAND: THE GREAT BLACK MIGRATION AND HOW IT CHANGED AMERICA* (1991).

15. MICHAEL B. KATZ, *IN THE SHADOW OF THE POORHOUSE: A SOCIAL HISTORY OF WELFARE IN AMERICA* (1986).

expansion of the Takings Clause,<sup>16</sup> although the Court's concern has been to protect property owners, not the poor. Compensation and reparations also frame claims by Japanese-American internment victims and native Hawaiians.<sup>17</sup> Someday, perhaps, the risks of poverty will be shared more fairly, and repossession will take its place in the language of political and legal change.

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16. See *Lucas v. South Carolina Coastal Council*, 112 S. Ct. 2886 (1992). See generally JOSEPH W. SINGER, *PROPERTY LAW: RULES, POLITICS AND PRACTICE* ch. 13 (1993).

17. See generally Mari J. Matsuda, *Looking to the Bottom: Critical Legal Studies and Reparations*, 22 HARV. C.R.-C.L. L. REV. 323 (1987). Similar arguments can be made on behalf of native Hawaiians regarding their displacement from land and sovereignty.