Crime, Class, and Community—An Emerging Paradigm

Inequality and the Punishment of Minor Offenders in the Early 20th Century

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This article extends recent theorizing on 19th- and early 20th-century social control to the punishment of minor offenders in the American South. Despite surface differences in state control and in court contexts, the punishment of convicted misdemeanants strikingly resembled its more serious counterpart. The racial composition of both chain-gang and penitentiary populations was similar, as were trends in the rate at which the public and private sector forcefully expropriated the labor of black and white males. Depressed economic conditions adversely affected all punishment rates, regardless of race. Although more circumscribed in impact, racial inequality and labor supply and demand also affected incarceration in the chain gang. The author considers directions for future research and theory.

Inequalities based on class and race lie at the heart of research and theorizing on societal patterns of criminal punishment. Research has linked contemporary levels of incarceration with income inequality, the size of the unemployed population, and the relative size and economic position of minority populations. Recent investigations have broadened the scope of class and raced-based perspectives to encompass coercive social control during the late 19th and early 20th centuries. This article integrates the theoretical strands that have informed research on post-Reconstruction punishment in the American South and applies them to a neglected context: the punishment of minor offenders.

I. The Political Economy of Punishment

Empirical investigations have taken two central routes toward an understanding of patterns in criminal punishment. The first places the political economy at the forefront of inquiries into the form punishment takes and the frequency with which it is imposed (Rusche & Kirchheimer 1939; Rusche 1978 [1933]; Spitzer 1975, 1983). The central contention of this perspective is that punishment levels reflect changes in economic prosperity and labor market conditions. Although less than unanimous (e.g., Parker & Horwitz 1986), empirical evidence tends to support this contention. Twentieth-century declines in prosperity and growth in unemployed populations have fostered increasingly punitive responses to crime (for reviews, see Myers 1991; Chiricos & DeLone 1992). More severe punishment occurs independent of increases in crime rates and is thus seen as a consequence of broader economic, political, and ideological concerns (Chiricos & DeLone 1992). Among these are efforts to maintain political legitimacy and social order by neutralizing the threat posed by the unemployed population (Spitzer 1975; Jankovic 1977; Wallace 1981). Increased punitiveness also purportedly enhances the crime control efficacy of punishment by strengthening its deterrent and incapacitative force, thereby alleviating public and private anxieties about the criminogenic consequences of unemployment (Box & Hale 1982, 1985; Box 1987). Increasingly punitive sanctions derive, finally, from a general moral climate of threat. This climate generates discourses in the political and social arenas, which form the basis for a vocabulary that motivates punitive judicial behavior (Melossi 1985).

Recent work has applied the political economy perspective to the post-Reconstruction South, where economic conditions revolved around cotton and reflected the price it commanded in the marketplace (Ransom & Sutch 1977; Fligstein 1981; Johnson & Campbell 1981; Marks 1985; Grossman 1989). High prices fostered financial independence and general prosperity (Fligstein 1981:13, 83; Wright 1986:121), while falling cotton prices rendered farmers less able to purchase or keep land and less likely to avoid or repay debt. Like their late 20th-century counterparts, economic conditions affected 19th-century levels of punishment. Declining prices and the economic downturns that they implied increased the rate at which punishment, in the form of the convict lease, was imposed (Myers 1991). With declining prices, the informal control of black males through lynching increased as well (Hepworth & West 1988; Beck & Tolnay 1990; Olzak 1990).

Extensions of the political economy perspective to the 19th century have simultaneously expanded and narrowed its scope.

Work in contemporary contexts suggests that economic conditions profoundly affect the punishment of the most marginalized groups in society, for example, young black males (Myers & Sabol 1987; Melossi 1989). In the post-Reconstruction South, the cotton market had broad ramifications, and its consequences for the punishment of black and white males were quite similar (Myers 1991). These consequences nevertheless weakened with time. With the exception of the Depression of 1903–7 and World War I, the power of cotton prices to shape incarceration rates diminished at the turn of the century (Myers 1991). The rate at which black males were lynched also depended less on shifts in cotton prices (Beck & Tolnay 1990). This decoupling of cotton price and punishment directs our attention to political, demographic, and economic changes that neutralized otherwise threatening economic conditions (Tolnay & Beck 1992b). Disenfranchisement in 1909, for example, eased fears of political coalitions between black and white workers, while black outmigration and employment opportunities in the nonagricultural sector eased economic competition between black and white workers (Beck & Tolnay 1990).

For early formulations of the political economy perspective (Rusche & Kirchheimer 1939; Rusche 1978 [1933]), general economic conditions find their clearest expression in the labor market. Prosperity implies that the "reserve army of the unemployed" is relatively small and unproblematic; high levels of punitiveness are therefore unnecessary. Worsening economic conditions imply a growing and potentially restive pool of unemployed workers, in response to which incarceration rates rise. Underlying this work is the assumption that a labor surplus is a permanent feature of capitalism (O'Connor 1973) and that incarceration is one instrument of class domination used in part to control this surplus.

The agrarian political economy of the post-Reconstruction South draws our attention elsewhere. Most notably, the demand for labor often hinged on race. Thus, declining cotton harvests and the surplus labor they implied generally produced the expected compensatory increases in incarceration levels for black males. Only under adverse economic conditions (e.g., depressions) did smaller harvests and declining demands for agrarian labor noticeably increase the rate at which white males were incarcerated (Myers 1991).

Moreover, the demand for black labor, a key element in the creation of a labor surplus in capitalist economies, chronically exceeded supply in the agrarian South (Hart 1910; Baron 1971; DeCanio 1974; Ransom & Sutch 1977; Flynn 1983). Rather than simply contain a labor surplus, incarceration could also be called on to marshal a scarce resource for the accumulation of capital. Most commonly, the lease system deployed convict la-

bor to infrastructural development that was essential for agrarian pursuits, especially railroads and public access roads (Sheffield 1894; Holmes 1901). The demand for agrarian labor and the demand for its coerced counterpart were therefore not invariably opposed (Myers & Massey 1991). When the demand for public access roads to market cotton was high, growth in cotton harvests did not produce the anticipated decline in incarceration levels (Myers 1991). Under these conditions, the rate at which black males were incarcerated under the convict lease actually increased. The punishment of white males responded to public demands for roads as well but in a different way. The Federal Aid Road Act, passed in 1916, provided incentives for states to use convicts to build and maintain roads. Georgia's counties were permitted to match federal funds by supplying convict labor rather than money. Coupled with the state's dependence on passable roads for cotton production and distribution, the Federal Aid Road Act and subsequent amendments in effect broadened the traditional demand for the labor of black convicts to encompass the forced labor of white males. After a slight delay, the act significantly increased the rate at which white males were incarcerated (Myers & Massey 1991).

Shifts in labor demand were but one facet of labor market conditions. High demand was coupled with a consistent decline in supply with the turn of the century. Between 1900 and 1940, the relative size of the black population in Georgia shrank by 9%. These declines threatened cotton production (Baker 1917; Davis et al. 1941; Mandle 1978) and appear to have generated compensatory increases in the rate at which the labor of black males was forcefully expropriated under the convict lease system (Myers 1990a).

In sum, research provides evidence that the political economy shaped levels of punishment in the late 19th and early 20th centuries. With prosperity, incarceration levels declined, and both black and white males were beneficiaries of this decline. Reduced demands for labor in the cotton fields increased incarceration rates, but did so inconsistently. The confluence of two demands—for public roads and for agrarian labor—increased the rate at which both blacks and whites were incarcerated. Finally, with 20th-century declines in the supply of black laborers came increases in the rate at which the labor of black males was forcefully expropriated.

II. Minority Threat and Punishment

The second point of departure for empirical investigations of punishment places race at the forefront, in particular, the multiple threats posed by the relative size and economic posi-

tion of minority groups (Blalock 1967; Turk 1969; Blauner 1972; Tolnay & Beck 1992b). The general hypothesis is that increased levels of threat, whether political, economic, or status in nature, generate harsher social control responses. In contemporary contexts, research has linked, albeit inconsistently, the size of the black population with a variety of social control mechanisms such as size of police forces and expenditures (for reviews, see Myers 1990a; Chamlin & Liska 1992; Liska 1992b). Research in historical contexts is complicated by the dual character of the black male population, as a threat to order and as a resource whose labor may be exploited (Adamson 1983). Further, close attention to class divisions among whites is a prerequisite for identifying those segments of the black population that threatened specific segments of the white population (Tolnay et al. 1989b; Myers 1990a; Tolnay & Beck 1992b). Declines in the black male population, like that experienced in Georgia, may well have eased the political threat blacks posed to white hegemony; they may also have moderated economic competition between black and white workers. But, as we saw above, a decline in the black male population threatened white elites, whose livelihood depended on a large labor force of black males. Consistent with this threat was the accelerated use of the convict lease as a method of obtaining black labor (Myers 1991).

Most considerations of minority threat focus on the economic threat black workers posed to lower-class whites (Corzine et al. 1988; Tolnay et al. 1992; Myers 1990b; Olzak 1990). The central expectation is that repressive action against blacks will intensify as the economic gap between blacks and whites narrows and, by extension, levels of interracial economic competition increase. The post-Reconstruction South provides fertile ground for testing this hypothesis. Caste distinctions survived Emancipation and continued to mandate the complete subordination of all blacks to all whites. Yet cotton overproduction and unpredictable prices eroded the economic position of whites vis-à-vis blacks, and greater numbers of self-sufficient farmers were forced into the dependent position of tenantry (Woodward 1971; Fligstein 1981; Hahn 1983; Wright 1986; Myers 1990b). Economic competition between lower-class whites and blacks intensified (Baker 1973 [1908]; Raper 1936; Davis et al. 1941; Raper & Reid 1941; Higgs 1977; Ransom & Sutch 1977), and caste distinctions became increasingly difficult to sustain.

Numerous policies sought to reinforce threatened caste boundaries. Soon after Emancipation, statutes limited the mobility of labor by criminalizing vagrancy and breach of labor contracts (Cohen 1976; Novak 1978). Forced labor, in the form of the convict lease system, became the preserve of black males,

while less serious sanctions were reserved for white males (Wharton 1947; Powell 1969 [1891]; Mancini 1978; Shelden 1981; Adamson 1983; Ayers 1984; Hawkins 1985). By the late 1890s, Jim Crow statutes ensured segregation in public facilities (Bartley 1983). By 1909, poll taxes and literacy tests in effect had deprived blacks of the right to vote (Kousser 1974).

The role racial inequality played in shaping other forms of repressive control is less straightforward. As the economic distance between blacks and whites closed, lethal violence against black males, in the form of lynchings and executions, accelerated (Corzine et al. 1988; Tolnay et al. 1992). Yet these actions characterized the late 19th and early 20th centuries only. As noted earlier, depriving black males of political power in 1909 appeared to have rendered economic competition less threatening (Phillips 1986; Tolnay et al. 1992). The link between the magnitude of inequality and lethal violence against blacks was all but severed. For less lethal forms of violence, that link apparently never existed. Changes in racial inequality had no effect on the rate at which blacks were sent to the penitentiary (Myers 1991). Rather, racial inequality had its most noticeable effect on the punishment imposed on white males. As the position of whites relative to blacks worsened, white elites became less adverse to expropriating forcefully the labor of their fellow whites. With declining racial economic inequality, white males became increasingly vulnerable to incarceration under the convict lease. This finding is consistent with documented evidence of class divisions among whites and the erosion of caste solidarity these divisions implied. Propertied whites tended to perceive "sorry" whites as on a par with, if not lower than, blacks, and often professed a preference for black laborers, who cost less and caused less "trouble" than white workers (Dollard 1937; Raper and Reid 1941; Davis et al. 1941; Woodward 1971; Flynn 1983).

In sum, both the size of the minority population and its relative economic position shaped levels of punishment in the late 19th and early 20th centuries. The nature of these relationships shifts our attention from the general threat implicit in a large black population and from the specific threat of economic competition between black and white workers. Rather, as section I made clear, the threat posed to white elites by a declining supply of black labor helps account for the tendency for black incarceration levels to rise as the percentage of black males in the population fell. Class divisions among whites and the declining resources of certain segments of the white population inform our understanding of the tendency for white incarceration levels to rise as the relative position of whites vis-à-vis blacks worsened.

III. Minor Punishment

The research I have reviewed here has firmly embedded the most coercive forms of social control within the broader contexts of changing economic conditions, fluctuations in the demand for and supply of labor, and shifts in the magnitude of racial inequality. In sharp contrast, less serious forms of punishment remain unanchored to their social context (for exceptions, see Austin 1985; Klofas 1987; McCarthy 1990). Scholars have emphasized the court itself, in particular differences in the process and outcomes that distinguish courts of limited jurisdiction from those that focus primarily on felonies (e.g., Robertson 1974; Ashman 1975; Knab 1977; Feeley 1979; Alfini & Passuth 1981; Mahoney et al. 1981; Lipetz 1984; Lindquist et al. 1989). Courts with jurisdiction over misdemeanants have been indicted as mechanical processors of burdensome caseloads that need reform but seem impervious to change (Robertson 1974; Barkai 1878). More recent work broadens our view of these courts and demonstrates that the assembly-line image is less than universal. The apparent chaos and lack of decorum often obscure a process that on closer inspection entails due process, justice, and sanctions of substance (Mileski 1971; Cloyd 1977; Ryan 1980–81; Silbey 1981; Ragona & Ryan 1984; Adams & Cutshall 1987; Neubauer 1988). What remain neglected are the linkages between the punishment these courts impose and the social and economic contexts within which it occurs.

The same conclusion applies to how minor offenders had been punished in the past. From federal surveys, we know that most states exploited the labor of convicted misdemeanants on public roads or in workhouses (U.S. Department of Interior 1887, 1896, 1906, 1914; U.S. Department of Labor 1925). Other studies offer detailed descriptions of courts of limited jurisdiction in the 19th century (Allen 1937; McCain 1954; Wunder 1979; Carr 1987). Yet we know little, if anything, about their levels of punishment and changes in levels over time. Section IV lays the groundwork for such an examination by identifying similarities between the punishment of minor offenders in Georgia after Reconstruction and the punishment of convicted felons. Time-series analysis of trends in punishment follows, using class- and race-based perspectives as points of departure. Of central concern is the extent to which levels of minor punishment responded to the same economic and racial dynamics that characterized patterns of more serious punishment.

IV.   Minor Punishment in Early 20th-Century Georgia

On the surface, the punishment of offenders convicted of misdemeanors bore little resemblance to the punishment of convicted felons. The latter faced sentencing in a unified court system; misdemeanants did not. By 1874, the legislature anticipated an increased caseload of freedmen and responded by allowing counties to organize courts with specific jurisdiction over misdemeanors and civil matters (Engerrand 1981). Some counties considered county courts an unnecessary expense and continued to use superior courts. Other counties used corporation courts, which had been given concurrent jurisdiction over minor offenses in incorporated seaports and other cities before the Civil War (Saye 1970). The size and composition of county court caseloads constantly shifted as legislation determined jurisdictions on a county-by-county basis.

Misdemeanants and felons also ran the risk of receiving quite different sanctions. Like most Southern offenders after the Civil War, the overwhelming majority of felons in Georgia were leased to the private sector for hard manual labor; those unfit to be leased were housed on the state farm (Shelden 1981; Adamson 1983; Ayers 1984). After the expiration of the last lease in 1909, felons continued to labor for county authorities on public roads and projects. Work camps, organized at the county level, were staple features of punishment until 1937, when convict labor ended and most felons were transferred to a central penal institution. Convicted misdemeanants, in contrast, ran the risk of receiving both less severe and more diverse sanctions. The traditional punishments were fines or imprisonment in the county jail for up to six months. Immediately after the Civil War, the legislature added whipping and labor in a chain gang on public works for up to a year (Georgia Laws 1866:233).

Despite different sentencing options, minor offenders experienced punishment that was often distinguishable only in duration from the sanctions imposed on convicted felons. Whipping failed to survive Reconstruction (Engerrand 1981), and imprisonment in jail was seldom imposed (Georgia Department of Public Welfare 1921:90). Although fines were common, forced labor on the chain gang was the only alternative for indigent offenders (Georgia Department of Public Welfare 1925, 1937). Like the punishment of convicted felons, then, the most common sanction for misdemeanants involved the exploitation of their labor. The state encouraged this exploitation by allowing counties to combine their convicts and work them on public works anywhere in the state (Georgia Laws 1867:26). It later empowered counties, cities, and towns to request con-

victs from courts whose counties had no need for their labor
(Georgia Laws 1880:167).

As was also the case for convicted felons, the private sector
successfully gained control over the labor of misdemeanants.
The first practice was officially sanctioned in 1874. The legisla-
ture legalized the informal practice whereby convicts sentenced
to a fine, costs, or both could be hired by private persons who
paid the amount owed the county (Georgia Laws 1874:29). The
second practice, which entailed chain gangs, was more contro-
versial. After 1866, local courts were allowed to bind out mis-
demeanants to "contractors on the public works, or to individ-
uals, upon such bonds and restrictions as shall subserve the
ends of justice" (Georgia Laws 1867:26). Unrecorded numbers
of misdemeanants soon shared the fate experienced by more
serious offenders: They were leased to private persons and cor-
porations on private projects. By 1879 the law clearly stated
that "nothing herein contained shall authorize the giving the
control of convicts to private persons" (Georgia Laws 1880:
54–55). Nevertheless, the private hire of misdemeanants with-
out county supervision continued until the convict lease ex-
pired. After 1909, both misdemeanants and felons performed
the same tasks—work on county projects—under the daily con-
trol of local authorities and under the ultimate control of the
state.

In short, the punishment of both minor and serious offend-
ers was inextricably linked with the forced appropriation of
their labor, whether by private citizens, the public sector, or
some combination thereof. This common thread provides the
initial warrant for applying perspectives grounded in class and
racial inequalities to the punishment of minor offenders. Closer
inspection of the two populations provides even stronger
grounding for expecting that the same processes underlie both
types of punishment. This inspection is made possible by the
existence of Prison Commission reports, which include data on
all misdemeanants on the chain gang and on all convicted
felons (Prison Commission 1897–1936). These data, published
between 1897 and 1936, are shown in Figures 1 and 2. Figure
1 indicates that the overwhelming percentage of those on the
chain gang were black, as were most felons sentenced to the
penitentiary. The racial composition of both populations re-
mained predominantly black throughout the early 20th century
but changed significantly after 1916. Among the penitentiary
population, the percentage white doubled, from 14.5% in 1916
to 32% in 1928. The white population on the chain gang ex-
perienced an even sharper increase. In the space of ten years
(1916–26), the percentage white tripled (from 11% to 33%).
Figure 2 depicts the rate at which black males (A) and white
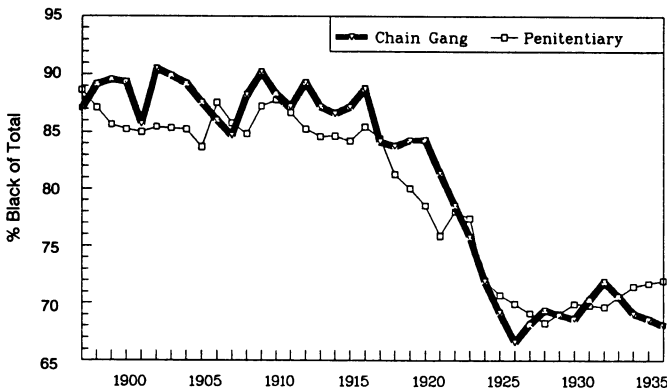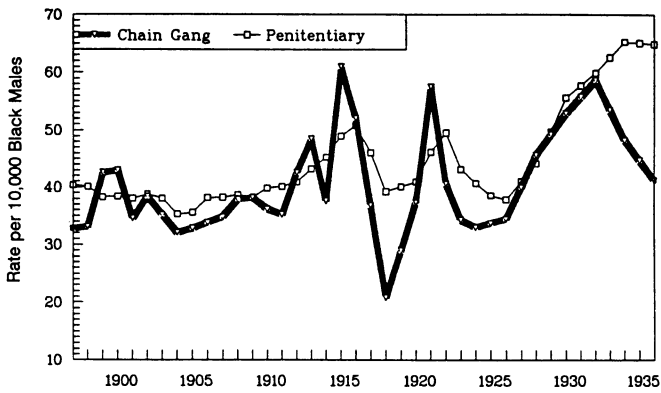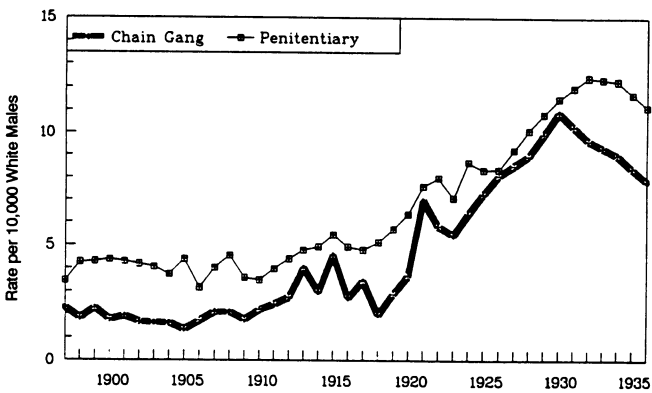males (B) were punished in the chain gang or the penitentiary.

Figure 1. Percentage black in convict population, 1897–1936

A. Black Males

B. White Males

Figure 2. Incarceration rates for black males (A) and white males (B)

Black males ran a substantially higher risk of being punished than did white males, and this was true for both the penitentiary and for less severe punishment on the chain gang. For

every 10,000 black males, between 32 and 58 were sent to the
chain gang. Comparable rates for white males ranged between
2 and 11. Of particular interest are the strikingly parallel trends
depicted in Figure 2. Rates of punishment in the chain gang
tracked penitentiary incarceration rates, particularly for white
males.

V.   Methods and Analytic Strategy

The similarities noted in section IV lend credence to the
expectation that economic conditions, labor supply and de-
mand, and racial inequities are as relevant for understanding
the punishment of misdemeanants as they are for understand-
ing the sanctions imposed on convicted felons. In the fore-
ground of the analysis, then, is the development of models that
account for trends in chain-gang incarceration rates for black
and white males. Equivalent analysis of penitentiary incarcera-
tion rates offers a comparative backdrop. These rates are based
on all black and white males who received a penitentiary sen-
tence to be served either at the state farm or on the convict
lease.

To apply the political economy model, the analysis includes
several measures used in previous research. The first, a general
indicator of economic conditions, is the annual wholesale price
of cotton, in constant (1900$) cents per pound (U.S. Bureau of
the Census 1975:208–9). The second measure, the size of the
annual cotton harvest (1000s acres), indicates one aspect of la-
bor market conditions: the demand for black agrarian labor
(U.S. Department of Agriculture 1951–52). To capture the spe-
cific demand for convict labor on roads, each series was in-
spected for evidence of impact by the Federal Aid Road Act of
1916. In addition to its documented permanent effect on white
penitentiary rates (Myers & Massey 1991), federal legislation
appeared to increase temporarily the rate at which white males
were sent to the chain gang. To estimate this effect, the analysis
included a binary "pulse" variable, coded 1 for 1916 and 0 for
the remaining years. To consider the relevance of a shrinking
labor supply, analysis includes the percentage black male in the
total population. Data were obtained from the Census and lin-
early interpolated for intercensal years. Finally, to consider the
relationship between interracial economic competition and re-
pressive social control, the analysis includes a measure of racial
inequality: the per capita value of white-owned property di-
vided by its black equivalent, in constant 1900 dollars. Property
values are based on annual assessments of all taxable property
obtained by the Comptroller General of the State of Georgia
(1874–1936).

Factors of legal relevance undoubtedly affected levels of

punishment, but the historical record fails us in this respect. State-level data on black and white criminality do not exist, and county-level indictments are inconsistently available, often fail to specify race, and capture only alleged felonies. Studies of selected superior and county courts, undertaken in the early 20th century, permit cross-county comparisons of court caseloads and of the disposition of misdemeanor and felony cases (Georgia Department of Public Welfare 1925, 1937; Fuller 1929). Yet their format and scope render them useless for the current study. A particularly glaring problem is the absence of data on race and of annual figures needed to draw temporal comparisons. With more recent scholarship (e.g., Smith 1975, 1982), we may be able to estimate crime levels, but only for a handful of counties and only during part of the period under consideration. Given the historical record, any measure of criminality must necessarily be indirect and approximate. The analysis includes, by race, the relative size of the male population most likely to be accused of crime—those between 20 and 29 years of age (Georgia Department of Public Welfare 1937).

To identify the dynamic relationship between the series described above and punishment, analysis uses ARIMA modeling procedures. The identification process begins a cross-correlation function, which indicates the nature of the relationship between an input (e.g., cotton harvest) and an output (e.g., incarcerate rate) series (Makridakis et al. 1983). Cross-correlations are easily distorted by common patterns of drift or trend within input and output series. Their accuracy is jeopardized as well by autocorrelated errors within the input series (Haugh & Box 1977; McCleary & Hay 1980; Montgomery & Weatherby 1980). To remove common patterns of drift or trend, the incarceration series were log-transformed, then differenced before estimation. The remaining series required only differencing to achieve stationarity. Autocorrelations within each input series were removed by modeling the underlying process that generated the series (Makridakis et al. 1983:487–92). The input series was "prewhitened" by inverting its ARIMA model. The prewhitening transformation was applied to the output series to preserve the integrity of the functional relationship between the input and output series.

Multivariate ARIMA analysis of the sort conducted here requires that input series be independent of one another (McCleary & Hay 1980). Historical research suggests that such independence is unlikely. Cotton prices, for example, purportedly affected subsequent harvests (Fligstein 1981), racial economic inequality (Ransom & Sutch 1977), and demographic shifts in the size and location of the black population (Johnson & Campbell 1981). Cross-correlated series were rendered in-

dependent by modeling the output series as a function of its noise component and of a transfer function that represented the effect of the input series (McCleary & Hay 1980: 262–67). Residuals of this model were then used when calculating cross-correlations and estimating parameters. The Technical Appendix describes these procedures in detail.

The final aspect of the analysis examines changes in the functional form of relationships over time. As noted earlier, both economic conditions and racial inequality strongly determined social control during some periods but not during others (Tolnay et al. 1992; Beck & Tolnay 1990; Myers 1991). To assess these changes, I used a "moving" time-series strategy (Isaac & Griffin 1989). Each incarceration series was disaggregated into a set of shorter series 15 years long.[1] The first subseries, for example, spans the period 1897 to 1911, the second 1898 to 1912, the third 1899 to 1913, and so on. Parameter estimates were calculated for each subseries. The trend of these estimates ($n = 25$), chronologically plotted, documents changes in the functional relationship between each input factor and incarceration over time.

VI. Results

Table 1 presents the cross-correlations between punishment rates and each input series. Cotton price was consistently and inversely cross-correlated with the rate at which whites and blacks were sent to both the chain gang and the penitentiary. Although not as strong, the same pattern describes the relationship between percentage young and all incarceration rates. Cross-correlations involving the remaining input series were more limited in scope. Declines in relative property value, for example, appear to affect only the punishment of white males, while declines in the size of the black male population are associated with chain-gang, not penitentiary, incarceration.

Table 2 presents the results for the rate at which black males were sent to the chain gang and to the penitentiary. In the top half are preliminary models, which estimate transfer functions for all series whose cross-correlations approached or reached statistical significance. The bottom half of the table reports the results of reestimated models after insignificant transfer functions were dropped.[2] Declining prices generated con-

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[1] A shorter time interval (e.g., 10 years) would permit more finely tuned interpretations of observed shifts in impact, but it would also yield less reliable estimates of those shifts. A longer time interval (e.g., 20 years) would generate more reliable but less informative estimates.

[2] The black chain-gang rate was reestimated twice. In the first reestimation, only cotton harvest was dropped. Both percentage male and percentage young fell just short of the criterion for inclusion. As a result, the final model estimated only the effect of cotton price.

Table 1. Cross-Correlations between Incarceration Rates and Input Series

Input Series	Black Male		White Male	
	Chain Gang	Penitentiary	Chain Gang	Penitentiary
Cotton Price				
Lag 0	−.54*	−.39*	−.39*	−.43*
1	−.24	−.52*	−.09	.14
2	.21	.02	.04	.09
3	.29	.15	.24	−.19
4	.06	.20	.20	.23
Cotton harvest				
Lag 0	−.26*	−.08	−.26	−.44*
1	.16	−.06	.22	.15
2	.07	.10	−.28*	.13
3	.13	.22	.03	−.27
4	−.09	.22	−.01	.13
% black male				
Lag 0	−.02*	−.09	−.22	−.02
1	.17	.12	.08	−.08
2	.00	.23*	−.09	−.06
3	.02	.14	.09	.01
4	−.30*	−.08	−.28*	−.13
Relative property value				
Lag 0	.16	.14	.01	.17
1	−.14	.07	−.20	.09
2	−.07	−.10	.09	−.51*
3	−.16	−.07	−.25*	.32
4	.17	−.02	.19	−.21
% young				
Lag 0	.10	.12	.07	−.05
1	−.25*	.09	−.12	.03
2	−.08	−.33*	−.24*	−.26*
3	.10	−.04	.21	.09
4	−.11	−.04	−.21	−.08

Note: Input series are prewhitened and independent of each other. See Technical Appendix for details.
* Approached or exceeded statistical significance ($p < .05$) and subsequently estimated.

temporaneous increases in both chain-gang and penitentiary incarceration rates. Their effects on the latter were more sustained and continued to be felt a year later. Declines in the size of the young population increased the penitentiary incarceration rate; its effect on chain-gang incarceration levels was insignificant.

Table 3 presents the models for white male punishment rates. As the price of cotton, the size of the cotton harvest, percentage black male, and relative property values declined, the rate at which white males were sent to the chain gang increased. Cotton prices had the most immediate effect, while the remaining impacts were delayed by at least two years. The passage of the Federal Aid Road Act temporarily increased rates of chain-gang incarceration after a one-year lag. Declines in cotton prices, the cotton harvest, and relative property values also increased penitentiary incarceration rates. So too did the Federal Aid Road Act, which generated a slight though gradual and

Table 2. Maximum Likelihood Estimates for Determinants of Black Male Incarceration Rates

	Function	Parameter	Chain-Gang Estimate (SE)		Penitentiary Estimate (SE)	
Original model						
Cotton price	a	ω_0	-4.92	$(1.30)^*$	$-.97$	$(.37)^*$
		ω_1			1.27	$(.40)^*$
Cotton harvest	ωX_t	ω	$-.44$	$(.31)$		
% black male[b]	ωX_{t-n}	ω	-1.13	$(.71)^*$	$.04$	$(.21)$
% young[c]	ωX_{t-n}	ω	-1.30	$(.84)^*$	$-.35$	$(.22)^*$
Noise						
Incarceration	ϕY_{t-1}	ϕ			$.49$	$(.16)^*$
σ^2			$.025$		$.0023$	
χ^2 of residuals (p)			3.6	$(.7)$	2.1	$(.8)$
Reestimated model						
Cotton price	a	ω_0	-5.18	$(1.33)^*$	$-.98$	$(.37)^*$
		ω_1			1.30	$(.38)^*$
% young	ωX_{t-2}	ω			$-.34$	$(.21)^*$
Noise						
Incarceration	ϕY_{t-1}	ϕ			$.49$	$(.16)^*$
σ^2			$.030$		$.0022$	
σ^2 (noise)			$.035$		$.0028$	
χ^2 of residuals (p)			6.6	$(.4)$	2.2	$(.8)$

Note: Input series are prewhitened and indpendent of each other. See the Technical Appendix for details.
[a] For chain-gang rate, the transfer function is ωX_t; for penitentiary rate, $(\omega_0 - \omega_1 B)X_t$.
[b] For chain-gang rate, $n=4$; for penitentiary rate, $n=2$.
[c] For chain-gang rate, $n=1$; for penitentiary rate, $n=2$.
* Estimate is 1.5 times its standard error.

permanent increase. Reductions in the young male population increased the penitentiary rate but had no effect on chain-gang incarceration levels.

The remaining results examine changes in relationships with time. Figure 3 plots the effects of cotton price on all incarceration rates. Although altered little in sign, effects varied dramatically in magnitude. Throughout the period, cotton price affected the rate of chain-gang incarceration more strongly than it affected the penitentiary rate. At least until 1920, cotton price became an increasingly important determinant of the rate at which both blacks and whites were sent to the chain gang. For black males, cotton price affected the chain-gang rate more adversely in the aftermath of World War I, while for white males, its strongest effects occurred prior to World War I. Changes in the effect of cotton price were less pronounced for the punishment of convicted felons, particularly black males. Most remarkably, the effect of cotton price on both chain-gang and penitentiary incarceration stabilized after 1920. Race differences in its effect diminished significantly as well.

Figure 4 plots the effects of cotton harvest on white punishment. The size of the cotton harvest had stronger, albeit more mercurial, impacts on chain-gang rates than on penitentiary

Table 3. Maximum Likelihood Estimates for Determinants of White Male Incarceration Rates

	Function	Parameter	Chain-Gang Estimate (SE)		Penitentiary Estimate (SE)	
Original model						
Cotton price	ωX_t	ω	−4.24	(1.63)*	a	
Cotton harvest	ωX_{t-2}	ω	−.67	(.38)*		
Federal Aid Road Act	$\omega/(1-\delta B)X_{t-1}$	ω	.37	(.18)*		
		δ	−.70	(.20)*		
% black male	ωX_{t-4}	ω	−1.83	(.83)*		
Relative property value	ωX_{t-3}	ω	−.13	(.05)*		
% young	ωX_{t-2}	ω	−1.55	(1.11)		
σ^2			.030			
χ^2 of residuals (p)			2.49	(.9)		
Reestimated model						
Cotton price	ωX_t	ω	−4.81	(1.63)*	−1.57	(.71)*
Cotton harvest[b]	ωX_{t-n}	ω	−.62	(.38)*	−.39	(.18)*
Federal Aid Road Act[c]	$\omega/(1-\delta B)X_{t-n}$	ω	.44	(.18)*	.05	(.03)*
		δ	−.63	(.21)*	−.89	(.32)*
% black male	ωX_{t-4}	ω	−1.62	(.84)*		
Relative property value[d]	ωX_{t-n}	ω	−.13	(.05)*	−.08	(.03)*
% young	ωX_{t-2}	ω			−1.11	(.55)*
σ^2			.031		.007	
σ^2 noise			.051		.013	
χ^2 of residuals (p)			1.86	(.9)	7.0	(.3)

Note: Input series are prewhitened and indpendent of each other. See the Technical Appendix for details.
[a] The complete model is presented below.
[b] For chain-gang rate, $n=2$; for penitentiary rate, $n=0$.
[c] For chain-gang rate, $n=1$; for penitentiary rate, $n=2$.
[d] For chain-gang rate, $n=3$; for penitentiary rate, $n=2$.
* Estimate is 1.5 times its standard error.

rates. This was particularly pronounced in the aftermath of the First World War, while its effect on penitentiary rates remained fairly constant during the entire time period. Figure 5 depicts the changing role played by the size of the black male population on incarceration under the chain gang. Although similar for both blacks and whites, its impact was slightly stronger for white males and was stronger for both blacks and whites during the first two decades of this century. In Figure 6 are depicted the impacts of relative property value on the punishment of white males. As was the case for cotton harvest, relative property value had slightly stronger, albeit more variable, impacts on chain-gang incarceration rates than on penitentiary rates. This was particularly the case during the first two decades of this century, which encompassed several major events: a depression (1903–7), world war, black outmigration, and an ecological disaster (boll weevil infestation, 1916–21). In contrast, the impact of relative property value on the rate at which white males were sent to the penitentiary changed little with time.
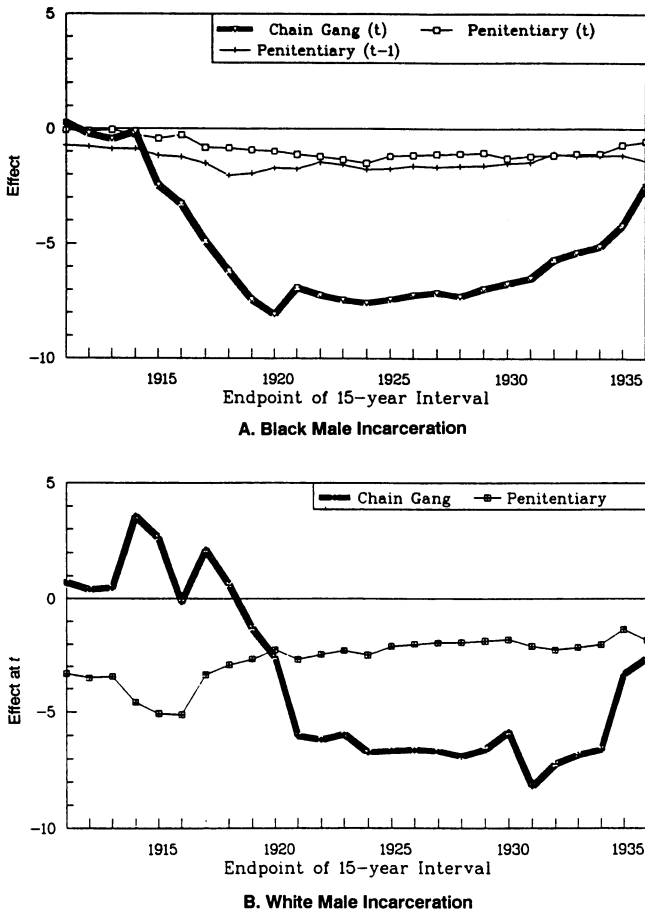
Figure 3. Effects of cotton price over time on black male (A) and white male (B) incarceration

VII. Discussion

The punishment of minor offenders in early 20th-century Georgia was in many respects indistinguishable from the punishment of felons. Both involved the forced appropriation of labor, sharp racial disparities in imposition, temporal shifts in racial composition, and similar trends over time. These similarities provided grounds for extending theoretical perspectives that have informed research on more serious forms of social control.

The political economy perspective, with its emphasis on economic conditions and the labor market, generated several expectations. First, chain-gang incarceration rates should rise as cotton prices fall. The data consistently confirmed this expectation. With declining prices and the worsening economic
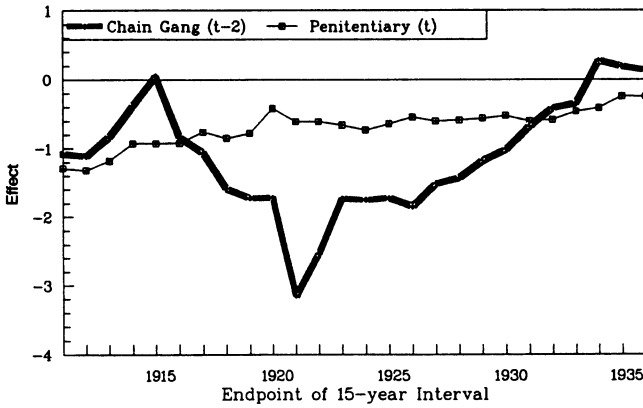
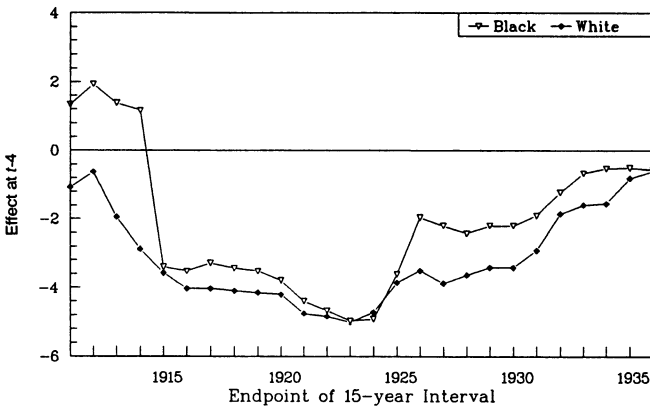**Figure 4.** Effects of cotton harvest over time on white male incarceration

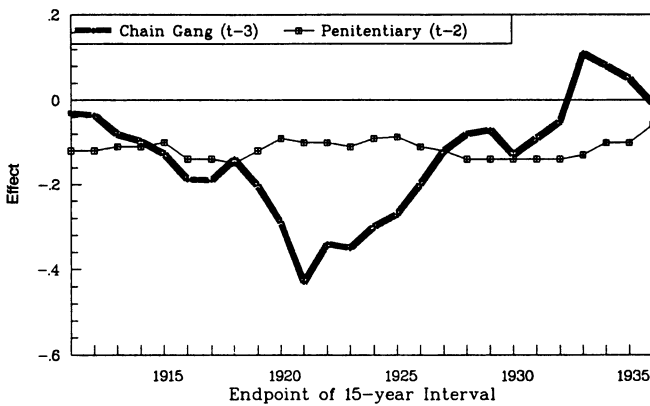**Figure 5.** Effects of percentage black male over time, chain-gang incarceration

Figure 6. Effects of relative property value over time, white male incarceration

conditions they implied, both black and white males were sent to the chain gang at accelerated levels. Indeed, incarceration under the chain gang proved to be more responsive to cotton price fluctuations than did more arduous penitentiary incarceration. Second, declining cotton harvests should depress the demand for agrarian labor and increase the rate at which blacks and whites were incarcerated. The data, particularly for white males, supported this expectation. For black males, the relationship was in the expected direction although too weak to reach statistical significance. As was the case for cotton price, the size of the harvest typically had stronger effects on the rate of chain-gang punishment than on penitentiary incarceration rates. This result suggests that short-term punishment, particularly of white males, was more responsive to local labor market conditions than was long-term punishment. When the demand for agrarian labor was particularly intense, judges appear to have eschewed the chain gang for alternative sanctions (fines or court costs) that would not deprive local farmers of needed laborers or tenants. To a lesser extent, judges appeared to have eschewed the convict lease for white males as well.

A corollary expectation was that the demand for convict labor to build and maintain public roads would alter the relationship between punishment and the general demand for agrarian labor. When the two demands coincide, an increase in the size of the cotton harvest should stimulate, rather than depress, the rate at which black males were sent to the chain gang. On the surface, this expectation received no support. Harvest size had no significant effect on the incarceration of black males in the chain gang. To test this expectation properly requires, however, an identification of shifts in relationship over time. The moving time series strategy permits such an identification, and Figure 7 depicts its results. Contrary to expectation, growing harvests consistently depressed the rate of black male incarceration in the chain gang. Thus, there is no indication of a mutually reinforcing relationship between the demand for agrarian labor and the demand for misdemeanant convict labor on roads. The reinforcing relationship between cotton harvest and incarceration surfaces only for convicts sentenced to the penitentiary. It reflects the stated preference for convicted felons to construct and maintain roads, a preference grounded in the greater reliability of a labor force whose prison terms lasted far longer than the time needed to train its members (McCallie 1911). The incarceration of white males in the chain gang also responded to public demands for roads but in a different way. Federal legislation provided incentives to work convicts on public roads in 1916, and this legislation temporarily although only slightly increased levels of chain-gang incarceration, while permanently increasing its penitentiary counterpart.
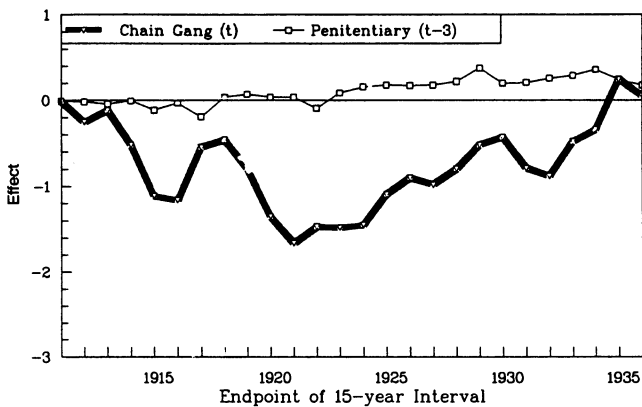
Figure 7. Effects of cotton harvest over time on black male incarceration

The final expectation from the political economy perspective involves the threat posed to elites by a shrinking labor supply. Although significant only for white males, declines in the relative size of the black male population increased the rate at which both blacks and whites were sent to the chain gang. Levels of more serious punishment were not entirely immune to shifts in labor supply, however. Recall that the size of the young male population was included to serve as a proxy for criminality. The expected relationship was positive: As the population of young males declined, so too should crime rates and ultimately incarceration rates. Contrary to expectation, declines in this population *increased* the rate at which black and white males were sent to the penitentiary. Figure 8 shows that this relationship was remarkably consistent over time. Unlike short-term labor under the chain gang, the demand for long-term coerced labor appears to have been primarily a demand for the labor of young males. Declines in the supply of this population intensified the rate at which the labor of both blacks and whites was coercively expropriated under the convict lease.

The minority threat perspective focused attention on the threat posed to working-class whites by increased competition between black and white workers. As was the case for earlier work on penitentiary incarceration, these data provide no support for the argument that increased interracial competition, as reflected in a narrowing economic gap between whites and blacks, increased interracial tensions and ultimately found expression in intensified rates of black punishment. Instead, declining racial economic inequality increased the rate at which white males were sent to the chain gang. Consistent with the theoretical reasoning of Blalock (1967) and others (Turk 1969; Chambliss & Seidman 1971), economic changes rendered whites less able to resist the imposition of social control. Declines in their economic fortunes exerted stronger pressure on
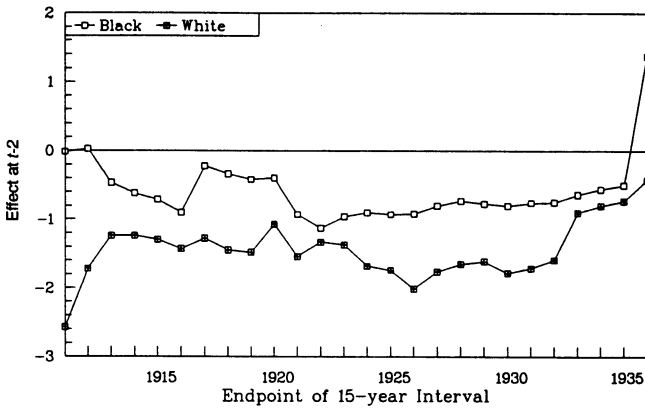
Figure 8. Effects of percentage young over time, penitentiary incarceration

the short-term, rather than long-term, punishment of whites. This was particularly true during the first two decades of the 20th century, when relative property values declined rapidly.[3] Taken together, these results suggests a continuing reluctance to subject whites, despite their declining economic position, to the rigors of long-term forced labor. This reluctance was less apparent, though hardly absent, when subjugation involved a punishment that, while equally rigorous, was much shorter in duration.

In sum, the results provide convincing evidence that the punishment of minor offenders responded to changes in general economic conditions, in labor market conditions, and in racial inequities. Indeed, minor punishment was often more tightly bound to these changes than was the punishment of convicted felons in the penitentiary. The strength of the ties varied with both time and race. The pronounced economic and demographic changes of the first two decades of this century[4] found clear expression in the punishment of minor offenders. As shifts in cotton prices, labor supply, and racial economic inequality became less pronounced, so too did their relevance for punishment. Finally, the punishment of white males was more tightly anchored to class and race-based inequalities than was the punishment of black males.

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[3] During the first two decades of this century, the economic gap between whites and blacks declined dramatically, from a high of 21.5 in 1899 to a low of 4.4 in 1920 (Myers 1990b). Two factors contributed to this decline. First, black property values increased more quickly than did white property values. Between 1899 and 1915, they nearly doubled (6.1 to 11.6 cents per capita), while white property values rose by only 16%. Second, white property values dropped more precipitously than did black property values. Between 1914 and 1926, white property values declined by 38%, while black property values declined by 27%.

[4] For example, the price of cotton doubled (from 8.4 to 17.6 cents a pound), while after World War I, prices plunged from a high of 17.6 cents in 1918 to a low of 7 cents a pound in 1921.

VIII. Implications and Conclusion

At its most general level, this inquiry underscores the value of anchoring the punishment of minor offenders in its broader social and economic contexts. Even in its minor manifestations and for whites as well as for blacks, punishment can profitably be conceptualized as an "economically conditioned social policy" (Garland 1990: 287), whose use is shaped by the general state of the economy, the specific conditions of its labor market, and a major consequence of its operation, the magnitude of racial inequality. Notions of minority threat became relevant to punishment only when placed in the context of the political economy, in this case one whose dependence on cotton jeopardized traditional distinctions based on race and magnified distinctions, among whites, based on class. Within this context, a dwindling supply of black laborers was threatening, and caste boundaries were crossed to forcibly expropriate labor.

Although the emphasis here has centered on issues of class and race, the punishment of minor offenders can profitably be embedded in other contexts as well. Of clearest relevance to early 20th-century Southern punishment is the general process of state centralization, which presupposes that state officials monopolize all forms of violence (Spierenburg 1987). A cursory overview reveals that achieving control over offenders, and the use of violence against these offenders, was a protracted affair for the state of Georgia. Legislation was incremental and often arose from the crises and embarrassments generated by special investigations. The state did not obtain control over its convicted felons was until 1897, when legislation authorized the governor to appoint a Prison Commission, with the authority to regulate camp conditions and appoint inspection officers, camp guards and physicians (Georgia Laws 1897:71–78). At that time, the Prison Commission obtained only the power to supervise misdemeanants on the chain gang. Though long recognized as a need, supervision only became justifiable after special investigations revealed deplorable conditions (Wright 1895; Byrd 1897) and noncompliance with the state's Supreme Court ruling that prohibited the private hire of misdemeanants (*County of Walton v. Franklin* 1894). Supervision did nothing to end private control over misdemeanants, and within three years both the Prison Commission and the governor advocated direct state control (Prison Commission of Georgia 1900:22; Candler 1900:26). The legislature did not comply until an investigating committee, appointed in 1907, found flagrant abuses of trust in the handling of convicted *felons* (Joint Committee of the Penitentiary 1908). In an Extraordinary Session, the legislature reorganized the punish-

ment of both felons and misdemeanants (Georgia Laws 1908:1119–30) and in the process gave the Prison Commission complete control over misdemeanants sent to the chain gang. The commission could now draft rules and regulations, summarily discharge employees, and dispose of misdemeanants when counties were unable to do so. The private sector was deprived of the labor of misdemeanants, which became the sole preserve of state and local authorities.

This brief overview of the political context of misdemeanor punishment, coupled with the analysis reported in the body of the article, argue for a thorough integration of minor punishments into current theorizing and research on societal patterns of criminal punishment. This integration entails not only an application of relevant theoretical perspectives, as was begun here, but also a comparative consideration of related forms of punishment.

Social science research has been preoccupied with specifying qualitative cross-sectional differences in the processing of minor and serious offenders. While clearly essential, these endeavors need to be augmented by direct comparisons, preferably over time, of patterns in the sanctions that are actually imposed on these two categories of offenders. In this case, direct comparison uncovered evidence of common forces underlying the punishment of both misdemeanants and felons. It is possible that these commonalities are outgrowths of a distinctively Southern agrarian political economy, and therefore unlikely to be replicated in more diversified and industrialized contexts. Similarities may also be logical consequences of unified state control over both forms of punishment and may be less likely to occur when autonomous local authorities firmly control the punishment of minor offenders (e.g., Hawkins 1984). Finally, similarities may be relics of the past that disappear once the punishment of convicted misdemeanants becomes the specialized province of autonomous courts. Only longitudinal inquiries about the range of punishments imposed in a variety of contexts will enable us to weigh the merits of these possibilities and develop a holistic and historically sensitive understanding of criminal punishment.

Finally, the punishment of both minor and serious offenders needs to be integrated within the larger context of alternative social control mechanisms. Studies of the post-Reconstruction South have begun to specify the relationships between executions and lynchings (Phillips 1987; Beck et al. 1989; Tolnay & Beck 1992a) and between incarceration in the penitentiary and lethal forms of social control (Massey & Myers 1989). In addition to illuminating general processes of social control, investigations that include a range of coercive responses are essential prerequisites for testing adequately theo-

ries, such as those reviewed here, in which class and race figure prominently (Liska 1992c; Tolnay & Beck 1992b). Inequalities based on race and class imply that the sources and targets of threat will be diverse, as will the responses designed to contain them. While social control responses may be undertaken in concert with one another, they may also occur in a temporal sequence whose order hinges on the seriousness of the threat and on the success of alternative social control mechanisms. This possibility can only be explored by inquiries that anchor the multiple forms of social control to each other, to the surrounding social milieu, and to the context of time.

Technical Appendix

Previous analyses (e.g., Myers 1991) suggests that cotton production depressed the price of cotton and that cotton prices affected subsequent harvests, racial economic inequality, and outmigration. A single significant cross-correlation (CCF+1 = −.33) provided grounds for expecting increases in the harvest to generate permanent declines in cotton prices one year later. To remove this association, cotton price was modeled with a zero-order transfer function, ωX_{t-1}, to represent the effect of cotton harvest. The parameter ω represents the magnitude and direction of the effect (Box & Tiao 1975; Harvey 1981). The residuals of this model, a white noise process, constitute the cotton price series purged of the effect of cotton production.

Cross-correlations suggested that a decline in cotton prices (purged of the earlier harvest effect) depressed the size of subsequent cotton harvests (CCF+1 = .36; CCF+2 = .37). The cotton price series, already a white noise process, was modeled with a zero-order transfer function $[(\omega_0 - \omega_1 B) X_{t-1}]$, and this diagnosis was confirmed during estimation ($\omega_0 = 1.47$ (SE = .7); $\omega_1 = -1.5$ (SE = .7)]. Residuals from this model were used in all later analyses. Cross-correlations also suggested that declining cotton prices generated both contemporaneous and delayed increases in relative property value (CCF+0 = −.39; CCF+1 = −.50). The relative property value series was therefore modeled as a first-order autoregressive process [$\phi = .56$ (SE = .14)], with a zero-order transfer function $[(\omega_0 - \omega_1 B) X_t]$ included to capture the effects of cotton prices [$\omega_0 = -10.75$ (SE = 4.4); $\omega_1 = 10.42$ (SE = 4.3)]. Residuals from this model were used in all later analyses.

Declining cotton prices appeared to produce contemporaneous declines in percentage black male (CCF+0 = .31); this effect was modeled as a first-order autoregressive process [$\phi = .97$ (SE = .03)], with a zero-order transfer function (ωX_t) for the impact of cotton price [$\omega = .51$ (SE = .2)]. Cotton price had a more complex effect on race-specific measures of percentage young. Decay in cross-correlations provided grounds for estimating a first-order transfer function, denoted $[\omega/(1-\delta B)X_{t-1}]$. The parameter ω measures change in level, while the parameter δ, whose range is −1 to 1, measures the rate at which that change is realized. The model for each race-specific series also included a first-order autoregressive parameter. After freeing the series of the influence of cotton price, percentage young black male was purged of the contemporaneous effect of cotton harvest [$\omega = -.14$ (SE = .07)] and percentage black male [$\omega = .36$ (SE = .15)]. Percentage young white male was also purged of the contemporaneous influence of cotton harvest [$\omega = -.12$ (SE = .06)]. Residuals of these models were used in subsequent analysis.

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