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Terra Wilbanks April 3, 2024

# Systemic Refinement of Racial Capitalism: Incremental Reform in Memphis, TN

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Abstract

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This paper examines how racial capitalism shapes incremental reform within the criminal justice system. I argue that racial capitalism influences incremental reform through a process of systemic refinement, which in turn stagnates racial progress through a misrepresentation of objectives and a subsequent misalignment of outcomes. Additionally, I claim that through this process of systemic refinement, racial capitalism becomes strengthened and further entrenched in American society in a cyclical relationship with incremental reform. I explore this theoretical framework using criminal justice reforms in Memphis, Tennessee, one of the largest majority-Black cities in the United States. Specifically, I analyze how incremental cash bail reform and police reform more broadly have not led to meaningful change and have instead reinforced the unequal racialized social-political economy. I find that racial capitalism has a subversive and adaptable nature that renders incremental reform ineffective. Incremental reform allows racial capitalism to maintain dominance under the guise of improvement while evolving into a more sinister system that simultaneously exploits people of color. This relationship reinforces narratives of white supremacy that deny the existence of racial, social, and economic inequality, ultimately stagnating progress.

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## CHAPTER 1: Introduction

After the tragic murder of Tyre Nichols at the hands of 5 Black Memphis police officers in 2023, many questions regarding the connections between systemic racism and policing appeared. His death became a talking point on both sides of the political aisle to either prove or disprove the presence of systemic racism in policing. Some claimed that a Black man murdered by Black police officers constituted direct evidence of a lack of systemic racism in policing, stating that it could not be an act of racism since the murderers were Black. Others claimed that the intraracial violence on behalf of the police illuminated the extent to which racism permeated the fabric of the American criminal justice system, that Black police officers are enforcers of white supremacy above all else. These competing narratives warrant a discussion of the ways in which systemic racism can continue to dominate in a majority Black city.

I argue that systemic racism's perseverance, even in a majority Black city like Memphis, TN, is a direct effect of systemic refinement. Systemic refinement is a novel framework in political philosophy that I have developed to explain how the subversive, adaptable nature of racial capitalism renders incremental reform ineffective. In this thesis, I describe how incremental reform acts as a mechanism of systemic refinement that further entrenches racial capitalism under the guise of progress, specifically focusing on the criminal justice system.

My systemic refinement framework shows how incremental reform reinforces the racial capitalist system. It is useful for analyzing history and racial capitalism in American society as a self-preserving system of racialized exploitation and oppression. A systemic refinement framework can also help evaluate potential reforms and their effectiveness if implemented, as it distinguishes between performative and transformative reform in terms of effects, longevity, and accurate representation of objectives and outcomes. The relationship between progressive

objectives and outcomes is paramount to my framework, highlighting the need for policies that accurately address the demands and desires of a community. I suggest systemic refinement occurs through the misrepresentation of objectives, leading to a misalignment of outcomes and producing stagnated progress (See Figure 1.1). Demands and desires of a community are mischaracterized so that they will operate within the racial capitalist framework when demands for racial and economic justice inherently operate outside of the realm of racial capitalism. Thus, the outcomes of implemented policies are misaligned with the community's original intent and tend to be ineffective. When reforms are ineffective, narratives of stagnation occur. Community members, believing that their demands have been met, assume that their original expectations were incorrect and, thus, progress cannot be achieved through these means. Understanding systemic refinement can be useful for ensuring reforms are truly progressive and meeting community demands. It distinguishes between policies that meaningfully address the needs of a community and those that simply reinstate racial capitalism under different circumstances to facilitate stagnation.

Using a collection of case studies alongside interdisciplinary scholarship of philosophy, political theory, and Black studies, this thesis will explain my conceptualization of systemic refinement and how it impacts the effectiveness of incremental reform in a system of racial capitalism. In the remainder of this chapter, I establish the background for my framework, beginning with an examination of the American system of racial capitalism, incremental reform, ideological reform, and stagnated progress in relation to my argument. First, I explain racial capitalism as it exists in the American context. Next, I explore incremental reform and its alternatives. Third, I introduce my framework of systemic refinement alongside that of ideological refinement, the political psychology theory on which my framework is based. I then

further explain the intricacies of systemic refinement as a process and its outcome of stagnated progress. Finally, I explain the significance of testing my framework within the criminal justice system and my rationale for Memphis as a geography of interest.

*Racial Capitalism: An American Tradition*

To begin understanding systemic refinement, we must understand the system in and on which the refinement occurs: racial capitalism. Racial capitalism, coined by Cedric Robinson, refers to the racially exploitative system of capitalism created as "the development, organization and expansion of capitalist society pursued essentially racial directions" (Robinson, 1983: 4). According to Robinson, all capitalist systems are racially capitalist, as capitalism was predated by racism and, thus, inherently racialized since its onset. "The social, psychological, and cultural origins of racism… anticipated capitalism in time and formed a piece with those events that contributed directly to its organization of production and exchange" (Robinson, 1983: 4). More recent scholarship has further defined racial capitalism as "the process by which the key dynamics of capitalism–accumulation/dispossession, credit/debt, production/surplus, capitalist/ worker, developed/ underdeveloped, contract/coercion, and others–become articulated through race" (Leroy and Jenkins, 2021: 3). I utilize these definitions in tandem to define racial capitalism as America's governing economic and ideological policy which maintains race and class divisions through exploitation by individuals, material disinvestment by institutions, and the unequal enforcement of the law. Racial capitalism refers to the ways in which white supremacy has been engrained in American society. Economic in nature, racial capitalism refers specifically to the economic dimensions of racial inequality in labor exploitation, devaluation,

and socioeconomic disadvantage to ensure white profit accumulation. In my view, though, racial capitalism encapsulates the racial inequalities that permeate American society both as a result of and as a means of maintaining racial economic inequality. Non-economic inequality, though not inherently capitalistic, upholds and legitimizes racial capitalism. The inequalities inherently produced by capitalism create racial disparities. The naturalization of capitalism rationalizes this racial inequality. Material inequalities reinforce narratives of Black inferiority that further entrench racialized economic inequality. Thus, racial capitalism is the structure of American society—not just the economic system—that extracts the social, political, and economic power of Black people to uphold white supremacy.

This practice of racialized exploitation in the United States most markedly begins with the institution of slavery. According to Leroy and Jenkins (2021), "racial capitalism marks a historical intimacy among the slave trade, enslavement, and colonialism that often goes unacknowledged, but also captures the way slavery epitomized a racialized system of valuation and extraction that continues to this day" (Leroy and Jenkins, 2021: 11). The "framework of racial capitalism, then, makes two related claims upon the future. First, racial justice cannot be achieved by subsuming it under a generalized call for economic justice… Second, capitalism cannot be rehabilitated through the inclusion of previously excluded groups" (Leroy and Jenkins, 2021: 13). I argue that these two claims are true due to systemic refinement that makes use of the adaptable, subversive nature of racial capitalism to further entrench white supremacy. This constant refinement renders racial justice efforts untenable or ineffective in such a system. Racial capitalism exists to uphold white supremacy through the exploitation, commodification, and devaluation of Black bodies; these key traits are unreformable and cannot be remedied through incremental reform.

To explain elements of racial capitalism that are not immediately economic in nature, I utilize the term "possessive investments in whiteness." Possessive investments in whiteness is a theory by George Lipsitz which rests on the notion of whiteness as having a cash value; i.e., white privilege results in material advantages. Litsiptz states that

> The possessive investment in whiteness is a matter of power, not simply of prejudice. Whiteness is more a condition than a color. It is a structured advantage that is impersonal, institutional, collective, and cumulative. Like all forms of racism, the possessive investment in whiteness exaggerates small differences in appearance to create large differences in condition. It concerns property as well as pigment, assets as well as attitudes. It manifests itself through practices that create differential access to wealth, health, housing, education, jobs, and justice (Lipsitz, 2018: VII)

Since whiteness is a commodity inherently tied to economic advantage, possessive investments in whiteness that are not immediately economic in nature (i.e., police violence) still have capitalist dimensions. They still serve to uphold the economic value of whiteness through the devaluation of Blackness.

*Examining Incremental Reform*

In my theory of systemic refinement, incremental reforms act as the mechanisms through which the process is completed. These incremental reforms are "specific, narrow-gauge, and evidence informed" attempts at temporarily pacifying cries for justice by adjusting one element of an unjust system (Jackson, 2020:X). Engaging in incremental reform focuses on individual issues within the system itself as opposed to the true root of economic and racial disparities, decontextualizing inequality and separating it from the institutional mechanisms that create and exacerbate it. Incremental reform, according to Jackson, takes "the current structure of social

institutions as a given," while the alternative, radical reform, aims to "fundamentally change social institutions" (Jackson, 2020: 21).

Jackson (2020) argues that arguments against radical reform are usually based on one of four reasons: pragmatism, science, ideology, and self-interest (32). Pragmatism inherently assumes that radical reform is untenable and that sweeping reforms will never gain support and funding. However, Jackson (2020) argues that many radical reforms posing as small-scale interventions have succeeded, thus claiming that pragmatism is based on an assumption rather than fact–"that we present radical interventions as non-radical is both pragmatic and understandable, but it is likely to further undermine claims that radical intervention is necessary" (32). This is the view of stagnated progress, which will be further explained in the following section. Radical reform is also more difficult to test with quantitative science, especially with the increasing specialization of science that obscures the full scope of issues creating inequality. Some social scientists are too committed to ideologies of bias concerning three dimensions: "competing economic values, a commitment to the integrity of existing institutions, and the association of particular types of policy initiatives with strongly held political positions" (36). Jackson (2020) summarizes the self-interested argument against radical reform: "a radical change in social institutions would improve the chances [those at] the bottom of the socioeconomic hierarchy at the cost of [those at the top.] Small-scale changes, on the other hand, would protect the individual interests" (42). In political philosophy, this is understood as a mindset of "capitalist realism," coined by Mark Fisher (2009) to refer to "the widespread sense that not only is capitalism the only viable political and economic system, but also that it is now impossible even to imagine a coherent alternative to it" (8). This capitalist realism sets us on a course of path dependency, refusing to address the issues within the system because the system is

all there is–we cannot imagine a post-radical reform world without capitalism. Thus, the problems with radical reform are merely perceptual. We believe they are not feasible in our current society–without recognizing that the society itself is the problem and needs fundamental restructuring.

I understand the distinction between incremental and radical reform as performative versus transformative. Incremental reform is inherently performative because its effects are often temporary, minuscule, and ineffective. Incremental reform is rarely effective because it operates within the sphere of racial capitalism, which relies on racialized exploitation. To achieve transformative reform, a fundamental restructuring of the racial capitalist society must occur, resulting in a society that is neither racialized nor capitalist. Incremental reforms void of fundamental restructuring maintain and further entrench racial capitalism into society and, thus, are performative.

*Refinement—Ideological and Systemic*

My notion of systemic refinement draws significantly on ideological refinement theory, which pushes back on the claim that formal higher education produces racial or ideological enlightenment. According to Jackman and Muha (1984), higher education does not instill a commitment to racial justice but instead refines the skills of "qualification, diversion, and symbolic responsiveness" (760). Ergo, whites are better able to conceal their prejudices, maintaining notions of cultural supremacy without overtly expressing them. The result is, "the peaceful preservation of the status quo in the face of challenge, along with little or no injury to the sensibilities of either dominant or subordinate groups" (Jackman and Muha, 1984: 761). Moreover, this practice of subversive supremacy through ideological refinement diverts attention

away from issues of racial injustice, allowing them to be more easily denied and ignored. Wodtke (2012) best summarizes the theory by stating that the ideological refinement perspective views education as an "institution that endows dominant groups with a keen awareness of their group interests, more advanced cognitive skills, and a set of ideological commitments that enable them to articulate an astute defense of their privileged position in the social hierarchy" (1).

Within the ideological refinement framework, white supremacy is rationalized not through overtly racist language and beliefs but on the basis of "race-neutral values of individualism and meritocracy" (Wodtke, 2012: 4). Thus, ideological refinement allows for the covert adaptation of the dominant group ideology and the subsequent subversion of challenges to it. This practice of ideological refinement is not reserved for only whites as the dominant group but also promotes the "refined racial ideology of the dominant group even among nonwhites whose group interests may conflict with this belief system" (6). Because this process of ideological refinement is so subversive, even those harmed by the dominant ideology may adopt these notions of individualism.

Incremental reforms act in a similar fashion as higher education institutions: systemically refining the system of racial capitalism to obscure and deny its true racially exploitative nature under the guise of improvement. The reforms are analogous to the colleges shaping the ideology, and the system of racial capitalism is analogous to the dominant ideology, both being shaped by and informing this process of systemic refinement.

*Stagnated Progress–Cyclical Refinement and Retrenchment*

It is essential to note that the aforementioned process is cyclical and self-reinforcing. The system of racial capitalism both relies on and reinforces white supremacy. Notions of white supremacy

were paramount to the creation of the racialized system of capitalism we live in today, imbued in the framework of capitalism since its conception (Robinson, 2021: 3). When white supremacy is threatened by calls for racial justice that challenge the social hierarchy, incremental reforms are utilized to satisfy critics while maintaining the status quo. A reform is passed, which quells–even if only temporarily–calls for justice but does little to invoke actual meaningful change. The planned failure of these reforms–as they cannot intend to create significant change that would threaten white supremacy and racial capitalism–is then cited as evidence for white supremacy. The failure of reforms have narrative value that act as possessive investments in whiteness. Suppose actions have apparently been taken to remedy the racial injustice, but racial injustice persists. In that case, one may conclude that the inequity is thus a matter of individual failure rather than an intentional and institutional issue. This is what I see as a misrepresentation of objectives, producing misaligned outcomes to stagnate progress. There are times when these reforms do make–albeit short-lived–positive changes. However, due to the adaptable nature of racial capitalism, these reforms are ultimately nullified as the system adapts, finding or creating loopholes as needed to continue extracting the social, political, and economic power from people of color in the presence of reforms. Subversively, the failure of these reforms to enact long-term positive change is cited as evidence of the inherent superiority of whiteness.

Thus, incremental reform is both informed by and informing the system of racial capitalism through the process of systemic refinement. Racial capitalism encourages incremental reform; incremental reform refines and reinforces racial capitalism. This systemic refinement is what allows racial capitalism to continue to dominate under the guise of improvement–we live in an ever-improving, yet ever-worsening, society.

*Using the Criminal Justice System*

Examples of the systemic refinement of racial capitalism are abundant within the criminal justice system Marxist theories of primitive accumulation point to enslavement, the most basic historical process of "divorcing the labor from the means of production," as the starting point for capitalism (Marx, 1867). The criminal justice system was born directly out of the abolition of slavery, hence the Thirteenth Amendment stating that "neither slavery nor involuntary servitude, *except as a punishment for crime* whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction" (U.S. Const. Amend. XIII). The modern American criminal justice system, therefore, is a crucial starting point for the exploration of systemic refinement, as its conception can be understood as one of the earliest examples of systemic refinement on a larger scale–i.e., the replacement of one mode of capitalist exploitation with another under the guise of an advancement. Suppose we understand slavery as America's first racialized capitalistic venture. In that case, we must also understand the criminal justice system and mass incarceration as a revised and refined extension of this, imbued with the same root notions of racism and exploitation as its predecessor. The idea of criminal justice and mass incarceration as new formations of racial stratification has been suggested by Michelle Alexander (2012) in *The New Jim Crow,* but Alexander's argument lacks a discussion of capitalistic motives. Understanding possessive investments in whiteness as inherently capitalistic, the omission of a conversation of capitalism in Alexander's argument can only be described as negligence.

The American criminal justice system includes the mass incarceration of Black bodies in a prison industrial complex. Prisons are run on a for-profit basis and exploit the labor of those who are imprisoned; however, the larger notions of exploitation, financial capture,

disenfranchisement, and immobility all factor into the American criminal justice system's in-keeping with racial capitalism. The idea of a for-profit prison *industry* in and of itself constitutes a capitalist scheme of profit accumulation in the form of criminal justice, this logic extends beyond correctional facilities and prisons, but into every aspect of the criminal justice system—especially important because a majority of those wrapped up in the racial capitalist penology are not actually in prison, but instead in jails, on probation, or the like. According to Friedman (2020), "Monetary sanctions intertwine every carceral institution and constitute fines, fees, restitution, interest, surcharges, assessments, and other costs accrued through criminal justice contact and sentencing." In addition to the inherent exploitation of prison labor, in the American system of racial capitalism, "the urge to immobilize increases alongside the state's need for both financial returns and symbolic returns in the form of degradation and docility" (Friedman, 2020). Racial capitalism operates on the basis of material and psychological Black inferiority, thus, immobilizing Black Americans for profit in the prison industrial complex is both a prerequisite and mechanism for the continued dominance of white capital. In a nation that imprisons Black people at a rate of 5 times more than that of whites, where Black people make up only 13% of the population but 38% of all prisoners, any profit accumulated by the prison industry is inherently a racialized capitalist venture (NAACP). Moreover, the possessive investments in whiteness in the criminal justice system act as examples for the ways in which racial capitalism permeates the criminal justice system. Correctional control, financial sanctions, and exclusion from politics and the economy are all key effects of the American criminal justice system—they all also happen to be means of restricting and extracting Black social, economic, and political power for the maintenance of white supremacy. Thus, the American criminal justice system operates as an extension of the system of enslavement refined through centuries of

reconfiguration, restructuring, and reform to uphold the critical tenets of racial capitalism under the guise of progress.

*Using Memphis, TN*

This thesis focuses specifically on Memphis, TN, for a number of reasons. Firstly, I was born and raised in Memphis. It is my home and a city which I care for dearly, but it is also a city with a great deal of racial inequality and a severe crime problem. Not only is Memphis the "murder capital of the world," it was also the second most impoverished large Metropolitan Statistical Area in the United States in 2020 (Delavega, 2022). Moreover, the poverty rate in Memphis is over two times higher for Black Memphians than for white Memphians, and the disparities in Black/white poverty rates are noticeably higher for Memphis than for Tennessee and the United States (See Figure 1.2). Memphis is one of the largest majority-Black cities in the United States, making this statistic especially concerning.

Memphis's status as a majority-Black city is also a major reason for my selection of it as the geography of my case studies. As aforementioned, this thesis seeks to explain how one of the largest majority-Black MSAs in the country is also one of the most economically unequal. However, the point of interest is not just in Memphis's status as a majority-Black city, but also its status as a Black municipal empowerment city. As will be discussed further in the following chapter, Memphis has a history of Black political leadership as early as 1872 with the election of Alexander Dickinson to the city council (Bradley, 2018). Unfortunately, however, Black political leadership fell throughout the Jim Crow era, and Memphis did not see additional Black representation in politics until the election of three Black Memphians to the city council in 1968 (Memphis Public Libraries, 2018). It was also during this time period that Memphis cemented

itself as a key battleground for the civil rights movement; however, Black representation in politics remained minimal until the city elected its first Black mayor, Willie Herenton, in 1992 (Finton, 2023). Herenton served as mayor of Memphis until 2009 when he was replaced by white former Mayor Jim Strickland, who served as Mayor of Memphis until the election of Memphis's second Black Mayor, Paul Young in 2023 (Finton, 2023). Over the past few decades, Memphis has seen a great amount of Black representation in local politics and it is the only majority-minority district in the state of Tennessee. Not only is Memphis regarded as one of the largest majority-Black cities in the nation, it is one of the South's most politically racially representative cities. As of 2020, both the population of Memphis and Memphis's city council are 62% Black, and the Black percentages of the population and the city council have been within ten percentage points of each other since 2000 (See Figure 1.2). For over three decades, Memphis has been a Black municipal empowerment city, with Black Memphians having descriptive representation since the early 1990s. Some might even claim that the political activity of Memphis throughout the civil rights era, to be discussed further in the following chapter, is evidence of Black political engagement as early as the 1960s. With Memphis's longstanding presence as a BME city in the South, the question becomes not only one of how racial capitalism maintains dominance in a majority-Black city but in a majority-Black city often governed by Black officials.

Moreover, choosing a city in the South is important given the region's unique history of racial discrimination and disenfranchisement. While enslavement definitely impacted the entirety of the United States, its effects in the South were much more immediate and intense. Enslavement and the Jim Crow era have rendered the South a region characterized by racial tension and inequality. For these reasons, the systemic refinement seen in the South is likely more extreme and obvious than that seen in other areas of the United States. Furthermore,

Memphis is located within the Republican, majority-white state of Tennessee. The conflicting racial and partisan makeups of the city and the state are also important in systemic refinement, as will be illuminated in the following case studies. State preemption can act as a form of systemic refinement that impedes the power of Black people, even when they hold the demographic majority and wield a substantial amount of local political power. The economic and social inequality in Memphis and its position as a Black municipal empowerment city in the South makes it a model city for testing my framework of systemic refinement.

*Conclusion*

In summary, I seek to provide a new intellectual framework for understanding reform in American racial capitalist society with my theory of systemic refinement. I utilize two case studies from Memphis, TN, as an example of the subversive and adaptable nature of racial capitalism in a historically majority Black city. More specifically, I examine criminal justice reforms in Memphis, TN, including reforms to the police department itself (i.e., the increased employment of Black police officers and the implementation of violence reduction policies) and bail reforms. I suggest that these reforms have done little to combat either the high levels or root causes of crime in the city due to a misrepresentation of objectives and a subsequent misalignment of outcomes. I also argue that the reforms, and their failures, have acted as possessive investments in whiteness that further narratives regarding the criminalization of Blackness and, thus, have increased opportunities for the exploitation of and profit made off of Black bodies through a stagnation of progress.

In the next chapter, I provide the historical and contemporary context necessary to understand Memphis's modern racial, social, and economic relations. Chapters 3 and 4 act as

case studies evaluating several reforms detailing the reforms, their goals, and their effects and evaluating them accordingly within my framework of systemic refinement. Chapter 3 will investigate several police reforms in Memphis more broadly. Chapter 4 focuses specifically on bail reform in Memphis. Chapter 5 considers the broader implications of systemic refinement and ways in which the framework can be further tested, utilized, and expanded upon.

## Chapter 2: A History of Systemic Refinement in Memphis

### *Introduction*

A discussion of the conditions of racial capitalism in Memphis, TN, requires a clear understanding of the city's racialized history. To better explain contemporary systemic refinement in Memphis, I review the historical instances of systemic refinement from enslavement up to the present. Throughout this chapter, I work to understand how racial capitalism has shaped and impacted the foundation and growth of Memphis. An analysis of these historical conditions and how white supremacy has been defended and maintained will create an understanding of the history and evidence of systemic refinement in Memphis, both in the material conditions of the city and remaining long-standing narratives of anti-blackness.

The analysis of historical conditions in Memphis will consist of a discussion of both primary and secondary sources. Primary source analysis includes the autobiography of formerly enslaved Memphian Louis Hughes, Congressional reports, original letters, and articles from Memphis's local newspaper, *The Commercial Appeal*. Secondary source analysis consists of the summation of several books chronicling the city's history. I primarily reference specifically Black histories of Memphis, but will also refer to more general histories of the city with a deracialized focus. These primary and secondary sources lay the foundations for a racial history of Memphis that accounts for and acknowledges systemic refinement through incremental reform. This history should allow for a clearer, more nuanced understanding of the city's current racial dynamics necessary for the following case studies.

### *Memphis During Enslavement (1818-1861)*

Pre-civil war, since its founding in 1818, Memphis established itself as a prominent cotton economy of the South. Due to the city's central location on the Mississippi River, it quickly became a metropolis for plantation labor and exports. Throughout the 1820s and 1830s, cotton plantations, exports, and slave markets became the main driver of the Memphis economy. (Carey, 2023).

> Because of the production of cash crops–particularly tobacco and cotton–use of slave labor intensified as settlers moved from eastern Tennessee into the middle and western parts of the state. By 1850, Memphis was the nation's largest inland market for enslaved Black workers and the 'biggest inland cotton market in the world.' More than 3,000 enslaved people lived in Memphis, most working as mechanics or laborers (Ben Hooks Institute)

Throughout enslavement, Memphis's economy was propelled primarily by enslaved labor. Whether from the cotton produced by enslaved labor, the enslaved labor utilized in the cotton exchange shipment and the city's other factories, the enslaved labor of mechanics and craftsmen, or the robust city's slave markets laid the foundations for Memphis's political economy (Sigafoos, 1979: 32-3).

Though Memphis was often hailed as a more liberal city in terms of enslavement, the treatment of enslaved Memphians reflected the same levels of violence as seen throughout the South, as evidenced by Hughes's autobiography. Hughes refers to the system of enslavement as a "monstrous domestic institution that not only tolerated, but fostered, such an exhibition of . . . such vulgar spite and cruelty" (Hughes, 1986: 86). Thus, we see evidence of anti-Black violence in Memphis throughout enslavement that was concealed at the time and has been maintained through systemic refinement. Moreover, Memphis's central location on the MS River and the large volume of export ships made Memphis a key escape point for runaway enslaved peoples.

However, Hughes's autobiography reveals that he was unable to successfully run away until his third attempt, thus revealing yet another scheme of Black exploitation in the prominent runaway capturing in Memphis (Hughes, 1986: 55). Given the large rewards often afforded to those who "return" runaway enslaved peoples, white Memphians were able to directly profit off of slavery without being enslavers themselves by merely supporting the system of enslavement. Throughout the antebellum period in Memphis, the foundations for the system of American racial capitalism were laid. A state-endorsed system of anti-Black violence was legitimized by the institution of slavery that concealed itself under the guise of Memphis as a progressive Southern city.

*Memphis During the Civil War (1861-1865)*

Early in the outbreak of the Civil War, in April of 1861, nearly 70% of the population of Memphis voted for secession, officially leaving the Union and joining the Confederacy (Sigafoos, 1979: 41). Memphis only remained a member of the Confederacy for about a year. In June of 1862, the city fell to Union troops and began a period of federal occupation. Thus, Memphis became a "haven" for Black Southerners, a place where all Black people would be treated as free persons, and the Black population quadrupled between 1860 and 1865, increasing from 3,882 to well over 16,000 (Goudsouzian and McKinney, 2018: 15). However, the Union capture of Memphis can be understood as an example of systemic refinement. Black Southerners came from all over the South in search of freedom in Memphis. Still, racial capitalism had already developed new schemes of Black labor exploitation in the absence of enslavement. Early in the Union occupation of Memphis "authorities required every former slave living and working

in the city to carry a pass attesting to his or her employment," creating vagrancy laws to force Black employment (Goudsouzian and McKinney, 2018: 17). Throughout the Union occupation of Memphis, the city acted as a "center for the recruitment of Black soldiers," and Black migrants "were recruited to pick cotton and harvest corn in deserted fields" (Goudsouzian and McKinney, 2018. 15. and Sigafoos, 1979: 44). However, even with these new labor exploitation schemes, the presence of such a sizeable Black population threatened power balances of white supremacy in the city. "In the summer and fall of 1865, federal authorities made a concerted effort to relocate the surplus population of former slaves to rural areas." Still, these efforts failed, and a majority of the formerly enslaved population of Memphis remained in the city (Goudsouzian and McKinney, 2018: 17). Still, though, throughout the federal occupation of the city, enslaved peoples from all over the South ran away to Memphis to gain their freedom. Memphis became a significant geographical location for Black liberation.

Hughes reflects on the extent to which Memphis acted as an important haven for Black Southerners in his autobiography. He and his family had been relocated to Mississippi at the Union's capture of Memphis, as many planters retreated before the capture, anticipating seizures of their property, but were able to run away to Memphis in June of 1865. Upon re-entry into Memphis, Hughes recalls that "the city was filled with slaves, from all over the south, who cheered and gave us a welcome" (Hughes, 1986: 176). Thus, we see how Memphis truly became a majority-Black city with a strong sense of Black community and identity. Even with new schemes of Black labor exploitation, Memphis acted as a meeting place for Black Southerners, remaking lives for themselves and reuniting with their loved ones after escaping enslavement. However, as will be further discussed in the remainder of this chapter, whites and elites in

Memphis found new ways to exploit the free Black population through a process of systemic refinement.

*Memphis After the Civil War (1866-1876)*

Memphis's status as a haven for Black people in the South did not last long following the conclusion of the war. On May 1, 1866, just over a year after the end of the Civil War, the Memphis Massacre of 1866 broke out. The Memphis Massacre of 1866 was a "race riot" in which a group white Memphians comprised of police officers, politicians, and citizens wreaked havoc, violence, and destruction on Black neighborhoods throughout the city, killing forty-six African Americans, raping five Black women, and destroying ninety-one homes, four churches, and twelve schools in Black communities (Goudsouzian and McKinney, 2018: 17). The massacre constituted a direct attack on the growing Black population and its success. In the year since the Civil War, Black people in Memphis had become a large source of labor power and constituted a significant portion of the population. "Black labor was sought by the railroads and the levee construction firms. Local factories and trades employed blacks as common laborers or assistants . . . in 1866 there were about 20 black proprietors with small service businesses" (Sigafoos, 1979: 50). While the massacre was incredibly detrimental to Black Memphians, responses by the Black community "strengthened the bonds of fellowship and the desire to build a community," leading to the formation of several Black organizational networks for uplifting the Black community (Goudsouzian and McKinney, 2018: 19). However, this response was not unanimous amongst all Black Memphians.

Some Black Memphians utilized the massacre to spur more extensive conversations about equality in the city, noting the shortcomings of reconstruction and the remaining inability of Black Memphians to make improvements for themselves, as evidenced by the congressional hearings of the 39th Congress in response to the Memphis Massacre. One man, Austin Cotton, a victim of police brutality during the riot, expressed his dismay with racial relations in the city during his testimony. In his reflections, Cotton stated that "the colored people do not have any rights; if one of them lifts his fingers he will be fined five dollars, when he would not have been if he had been a slave" (39th Congress, 1866: 102). Moreover, Cotton recounts that the white population of Memphis treated him worse since he became a freedman, noting increased violence and cruelty inflicted upon him by whites as a means of upholding white supremacy in the absence of a system of enslavement. Here, we see the self-recognition by Black Memphians of the systemic refinement which had taken place with the abolition of slavery and the creation of a racialized police force, noting that Black Memphians were still lacking rights and now faced the added penalties of financial sanction. It is important to note that Cotton here is not arguing for the reinstatement of enslavement but rather noting how the Black population is still operating under a system of oppression and financial capture that must be transformed to achieve racial progress. Testimonies by whites in the document repeatedly refer to the drunkenness and disorderliness of Black soldiers and civilians as justification for the massacre, reflecting a clear move towards the criminalization and villainization of Blackness for justifying anti-Black violence and white supremacy in the absence of enslavement. These early possessive investments in whiteness constitute an example of systemic refinement.

Some scholars claim that the Memphis Massacre directly led to the passage of the Thirteenth Amendment and Fourteenth Amendments, granting Black Americans citizenship and

the right to vote (Goudsouzian and McKinney, 2018: 18). Therefore, in the years following the massacre, Black political engagement increased tenfold; however, this political engagement often reflected yet another case of systemic refinement. In the 1876 city election, for example, Black Memphians largely supported antebellum elites, returning power to whites but on the basis of Black support. While white elite electeds did show some interest in satisfying the desires of Black Memphians, they did so only if these alliances did not challenge white supremacy (Goudsouzian and McKinney, 2018: 14). Therefore, even with Black advancements in the electorate, Memphis saw little advancements for civil rights throughout reconstruction. According to race scholar Laurie Green, these political alliances between Black and white Memphians constituted a rebirth of the "plantation mentality," a "political culture [that] upheld a racist ideology that promoted white domination and black subservience" (Goudsouzian and McKinney, 2018: 14). This plantation mentality is especially emphasized during the Crump Era, which will be discussed in the following section. While Black Memphians saw what appeared as several advancements throughout the reconstruction era, these advancements were often empty and rarely materialized as successes due to the systemic refinement of racial capitalism.

*Memphis During Jim Crow and the Crump Era (1880s-1950s)*

The experiences of Black Memphians throughout the Jim Crow were much like that of other Black Southerners, tainted by the threats and limitations of white supremacy. Throughout the late 1800s, Memphis's "black population created a vibrant network of black-owned businesses, churches, and social institutions;" however, these successes were always limited by the specter of white supremacy (Goudsouzian and McKinney, 2018: 32). The primary geography of Black success in Memphis throughout the Jim Crow era was Beale Street, the "Main Street of Negro

America" (Goudsouzian and McKinney, 2018: 41). By the mid-1880s, Beale Street had become "fundamental to the black institution building that occurred in the city as newly freed blacks joined together to develop their own communities free from white repression" (Gritter, 2010: 6). However, racial capitalism could not allow this thriving Black business sector, which was a threat to white supremacy. Therefore, we see racial violence unfold in Memphis, again, throughout the 1890s, catalyzed by yet another "race riot" in which three Black business owners were lynched purely on account of white retaliations to their success (Goudsouzian and McKinney, 2018: 42). "Even in a seemingly progressive city like Memphis, whites genuinely believed that it was their righteous duty to protect the sanctity of white supremacy by maintaining the racial hierarchy in the South from their inherently immoral neighbors" (Goudsouzian and McKinney, 2018: 43). Once again, we see violence as a possessive investment in whiteness to relegate Black Memphians to inferior positions for capitalistic purposes. Thus, racial capitalism underwent systemic refinement throughout the Jim Crow era as a direct response to Black economic success, as white Memphians saw Black success as a threat to white supremacy and actively engaged in destroying the Black economic sector as a means of relegating Black Memphians to a sphere of economic disinvestment and inferiority.

Moreover, these racist, violent actions on behalf of white Memphians were a response to Black political success. As aforementioned, following the abolition of slavery and the passage of the Voting Rights Act of 1865, Black Memphians made significant advances in their political power. "The African Americans' success in the 1916 elections enraged the white community. Newspapers created the false idea of a "negro takeover" that fed into white paranoia" (Goudsouzian and McKinney, 2018: 43). As the color line blurred in Memphis with more accessible "transportation, jobs, housing, and a growing black middle class," whites felt the need

to more clearly define the color line through explicit extralegal violence such as lynchings, police brutality, and bombings (Goudsouzian and McKinney, 2018: 47). This violence had psychological effects, "vigilante justice had the privilege of ignoring the constitutional rights of black men, and it could terrorize the black community in ways that other forms of systemic racism could not" (Goudsouzian and McKinney, 2018: 49). Black-white interpersonal violence ingrained fears of white repression into the greater Black psyche, allowing mob violence to act as a new means of upholding white supremacy in the absence of a state-sanctioned system of violence in enslavement: this is systemic refinement.

Moreover, we see evidence of systemic refinement in terms of Black political participation and representation with the rise of the Crump Machine in the early twentieth century. The Crump Machine refers to the era of total control of Memphis politics by the Crump Association from 1909 to the mid-1950s; the Crump Machine and its policies are a defining feature of Memphis in the early 1900s. E.H. Crump was a successful businessman and millionaire in Memphis who was elected mayor of the city in 1909 (Wright, 1999: 30). As mayor, he promised to reform the city but instead created a "machine which sustained itself of corruption" (Wright, 1999: 30). He served as mayor for seven years until he resigned from office in 1916, but continued to wield significant influence over the Memphis political arena. He created tickets of candidates backed by himself and essentially had "complete control of local elections" by 1927 (Wright, 1999: 31). He also served in Congress from 1931-34. The Crump Machine's primary mode of political control was capturing the Black vote. Crump worked to increase Black access to the ballot by paying poll taxes, busing Black voters to the polls, and providing proof of voter registration for Black voters on election day (Wright, 1999: 31). While these actions might appear to be advancements for Black political power, Crump's actions are

evidence of systemic refinement. Black voters were merely tools for advancing the Crump Machine's power; though they were mobilized, they were forced to vote for the Crump Machine. "E.H.Crump had a paternalistic attitude toward black Memphians, but met a few of their needs. He regarded black citizens as inferior to whites, believing that white men were equal citizens, but black men had their "proper place." (Wright, 1999: 33). Moreover, rather than offering Black Memphians actual improvements in the form of societal transformation and assistance, the Crump Machine relied on racist stereotypes to incentivize Black voters, offering "barbeque, milk, whiskey, and watermelons as incentives" to vote, rather than actual, tangible, systemic change (Wright, 1999: 33). This systemic refinement constitutes psychological violence in the form of a misrepresentation of objectives and a misalignment of outcomes. While it appeared as though the freedom to vote was being advanced in the Black community, the Crump Machine's manipulation of the Black electorate is inherently a form of controlling and limiting Black autonomy. The perceived advancements undermined the need for actual change, a hallmark of my framework of systemic refinement.

Aside from the inherent physical and psychological violence of the Jim Crow era, Black Memphians also faced severe economic disinvestment and financial capture throughout the Jim Crow era. This economic disinvestment is most emphasized by the floods of 1937. During the Great Depression, as in most US cities, Black people in Memphis bore the brunt of the burden, facing extremely high unemployment rates of 35% and earning substantially less than white workers for the same jobs (Goudsouzian and McKinney, 2018: 97). The 1937 floods exacerbated these economic inequalities and revealed the extent to which these inequalities permeated Black life. Due to economic disinvestment worsened by the Great Depression, Black Memphians had little-to-no available social safety nets in times of disaster. The most greatly affected areas of the

flood were Memphis's majority Black neighborhoods, revealing the extent of residential segregation and inadequate infrastructure in Black communities in Memphis (Goudsouzian and McKinney, 2018: 94).

> Segregation featured prominently in relief efforts. Economic and social inequalities left black residents of the city and surrounding areas especially vulnerable to high water. Outside agencies equalized the distribution of aid as best they could, but they failed to challenge deeper, underlying examples of racism on the grounds that it was not their job or this was not the time for social experimentation. (Goudsouzian and McKinney, 2018: 95)

Thus, the flood response operated inherently along racial lines that revealed and exacerbated racial inequality in the city.

However, the most prominent example of systemic refinement in the 1937 floods is seen in the exploitation of Black labor. Noticing the slowed progress on repairing the levee, city officials called for the use of Black convict labor from the Shelby County Penal farm in the levee reconstruction. When the labor of 500 convicts proved insufficient, city officials expanded their call for cheap Black labor to include Black residents of the city, writ large; beginning February 1, it became policy to "send every able-bodied black man [police] could find to the Nonconnah levees (Goudsouzian and McKinney, 2018: 96). "Anyone who resisted the roundup should be arrested for vagrancy. Paddy wagons patrolled Beale Street, snatching up any black man who dared show his face" (Goudsouzian and McKinney, 2018: 96). Thus, we see the continued exploitation of Black labor by white elites, yet another example of systemic refinement in post-abolition Memphis.

Moreover, as Black political power increased throughout the 1900s, systemic refinement further revealed itself. Despite the large bloc of Black voters, Black Memphians still saw little

political autonomy. A majority of their demands, such as a Black police force, better schools, and better representation in government, were met primarily with "lip service." Thus, Black Memphians began engaging in more direct action-oriented forms of political mobilization (Goudsouzian and McKinney, 2018: 131). Racial capitalism could not allow for this increase in Black power and thus combatted it with the "Reign of Terror," the three-month-long 1940s police occupation of Beale Street that annihilated Black progress and further engrained sentiments of inherent Black criminality into the public psyche. "During this time, hundreds of black Memphians were stopped, searched, arrested, and often roughed up under the pretense of 'cleaning up' Memphis. However, such actions had less to do with reducing crime than with sending a message to those who opposed the political machine" (Goudsouzian and McKinney, 2018: 131). The Reign of Terror in Memphis constituted an explicit use of legal violence to limit Black success, and Black Memphians understood this. While white Memphians often fed into narratives of Black criminality and thus supported the Reign of Terror as a way of mitigating the rampant crime in the city, Black Memphians understood the psychological and economic purpose of the over-policing of Black neighborhoods. In a letter to the US Justice Department, the Southern Conference for Human Welfare perfectly articulated this point, stating that "the Memphis police began a systematic campaign designed to drive Martin and other black community leaders out of business 'under the guise' of law enforcement" (Memphis Press-Scimitar, 1941). The argument made here by Black Memphians is much like that which is to come in the following chapter, which investigates the formation and development of the Memphis Police Department as an example of the systemic refinement of racial capitalism.

Thus, we see a clear move in the 1930s and 40s away from the outward, direct violence towards Black communities and towards a more insidious form of oppression by racial

capitalism–clear evidence of systemic refinement. Rather than physically abusing Black Memphians, whites in the city took advantage of the subversive, adaptable nature of racial capitalism to produce a system of disinvestment and oppression that operated as a given within the city—yet still had devastatingly violent effects on the Black population economically, socially, and psychologically. Financial capture and narratives of inferiority permeated the Black communities of Memphis through the end of the Jim Crow era and into the modern period, creating tangible economic effects as well as psychological effects legitimizing white supremacy. Here, we understand how white supremacy was maintained post-abolition in a majority Black city–through systemic refinement.

20th-century Memphis was marked by several material and ideological wars aimed at protecting white supremacy. These culture wars were often predicated on the specter of inherent Black criminality. Though President Lyndon B. Johnson did not formally declare a "War on Crime" until 1965, the groundwork for a War on Crime through the criminalization of Blackness had long been laid in Memphis (Hinton, 2016: 1). Throughout the early 1900s, Black Beale Street was rebuilt following the previously mentioned 1880s "race riots" which had destroyed the prospering Black community on Beale. By the 1920s, though, Black Memphis had rebuilt the Black haven that was Beale Street as the Black "commercial district but also the entertainment and vice center" (Biles, 1986: 88). Beale Street, home of the blues, had become a home to Black life and culture. Rather than acknowledging the cultural and material value of the street, white Memphians of the time utilized the music and nightlife of the street to confirm their belief that Black people "by nature impulsive and violence-prone, need[ed] only be allowed on their regular revelries to assure proper obedience to authority" (Biles, 1986: 88). City officials and journalists alike referred to Beale Street as a hotspot for crime and "sin," furthering narratives of inherent

Black criminality (Sigafoos, 1979: 172). Here, we see the psychological and ideological work, the possessive investments in whiteness, required to uphold a system of racial capitalism dependent upon the criminalization of Blackness.

Paired with the actual existence of a high crime rate, narratives of Black criminality proved incredibly successful in justifying the over-policing and subsequent exploitation of Black neighborhoods in Memphis. In the 1920s, Memphis was declared the "murder capital of the nation," a title which it has long maintained (Biles, 1986: 25). The rampant crime in Memphis throughout the 1900s was often attributed to Black Memphians as a way of upholding white supremacy and the criminalization of Blackness. Racial capitalism found ways to benefit from this in the form of a "fee system," in which deputies and officers would raid Black homes, make "wholesale arrests," and, "regardless of the transparency of the charges or the inadmissibility of the evidence. . . exacted exorbitant 'fees' in lieu of jail terms" (Biles, 1986: 27). Such actions by the police were continued throughout the 1920s, in the aforementioned 1940s Reign of Terror, and continue to the present with federal War on Crime policies.

These culture wars on Black Memphis were not merely perpetrated by the police who would terrorize Black neighborhoods but also by the greater Memphis government through strategic disinvestment. Memphis officials had long neglected Black communities, as aforementioned, however, the Great Depression of the 1930s intensified this neglect. Black Memphians were undoubtedly hit the hardest by the financial crisis, living in communities with the worst "overcrowding, poverty, and filth" and now subject to the most significant threats of the depression (Biles, 1986: 92). Black banks and businesses in the city failed in the depression, worsening already poor conditions for Black Memphians, and "Memphis officialdom ignored New Deal guidelines governing relief and recovery programs" that aimed to enforce equality in

New Deal policy implementation (Biles, 1986: 94). Furthermore, Black Memphians often fell victim to an early form of urban renewal in slum removal and the creation of public housing. While the Memphis Housing Authority made some improvements throughout the 1930s and 1940s, Black Memphians did not see their best interests represented by white city planners. Rents in the newly constructed Black public housing areas were often exorbitant and untenable (Biles, 1986: 95). Moreover, slum removal was not retained to the impoverished slums. One middle-class Black neighborhood, Lauderdale Courts, a previously upper-class white neighborhood that had fallen victim to white flight upon the introduction of middle-class Black families in the 1930s, was destroyed and cleared to create the white neighborhood Foote Homes (Biles, 1986: 95).

From the beginning of the 20th century up until the mid-1950s, Memphis engaged in a process of systemic refinement of racial capitalism to maintain the dominance of white supremacy in a post-abolition society. The subversive political disenfranchisement of Black Memphians through the manipulation of the electorate created a political climate that seemingly embraced Black voters while taking advantage of them and neglecting their demands. New schemes of labor exploitation emerged as racial capitalism continued to thrive even without the backing of enslavement. Perhaps the most impactful psychological effect of this systemic refinement was the criminalization of Blackness, which worsened in the following decades. The criminalization of Blackness allowed for the further disenfranchisement and exploitation of Blackness. It served as justification for physical violence against Black bodies in the absence of a system of enslavement. The covert and overt methods of controlling Black Memphians constituted systemic refinement of racial capitalism to preserve the dominance of white capital and further entrench racial capitalism into the fabric of Memphis.

*Memphis During the Civil Rights Movement (1954-1968)*

Black history in Memphis most often recalls the activism of the civil rights movement. Though the civil rights movement had begun throughout the nation as early as 1954, Memphis's journey along the civil rights trail began in 1958. In 1958, Memphians began engaging in non-violent resistance, staging sit-ins and boycotts in protest of the city's racial segregation. These efforts proved fruitful, with the city commission banning segregation in "buses, libraries, restaurants, parks, and the city zoo" in the fall of 1960 (Wright, 1999: 59). By 1963, legalized segregation had officially ended in Memphis. Still, Black political and economic power dwindled in the years after the Crump era.

> Although some gains had been made in the desegregation of restrooms, water fountains, and eating areas, the majority of employers had hired token black employees in order to avoid the harsh penalties imposed by Title VII of the Civil Rights Act of 1964. Black citizens were also excluded from higher-ranking public school and municipal positions. The [Memphis City Council] also ignored incidents of police brutality (Wright, 1999: 61-2)

By the late 1960s, Memphis appeared fairly progressive regarding racial equality. The city was legally desegregated, and Black representatives could be seen in the City Council and State House of Representatives (three Black members on the nine-member City Council and two Black members of the ninety-nine-member TN House of Representatives), but "despite the optimism associated with civil rights measures, desegregation, and the election of black representatives, significant employment and income disparities remained among black and white citizens" (Wright, 1999: 65-6). Thus, the need for civil rights advancement still existed.

The Civil Rights Movement peaked in Memphis with the 1968 sanitation strike and assassination of Martin Luther King Jr. Memphis's sanitation workers faced unequal pay, poor working conditions, and a lack of job security, adequate health benefits, promotion opportunities, and bathroom facilities (Wright, 1999: 67). While these wages and working conditions were an improvement over "those of rural sharecroppers who were often treated like slaves on plantations" (Wright, 1999: 67). Here, we see evidence of the systemic refinement in schemes of Black labor exploitation post-abolition. Defending exploitation on the basis that it is not as exploitative as previous tactics aligns with the premise of systemic refinement, which states that the continued dominance of racial capitalism is ensured under the guise of progress. Racial capitalism requires the exploitation of Black labor, and this exploitation can be more easily maintained if there is a false pretense of improvement.

Black Memphians understood how the disparities in employment and income constituted a continuation of racial capitalism's Black labor exploitation and, thus, went on strike in February of 1968 in demand of better and equal working conditions. Activist Martin Luther King Jr. joined the movement and brought the Poor People's Campaign to Memphis in April of 1968, calling attention to the economic dimensions of American racism–or racial capitalism. The infamous "I am a Man" march took place in Memphis on April 3, 1968 and attempted to demonstrate the humanity of Black workers and their right to equal working conditions (Wright, 1999: 70). The following day, April 4, 1968, MLK Jr. was assassinated at the Lorraine Motel, and, like the rest of the nation, Memphis erupted in further protests and demonstrations calling for Black equality and an end to the interpersonal and systemic racism that gripped the nation. Within two weeks, the strike ended on April 16, but the workers' demands were still unmet.

Since the end of the strike, "many sanitation workers have stated that their conditions and pay have not improved as expected" (Wright, 1999: 70).

*Contemporary Memphis (1970s-Present)*

Given the history of systemic refinement in Memphis, by the mid-1960s, the city "became home to cheap unskilled labor and a 'plantation mentality' of paternalistic government and low-paying jobs" (Schmunk Murray, 2017). A century after the abolition of slavery in the United States, Memphis was still gripped by schemes of Black labor exploitation and political disenfranchisement that relied on the criminalization and dehumanization of Blackness. This was the case for much of the nation, and thus, in 1964, President Lyndon B. Johnson began waging a "War on Poverty" throughout the United States. At the outset, these policies acknowledged and attempted to remedy racial economic inequality brought about by decades of economic disinvestment and oppression; however, as crime worsened alongside poverty, "the desire to improve conditions in the nation's most troubled communities [and] to empower residents in those communities to take on new civic roles… evolved into a form of benign social control, imposing soft forms of supervision in segregated urban communities" (Hinton, 2016: 48).

> Entangled antipoverty and crime control measures further reinforced the idea, rooted in policymakers' own assumptions about the fundamental causes of black poverty and crime, that conditions in low-income neighborhoods were the result of individuals' shortcomings rather than structural factors. As a result of these assumptions, the White House and Congress sought to monitor and regulate the behavior of individuals in order to change that behavior and, in the process, fight poverty and the scourge of American racism with civil rights reform. The legislation federal policymakers enacted in earnest over the course of the 1960s moved domestic programs further and further away from fostering fundamental

> changes in American social and economic institutions that might have eradicated the poverty and segregation in black communities. (Hinton, 2016: 32)

Allegedly, this shift was a direct effect of the Memphis sanitation strike and subsequent nationwide protests following MLK Jr.'s assassination. The War on Poverty "fully arrived when Johnson signed into law the Safe Streets Act of 1968, four months after Memphis and less than a month after the uprisings in 125 cities followed the assassination of Martin Luther King Jr." (Hinton, 2016: 133). After such widespread unrest in Black communities, "[Black] residents' reactions to the aggressive law enforcement were then labeled by public figures as further evidence of criminality that merited severe punishment, an assessment that fueled the theory that only excessive force could contain crime" (Hinton, 2016: 73). Here we see how American police and policing "enable governments to establish state legitimacy through a claim to provide social 'protection' combined with their monopoly on the delegation of violence. The state establishes legitimacy precisely because it violently dominates certain people and thereby defines them (and makes them visible to others) as the sort of people who should be pushed around" (Gilmore, 2022: 274). According to Marxist thought, "ideology becomes a material force when it grips the masses," thus explaining how the psychological effects of systemic refinement inherently reproduce and intensify its economic effects (Gilmore, 2022: 286). With the increased criminalization of poverty, crime inherently increased in Memphis throughout the 1960s, and the War on Poverty officially transcended into a War on Crime with the election of Richard Nixon in 1968.

During the Nixon administration, the War on Crime became more disconnected from anti-poverty and more focused on individual Black criminality, "describing the urban crisis as a problem not of inequality but of violent behavior" (Hinton, 2016: 139). Nixon's New Federalism

wholly embraced the psychological effects of the decades of systemic refinement and ignored its economic effects. “Both politicians and social scientists ‘worked aggressively to steer public debate away from the political economy of poverty,’... [as] public discourse shifted to a preoccupation with… behavioral judgments of the poor” (Schmunk Murray, 2017). This shift from the War on Poverty to the War on Crime and each’s connection to Blackness constituted a clear example of systemic refinement of racial capitalism and the creation of novel, innovative ways of controlling Black communities. “This was *not* a war on crime [or poverty], but a war on Black bodies, Black people” (Yancy, 2024). “In a direct and systematic way, Nixon recognized that the politics of crime control could effectively conceal the racist intent behind his administration’s domestic programs” (Hinton, 2016: 142).

> Even as members [of Crime Commissions] mentioned racial discrimination and inequality as factors that contributed to the crime problem, the commission was not immune to the widely held notions about race and criminality that undergirded both liberal and conservative responses to the plight of black urban Americans. This set of racist assumptions influenced the ‘battle plan’ Crime Commission members went on to develop for the administration, which were limited in the socioeconomic realm and which focused explicitly on ways to improve federal, state, and local governments’ surveillance and patrol capacity in black urban communities. (Hinton, 2016: 102)

The use of deracialized messaging to carry out inherently racialized projects is yet another critical factor of systemic refinement and is emphasized by public reactions to the War on Crime.

Firstly, we can see the impact of this deracialized messaging in some Memphian’s embrace of a “colorblind” tough-on-crime policy. In one interview by the Commercial Appeal, Memphian Louise Pearson is asked her opinion of the tough-on-crime policies of the War on

Crime and answers by stating, “Are police supposed to have color detectors on them? When a criminal registers black, should he be given a pat on the back and told to go home and be a good boy? I say let the chips fall where they may. Shoot at all those who are committing crimes” (Views of a Policeman, and Others, 1972). This pervasive use of deracialized messaging is a common theme in systemic refinement, to be discussed further in the following case studies. Of course, this regression in attitudes towards criminal justice policies was not ubiquitous throughout the city. Some, and many Black, Memphians of the time acknowledged how the racialization of the War on Poverty and the War on Crime served as a means of upholding white supremacy and controlling Black neighborhoods. In a 1975 article in the Commercial Appeal, “Talk About Getting Tough on Crime,” author Roger Simon refers to the underlying psychological, ideological, and pathological work in the War on Crime. Simon claims that “Whites use crime as a way of expressing racism; if there is a real increase in crime, only remedying underlying social causes with poverty programs can help; the overriding need in criminal justice is not to make the system more effective but fairer, and most so-called ‘crime’ would be eliminated if we did not ‘overcriminalize’ behavior” (Simon, 1975). Other Black Memphians had echoed these sentiments from the onset of the War on Crime in the early 1970s. In a 1973 article in the Commercial Appeal, Black Memphian Art Gillam expressed similar notions regarding the criminalization of Blackness and how to lower crime rates in the city.

> More crimes are committed by people at the lower end of the so-called socioeconomic scale–and that means black people, simply because we do comprise the majority of disadvantaged people in this city. More crimes are going to be committed by people who do not share in the benefits of the system and thereby feel excluded from, and hostile toward, society… In the long run, the solution to the crime problem involves evening out the standard of living so that

> all people feel a part of the system with a vested interest in its survival. This means better jobs, better housing and better education. These goals must be actively pursued on a continuous basis if the real underlying causes of crime are to be eliminated. (Gillam, 1973)

Critiques of the War on Crime directly called into question the systemic refinement at work, just not by name. Five years into the War on Crime in Memphis, an article in the *Commercial Appeal* stated that "there is reason to suspect that some of the shorter-range 'solutions' and the emphasis given to the war on crime itself have actually contributed to the increase in crime… the war on crime also has had the effect, according to Biderman, of constantly suggesting crime" ("Crime War Fails to Even Secure a Beachhead," 1974). Unfortunately, however, these critiques never materialized in an actual change in policy. By the turn of the century, Memphis officials were still actively engaged in a punitive War on Crime within the capitalist framework. In the years leading up to the 21st century, Memphians continued echoing the same grievances with the War on Crime, ultimately declaring it a failure: "like the government's war on poverty, the war on crime has not been won because the government has failed to address the real cause of crime" (Thomas, 1994). Statistics confirmed this. "The total crime rate for Memphis between 1990 and 1996 increased by 12.8 percent," emphasizing the shortcomings of the War on Crime (Buchner, 1998). Given the continued over-policing of Black communities in Memphis, an issue that I will continue to address throughout this paper, it would be incorrect to state that the War on Crime ever ended in Memphis. The War on Crime continues up to the contemporary and brings us to an understanding of the current climate of criminal justice in Memphis and how it came to be. The history of Memphis, given through a lens of systemic refinement, illuminates how racial "progress" in the city has

been primarily performative rather than transformative, having temporary, minuscule positive effects and, in extreme cases, long-standing adverse effects on racial equality.

## CHAPTER 3: Police Reform as Systemic Refinement

### Section I—Introduction

After the tragic death of Tyre Nichols at the hands of five Black police officers in January 2023, conversations around systemic racism in policing and police reform became very clouded. Firstly, how could such violence at the hands of the state persist even after the excessive force reforms passed in 2020? And what did that say about the effectiveness of those reforms? Secondly, and more perplexing, what does it mean when Black officers carry out systemic racism in policing? Is it still racism? Is it an issue of race or policing at large? Does the race of an officer matter when thinking about the institutional racism inherent to policing in America? And how does racial capitalism prevail in a majority Black city policed by a Black police force? These are the questions this chapter seeks to answer.

This chapter examines Memphis Police Department reforms and programs enacted since its conception using my framework of the systemic refinement of racial capitalism. Within the MPD, we see the reinforcing cycle where incremental reform facilitates the systemic refinement of racial capitalism, and then incremental reforms are rendered ineffective by the subversive adaptable nature of racial capitalism. Secondly, I show how this cycle has led to stagnated progress and the internalization of dominant racial narratives. Utilizing reports, news articles, public opinion, and various statistics, I review several police reforms aimed at limiting crime in Memphis, increasing police presence, and changing police force demographics. I find the violence inherent to policing in contemporary America is not only a relic of anti-Black violence in slavery, but also acts as a deterring mechanism for upholding racial capitalism embedded in the modern criminal justice system, i.e., as possessive investments in whiteness. MPD reforms often focus on combating crime as a way to spur economic development, operating on a belief

that an increased police presence in Black neighborhoods would open up development opportunities. However, this increased police presence inherently acts as a form of direct disinvestment from Black communities. Thus, current police reforms in Memphis serve as examples of systemic refinement that both stagnate change and create narratives of stagnation, criminality, and violence. This research implies a fundamental, unreformable issue of systemic racism within the criminal justice system. A system cannot be reformed when it works exactly as intended, proving the need for radical reform.

*Reform in the Memphis Police Department*

The Memphis Police Department was created in 1827 as a one-man department headed by Town Constable John J. Balch (Ashmore, 2022). Up until the Civil War, MPD was a generally unorganized, ineffective, rag-tag operation combating crimes of vice such as drug and alcohol use or prostitution. However, after the end of the Civil War, the department organized itself more efficiently by Wards and increased its size drastically (Ashmore, 2022). Like many other police departments, MPD grew out of slave patrol units and has engaged in racist policing practices that targeted Black Memphians to uphold white supremacy since its founding. The earliest reported example of white supremacist policing is that of the Memphis Massacre of May 1866, when Memphis police officers led white mobs through the streets for three days rampaging, raping, burning, and looting Black communities (Yellin, 2023). The riot led to a 420-page Congressional Report to "inquire into the origin, progress, and termination of the riotous proceedings" and other information about those involved, those killed or wounded, and the specific "acts of atrocity perpetrated;" however, they did not result in much substantial change (House of Representatives. 1866). Not even thirty years later, in 1892, the police invaded one of Memphis's prosperous

Black neighborhoods and arrested, kidnapped, and murdered dozens of Black Memphians, revealing just how little was done to combat the systemic racism prevalent in the police force (Yellin, 2023). As I will explain in this chapter, these stories continue to repeat themselves throughout Memphis's history.

In the mid-1900s, the MPD began on a journey of systemic refinement to subversively continue the over-policing of Black neighborhoods. Perhaps the most drastic change was allowing Black officers to join the force, which will be discussed more in the following section. Other elements of refinement are noticeable in the formation of specialized units throughout the later half of the 1900s, such as the Vice Squad, Specialized Patrol, and Street Crime Abatement Team, which intended to combat criminal activities usually associated with the Black Underground Economy and to begin engaging in hot-spot policing in majority Black, impoverished areas (Ashmore, 2022). Throughout the late 1900s, Memphis was the focus of several Congressional hearings on policing and given a number of suggested improvements for bettering their policing strategies; however, few, if any, of the proposed policies were carried out–except for the introduction of a new hiring quota to create a 50% Black police force, which has not been consistently upheld, either (United States Commission on Civil Rights. Tennessee State Advisory Committee, 1978: 26).

### *Descriptive Representation in the Police Force*

The Memphis Police Department enlisted its first Black police officers in 1919, hiring six Black officers for foot patrol (Ashmore, 2022). Within seven months of their hiring, the Black officers were fired after being attacked by a gang of white men, with the department citing racial tensions as the rationale for their termination. In protest of their termination, the former officers reminded

supervisors and officials of their duty to the unequal enforcement of the law and racial norms. One of the officers, Matthew Thorton Sr., reflected on his frequent arrests of Black people and his seldom arrests of whites, stating that “only one time [in 7 months] did I arrest a white man, and that was when I came upon a white man and a Negro who were fighting on South Fourth Street. Of course, I had to arrest both of them. The white man’s case was not carried into court” (MPD). At the introduction of Black police officers to the MPD, no matter how stringently Black officers upheld notions of white supremacy, the system of racial capitalism proved too fragile to allow for Black people to hold positions of power.

With necessary refinement, this changed in 1948 upon the formal introduction of long-term Black police officers in Memphis. According to Williams (2016), the political actions of Black Memphians led to the permanent presence of Black police officers in Memphis. Black Memphians called for the self-policing of Black neighborhoods by Black officers to protect Black community members from harassment and violence by white officers and to produce a more equitable, representative police force (Williams, 2016: 141). Black Memphians seemingly agreed with the community accountability theory, which posits that Black officers can connect with Black residents on the basis of a racial connection. This connection, allegedly, “will enhance dialogue, reduce the frequency of clashes and abuse allegations, and ultimately result in improved police–community relationships” (Brunson and Gau, 2011: 214). Important to note, however, "the tacit assumption implicit in the accountability-based proposal is that the problem in police-minority citizen relationships is the result of individual officer characteristics and behavior" rather than systemic issues in policing (Brunson and Gau, 2011: 216). As this paper explains, the American criminal justice system is inherently unequal and serves as an oppressive mechanism for upholding racial control. Thus, the consequences of Black Memphians’ demands

for more Black officers are twofold and contradictory. While Black residents did, at times, feel safer and had a greater sense of equality upon the introduction of Black officers to MPD, "Black officers hired in the postwar era became monitors of the Black population, maintaining racial segregation and enforcing a system of law controlled by whites" (Williams, 2016: 201). Most importantly, as aforementioned, these Black officers still operated under the governing principles of white supremacy out of necessity. Therefore, the hiring of Black police officers created a new tool for controlling Black populations under the guise of progress–an example of systemic refinement.

*Reducing Excessive Force*

Contemporary reforms to the MPD are primarily aimed at crime reduction and the use of excessive force by police officers. Crime reduction tactics still primarily utilize the formation of special forces, such as the 2007-2011 Blue CRUSH (Crime Reduction Using Statistical History) unit, which invested in technological advancement and hot-spot policing (Tulumello, 2016: 184). Perhaps the most recent example of MPD's specialized crime-fighting units is that of the Scorpion unit, "the specialized squad of some 40 officers that was deployed to deter violence in some of the city's most troubled neighborhoods was responsible for repeated acts of intimidation, harassment and violence" (Baker et al., 2023). While the unit had some effect on reducing violent crime, it is most memorable for its acts of violence and fearmongering in predominantly Black and low-income neighborhoods, and most notably, the unit's final act before disbandment, the tragic murder of Tyre Nichols.

Nichols's murder is a clear indicator that the other excessive force reforms, such as the implementation of "Eight Can't Wait" in the 2021 Reimaging Police initiatives (see Figure 3.1)

are inadequate, incomplete protections from police violence. As aforementioned, I argue that violence inherent to policing grows out of that required for upholding white supremacy during enslavement. The continued use of force and specialized units amidst reforms constitutes an example of systemic refinement–centuries of reform have done little to combat the racist remnants of enslavement in the American criminal justice system.

## SECTION II—Misrepresentation of Objectives and Misalignment of Outcomes

### *Capitalism as The Problem and The Solution*

The systemic refinement here is emphasized by the misrepresentation of objectives and subsequent misalignment of outcomes. Fearing brutality by white police officers, Black Memphians of the mid-20th century called for an increased Black police presence in Black neighborhoods; however, these calls were misrepresented as desires for increased police presence in Black neighborhoods, writ large. Black Memphians wanted their communities to be safer from the threat of police brutality, but their claims were misrepresented to imply that they were seeking protection from their own communities, resulting in hot-spot policing of Black neighborhoods by Black officers. The issue of Black police officers remains relevant to this day, especially emphasized by the tragic death of Tyre Nichols at the hands of 5 Black officers. As of 2018, the Memphis Police Department is 40.7% Black, nearly proportional to the demographics of the Memphis MSA, which was 46.8% Black as of 2018 (U.S. Census Bureau, 2018). Even with this descriptive representation in the police force, MPD still frequently acts as a mechanism for upholding white supremacy, over-policing Black neighborhoods, and utilizing excessive force to brutalize Black bodies. However, the presence of Black police officers is often used as

evidence of a lack of systemic racism in policing. When policing is not viewed as inherently institutionally racist, the over-policing of Black people is not considered racist over-policing but rather evidence of Black criminality. As these narratives grow more robust, they reinforce the existing systemic and institutional racism through a regression. This is the process by which a misrepresentation of objectives creates a misalignment of outcomes and further narrative shifting that results in stagnated progress.

Black Memphians' calls for more Black police officers have been misrepresented as calls for a larger police presence in Black neighborhoods, writ large. Both in the past and present, this can be explained by government officials' calls for capitalism as the solution to the issue of crime. The previous mayor of Memphis, Jim Strickland, who was in office from 2016-2024 and at the time of the passage of the reforms I discuss, upholds this view of capitalism as the solution to high crime rates in the city of Memphis, claiming that

> if Memphis hires more officers, the city will reduce its crime; and if the city reduces its crime, more people and businesses will choose to call the city home; and if more businesses and people choose to call the city home, that gives people the jobs they need to escape poverty and gives the city the tax revenue to help them do it"(Poe, 2020).

Here, we can see that the governing officials accept poverty as inherently linked to crime rates; however, in a chicken-egg argument, they argue that crime produces poverty, not the other way around. Officials argue that crime limits economic development rather than viewing economic disinvestment as creating concentrations of poverty that encourage crime. Memphis's residents argue the opposite, seeing crime as inherently growing out of poverty and arguing for a reduction in poverty as a means of reducing crime. Popular opinion in Memphis, according to local papers, suggests that "instead of prioritizing police to fight crime, Memphis should instead prioritize

education and youth programs; instead of simply more jobs, the focus should be on access to jobs and better wages; instead of attracting more population, the focus should be on creating a standard of living for the population Memphis already has" (Poe, 2020). Rather than investing in communities themselves, the city maintains an approach of strategic disinvestment to police and control Black communities for the protection and entrenchment of racial capitalism.

Studies have shown that increased police presence does little to combat crime; this is especially true for aggressive racial policing in Memphis. According to Tulumello (2016), "There is evidence that aggressive policing tactics such as zero tolerance, massive police presence or stop and frisk barely prevent crime and worsen police-community relationships" (12). Thus, investments towards increased police presence are inadequate for reducing crime. Therefore, these investments could be put to better use elsewhere, i.e., directly into the community. However, given such large investments in policing, this is likely untenable.

> The basic absence of significant investments impedes urban social policy to affect the inequalities and problems at the root of violent crimes. High crime rates boost public requests for increased government investment in police, which is made through further cuts in social programs. At the same time, the emphasis on law enforcement amplifies the image of danger in the city; the media has a major role in this-hampering the potential for development and local action. (Tulumello, 2016: 18).

An aggressive, large police presence in Black neighborhoods is detrimental to economic success. Investing in the police at such a large scale reduces funding for other community-based measures of reducing poverty, and thus, crime. Moreover, increased police presence advances narratives of danger and criminality in certain areas–rather than making communities safer, increased police presences create an environment of hostility and criminality. Businesses will not invest in areas with high crime rates, and such large police presences inherently indicate high crime. The data in

Memphis supports this hypothesis, as crime rates continue to rise alongside increased police funding; see Figure 3.2.

Contrary to the claims of Strickland and other Memphis officials, increasing police presence does little to combat crime or poverty in an area, and, presenting a paradox of sorts, can actually worsen both. Assuming that increased police presence would reduce crime and create greater development opportunities, we must consider whom this economic development would benefit. Would Black Memphians reap the benefits of increased development from decreased crime, or would they simply be victims of additional disinvestment schemes as a means of creating more profit maximization opportunities for whites? History suggests the latter. A majority of development projects in Memphis have been aimed at improving conditions for white Memphians at the expense of Black Memphians. As aforementioned in Chapter 2, the 1940s-1960s urban renewal projects in Memphis often focused on displacement and disinvestment of Black communities. This is true for more modern development projects in Memphis, as well, such as the 1980s and 1990s redevelopment of Beale Street and even more recently the 2010s gentrification and development of Midtown Memphis's Binghampton and Crosstown neighborhoods (Faircloth, 2005. 244. Moncrease, 2023. Tipton, 2016.) Both historically and contemporarily, development in Memphis occurs at the expense of Black Memphians for the self-interest and profit of whites. Criminal justice reform aligns with this process of strategic disinvestment; both act as possessive investments in whiteness. These questions and disagreements regarding capitalism as the solution to the issue of crime in Memphis reveal the truth of the systemic refinement of racial capitalism at play in the city's police reforms. Such stipulations without evidence are clear indicators of the capitalist realism

and path dependency integral to the maintenance of racial capitalism through systemic refinement.

Moreover, we see economic effects from an increased police presence in the individual financial capture of Black Memphians alongside the increased criminalization of Blackness. Nuances of the financial capture at work in the criminal justice system will be discussed further in the following chapter. At face level, though, we can consider the economic impact of the aforementioned disinvestment that accompanies over-policing. Increased policing that still functions on behalf of racial capitalism under the guise of racially just policies and practices worsens the criminalization of Blackness. With reform, these policies more subversively target Black people at a disproportionate rate that inherently limits the economic well-being of Black people who have been victimized and targeted by the police.

*Stagnated Progress & Narratives of White Supremacy*

The presence of a majority Black police force most obviously acts as systemic refinement in the shifting narratives of stagnation accompanying this increased criminalization of Blackness. Stable levels of crime and the continuation of the over-policing of Black neighborhoods, especially when carried out by Black police officers, reinforce narratives of the inherent criminality of Blackness – a narrative required by racial capitalism for the maintenance of white supremacy. These narratives fuel the over-policing of Black neighborhoods and legitimize state violence against Black bodies. This narrative creation is reminiscent of Malcolm X's theory of "organized thievery," or "the brutal assault and exploitation of Black communities and oppressed people through racial capitalism" (Osuna, 2022: 182-3). According to Malcolm X, " as soon as this impression [of inherent Black criminality] is given . . . it makes it possible, or paves the way

to set up a police-type state in the Black community, getting the full approval of the white public when the police come in, use all kind of brutal measures to suppress Black people" (Osuna, 2022: 183). Put simply, having a majority Black police force allows for an easier denial of systemic racism in policing–systemic racism upheld by Black police officers is easily ignored.

Here, we are reminded once again of the story of Tyre Nichols–a tragic reminder of the foundational issues with policing that cannot be remedied by incremental reform or increased training and representation. These reforms, no matter how drastic, cannot overcome the subversive and adaptable nature of racial capitalism that encourages "organized thievery," the disinvestment from Black communities, the exploitation of Black labor, and the criminalization of Black bodies in policing.

> The police have primarily served to enforce the class, racial, sexual, and cultural oppression that has been an integral part of the development of capitalism in the U.S. As long as this function remains, any strengthening of the power of the police, any movement toward greater efficiency or sophistication in their methods, must be seen as inherently contrary to the interests and needs of the majority of people in this country, and in other countries where the U.S. police system penetrates. (Osuna, 2022:184)

While some argue that Nichols's passing is evidence of a lack of systemic racism in policing, claiming that it could not be an example of racism when Black officers carried out his murder, many others argue that the tragic murder is a reminder of how deeply ingrained racism is in the policing system (Cobb, 2023). Much like the first Black officers of Memphis, those members of the SCORPION Unit that took Nichols's life were required to be more committed to upholding white supremacy than to protecting Black people. Systemic refinement ensures that this goal of policing–to uphold and carry out white supremacy–remains not despite reforms but guided by them. It is the systemic refinement that occurs through incremental reform by exploiting the

subversive and adaptable nature of racial capitalism that allows for racially unjust means of policing to continue under the guise of progress.

*Justified Police Violence*

Even with increased anti-violence reforms coming out of the 2020 Black Lives Matter Protests and the presence of a majority Black police force, the Memphis Police Department fails to protect Black Memphians from violence by the police. These effects are twofold: first, the continuance of state-sanctioned anti-Black violence in the form of police brutality after reforms implies that narratives of Black inferiority are more potent than laws and will always prevail under racial capitalism. Second, racial capitalism's narratives of stagnation, grounded in systemic refinement, are utilized to discourage further reform. When crime, violence, and poverty persist even amongst reforms and demographic shifts in the police force, these reforms are deemed ineffective not on account of foundational issues with the policing system itself but rather as an effect of inherent individual-level issues. The narrative becomes not that police are unreformable but that Black poverty and criminality are unfixable. These psychological effects constitute a silencing and subversion of issues of racial justice paramount to my framework of systemic refinement.

As aforementioned, systemic refinement, in this case, can best be understood through a lens of misrepresentation of objectives and a subsequent misalignment of outcomes–shifting narratives around objectives to produce outcomes favorable to racial capitalism, stagnating progress. Here, we see how the social violence against Black Memphians by the police is defended utilizing dominant narratives of white supremacy. The unethical over-policing of Black communities by "reformed" police departments composed of Black police officers is still, at its core, an unethical over-policing of Black communities. However, through systemic refinement, it

is seen as reformed policing by Black police. In this way, incremental reforms conceal how Black people are unequally targeted and victimized by the police, shifting narratives around progress and stagnation. “This unjust criminal system is allowed to exist because civilians and government officials alike fail to acknowledge the effects it has on the African American community and society at large” (McIlraith, 2015: 14). Systemic refinement is what allows this to occur even in a majority Black city–the adaptive and subversive nature of racial capitalism can conceal this injustice even from those who are victims of it. The shifting narratives of stagnation lead to an internalization of dominant narratives and the consequent adoption of racist beliefs regarding Black inferiority and criminality. When progress cannot be achieved with reforms, it is assumed that the reforms are the issue, not the system itself–thus individualizing blame and creating illusioned perceptions of progress, growth, and guilt.

*Recent Developments: Non-Implementation and State Preemption*

A number of recent developments have occurred that constitute examples of further implicit and explicit systemic refinement through both the traditional misrepresentation of objectives and misalignment of outcomes, as well as state preemption. Following the death of Tyre Nichols, in March and April of 2023, the Memphis City Council voted to approve seven ordinances that built on the existing “Eight Can’t Wait” policies enacted in 2021 to further increase MPD’s accountability and reduce its use of aggressive and racialized policing. These ordinances, Ordinance Nos. 5848-5853 and 5881, too ultimately proved ineffective. The ordinances created clearer guidelines for MPD in terms of reporting, reviews, and recommendations (See Figure 3.3). The most influential and controversial of the ordinances, though, was that of Ordinance No. 5849, The Tyre Nichols Driving Equality Act. The Tyre Nichols Driving Equality Act, detailed

below in Figure 3.3, banned pretextual stops in Memphis and was passed in response to Tyre Nichols's death following a traffic stop. Many Memphis officials, citizens, and activists supported the move, which passed unanimously in the City Council (Solomon, 2023). Community members, especially those in Black and brown communities, hailed the move as a step towards more just policing. In an interview with Memphis's Fox13 News, one woman said that "pretextual traffic stops like the one that led to the brutal murder of Tyre Nichols are the most common point of contact for police to harass Black and brown people in this city" (Solomon, 2023). Unfortunately, however, these ordinances are merely another example of systemic refinement, as it was later revealed by previous Mayor Jim Strickland, who was in office at the time the ordinances were passed, that they were never implemented.

In January of 2024, following the election of new Memphis Mayor Paul Young, previous Mayor Jim Strickland sent a letter to Mayor Young and the City Council stating that the ordinances were never implemented because they "violate[d] the charter of the city by interfering with the policies and operations of the Memphis Police Department" (Solomon, 2024). Community members, activists, and City Council members alike, who had all fought hard for the passage of these ordinances, were obviously enthralled to hear the previous mayor neglected to implement these reforms. Following community outrage, Mayor Paul Young vowed to implement the ordinances as intended, implying his intentions to better represent the Black community than the previous white mayor. Unfortunately, though, once again, systemic refinement has prevailed.

Further limitations of incremental reform due to systemic refinement were revealed with the passage of TN Senate Bill 2572 in March of 2024. The bill, which has passed both houses of

the TN legislature and now moves to the Governor's desk where it will likely be signed into law, "prohibits local government from adopting or enacting an ordinance that prohibits law enforcement from taking all necessary steps to prevent and detect crime" (TN SB 2572, 2024 and TN HB 1931, 2024). Senator Brent Taylor introduced the bill in the Senate and Representative John Gillespie in the House, two white Republican officials representing majority-white areas of Memphis. Activists and community members alike have shown great outrage over this, with Tyre Nichols's parents, Rodney and RowVaughn Wells, making consecutive trips to the Tennessee State Capitol to plead with Senators not to pass the bill (Gallant et al., 2024). Black Democratic Memphis officials such as London Lamar also rallied against the bill, referring to it as a "slap in the face… "Not only to our city council, but all the local governing bodies in the state, because we're telling them you are not smart enough to decide policies that help govern your own city" (Gallant et al., 2024). Senator Raumesh Akbari, a Black Senator representing Memphis's Senate District 29, also spoke out against SB 2572, calling it a cruel and "extreme overreach" (Gallant et al., 2024). In a press conference at the Capitol, Nichols's parents beautifully expressed the sentiments of many Memphians in the face of this state-mandated regression:

> The city of Memphis worked tirelessly to get ordinances passed in Tyre's name, so this bill hurts us deeply. Local Memphis leaders tried to speak with the state legislators pushing for this legislation, but they were brushed off — as were we. This legislation was clearly targeted to take down the ordinances named after our son, and while we miss him dearly, this is about so much more than Tyre. There are many other Memphians that have experienced pretextual stops with police that ended with violence. Our goal was to create something in Memphis that could protect our community, but even after doing so, our success is fleeting. We wish that instead of this political sabotage, we could have come together to discuss what is working and what isn't. Compromise could have happened, but we were never given the opportunity to try. (Gallant et al., 2024).

Their statement also emphasizes the systemic refinement at work in incremental criminal justice reform and reminds us of the sinister ways in which white supremacy prevails even in a majority Black city. When Black community members and city officials work to create policies that would benefit their communities, white state officials, disconnected from the communities they're legislating for, reverse, attack, and sabotage those efforts.

These recent developments in police reform act as explicit examples of systemic refinement and reveal the importance of a framework that focuses on objectives and outcomes to differentiate between performative and transformative reform. Mayor Strickland's negligence in implementing the reforms reveals the ways in which the subversive nature of racial capitalism allows for the continued dominance of white supremacy. It recalls the importance of focusing on not merely objectives, but outcomes—how are the effects of reforms materialized? Moreover, the state overreach in the reversal of Memphis's police reforms emphasizes the inadequacy of incremental reform and stresses the need for sweeping transformations rather than localized and minuscule reforms.

*Conclusion*

Under my framework, police reforms in Memphis, TN, are made ineffective by systemic refinement. I argue that current reforms to policing in Memphis still maintain a capitalist approach, thus upholding racial capitalism through a process of systemic refinement. The overall increase of policing in Memphis, even with reforms and demographic representativeness, focuses on combating crime as a way to spur economic development; however, the increased police

presence in Black neighborhoods is a form of direct disinvestment. The capitalist nature of reforms grows directly out of the misrepresentation of objectives and subsequent misalignment of outcomes–i.e.; community desires are morphed in ways that uphold dominant power structures to imply community support for racial capitalism and white supremacy. Thus, current police reforms in Memphis act as an example of systemic refinement that creates narratives of stagnation to uphold white supremacy and stagnate progress.

## CHAPTER 4—Bail Reform as Systemic Refinement

### *Introduction*

During the time of American enslavement, enslaved peoples were, at times, able to purchase their freedom if financially able. The American bail bond system operates under the same principles through an un-freedoming of Black Americans which can be reversed through financial transactions. Today, bail procedures in the United States vary across jurisdictions, but across the board, they serve as an economic precondition for pretrial release. Unless released on recognizance, one can only be released from jail once they pay their bail or a portion of it. The system is intended to ensure a defendant does not flee before their court date but essentially serves as a financial barrier to freedom that inherently ties criminality to poverty. The February 2023 Shelby County bail reform law constitutes an example of systemic refinement, as these same freedom transactions occur in the absence of a system of enslavement and more subversively under the guise of the absence of a cash bail system.

Understanding the harm of the bail bond system is essential to understanding how deeply intertwined poverty and crime are. In previous chapters, I explained the inherent criminalization of Blackness in the American criminal justice system. This criminalization of Blackness is still relevant in the conversation of bail reform, but we must also take into account the criminalization of poverty. Poverty is one of the most significant predictors of crime. This is true for both violent crime and property crime and for both individual poverty and community-level widespread poverty (Sharkey et al., 2017: 625). Correlations between poverty and property crime are higher than those between poverty and violent crime. This correlation is often attributed to a lack of resources–those without access to adequate resources will resort to illegal means of getting by

(Sharkey et al., 2017: 626). Poverty inherently produces crime, and thus, poverty is inherently criminalized. Here, we see the issues with financially punitive systems with monetary sanctions.

In this chapter, I investigate the Shelby County February 2023 bail reform in Memphis using my framework of systemic refinement. I argue that this most recent bail reform, hailed by the ACLU as one of the "fairest in the nation," is an example of systemic refinement of racial capitalism through incremental reform. Using pretrial detention scholarship, news articles, and public opinion information, I show how the February 2023 bail reform in Memphis has failed to mitigate crime in the city and address racial and economic inequalities. These failures are caused by a misrepresentation of objectives and a misalignment of outcomes that ultimately increase crime rates and perceptions of recidivism. I explain how this example of incremental reform strengthens narratives of white supremacy and the criminalization of Blackness. I argue that Memphis's February 2023 bail reform has economic and psychological effects, resulting in a stagnation of progress that is due to the systemic refinement of racial capitalism.

*Bail Bond Basics*

Generally, a bail amount is set based on the severity of the crime committed. Once bail has been established, a defendant may "make bail" in one of three ways: cash bond, or the total or partial payment of the bail by the defendant themselves; property bond, or utilizing a piece of property as collateral; or bail bond, the use of a bail agent for a loan of the bond amount with a nonrefundable service fee, "typically set at 10% of the amount of the bond" (Scott-Hayward and Fradella, 2019: 7). The amount paid by the defendant is returned upon his or her court date–except for in the case of bail bonds, in which bail bondsmen keep the service fee as profit. Under the reformed system, bail and bonds are still set for defendants with higher risk based on the

severity of the crime committed or the offender's criminal history. The bail amount is set following an “examination of a person’s financial circumstances prior to bail decisions using the Vera Institute’s ‘Ability to Pay’ calculator” (Shelby County District Attorney, 2023).

Moreover, under the previous cash bail system in Memphis, as in many other jurisdictions, defendants were held in jail until their bail was set in a bail hearing, which could take weeks, and then would continue to be held until they could post bail (Shelby Country Reforms Bail System). This implies a two-pronged sphere of financial capture under the previous pretrial defense system. First, defendants were held in jail until their hearing and posting of bail, blocking opportunities for economic advancement in lost opportunity costs when one is without a job under legal captivity. Second, the defendants faced the added financial capture of monetary loss. Thus, under the previous cash bail system, we see a racially capitalist schema of continued relegation to poverty. Crimes were often committed out of poverty, followed by an increased poverty post-bail after losing economic opportunities during holding and facing financial penalties in the form of monetary sanctions as conditional for pretrial release.

*Carceral Immobility and Financial Capture*

Carceral immobility and financial capture are hallmarks of the American bail system. As aforementioned, the criminalization of poverty in America creates an overwhelmingly impoverished defendant class; thus, “nearly half of those granted financial bail have no choice but to resort to a commercial bail bond” (Scott-Hayward and Fradella, 2019. 8). The effects of cash bail in a racial capitalist framework have been understood as carceral immobility and financial capture, in which “monetary sanctions. . . immobilize people into a state of carceral being through the regulation of physical movement and perpetual financial capture” (Friedman,

2020). Thus, a majority of the pretrial releases in the United States are governed by capitalist schemes of predatory practices to profit off of the criminalization of Blackness–the cash bail system exists as one of the many economic mechanisms of the criminal justice system under racial capitalism.

*"Fairest in the Nation"*

In February of 2023, Shelby County enacted a new bail reform program in response to demands by activists and community members to make the pretrial release system more just and equitable. Advocacy groups in the city, such as the ACLU, Just City, and the Memphis Black Lives Matter Chapter, began pushing for the reform in 2022, asserting that cash bail serves as an unjust mechanism for keeping poor people of color in jail unnecessarily. Advocates for the bail reform argued that it would inherently make the criminal justice system more equitable, mitigating racial disparities in jail populations and, thus, increasing faith in the justice system to decrease crime overall (Mulroy, 2022). City and county officials, alongside activists and critics, claim this new reform essentially "ends cash bail" in Memphis; however, this is only half-true.

> The new system includes creation of a new bail hearing courtroom; individualized bail hearings with counsel no later than three days after a person's arrest; examination of a person's financial circumstances prior to any decision; court reminders; and imposition of secured money bail only as a last resort. . . The system also allows judges to continue to make individualized decisions in every case before them, after hearing from both the government and the accused person's defense counsel (ACLU, 2022).

Overall, the reform attempts to tackle issues within the bail system. Creating a new bail hearing courtroom and individualized bail hearings with counsel within three days of arrest attempts to

mitigate unnecessary pre-trial jailing. Examination of financial circumstances and individualized decisions attempt to make the bail process more equitable, to be discussed in the following section.

*Equitable vs. Equal Bail*

The reform is a move towards a more restorative justice-oriented form of financial punishment for crime, ensuring that defendants facing the same charges have not merely equal bail amounts but equitable bail amounts. Before, one of two defendants facing the same charges and bail amounts might be able to gain pretrial freedom due to an unequal ability to post bail. Now, two defendants facing the same charges will, theoretically, be equally able to meet their set bail amounts. This move creates a more equitable system across income and race. “Black people receive cash bail assignments at higher rates and greater amounts than similarly situated white people. Moreover, they are less likely to be released without conditions, resulting in stark racial disparities in who is incarcerated pretrial” (Preston, 2023). Under the new bail system, though, bail amounts are set on a case-by-case basis, and outside factors are considered.

Furthermore, the bail reform is also a step towards reversing the effects of the War on Crime. Across the United States, “the number of people incarcerated pretrial increased 433 percent from 1970 to 2015, almost entirely due to increases in cash bail assignments” (Preston and Eisenberg, 2022). The War on Crime, which, as aforementioned, grew out of the War on Poverty, increasingly criminalized both Blackness and poverty and the increase in unnecessary pretrial holds emphasizes this fact. Thus, putting an end to unnecessary pretrial jailing based on an inability to pay is a step in the right direction towards not only ending the War on Crime but the reach of its adverse effects, creating a more equitable system based on both race and class.

*An Incomplete Solution*

While the reform ultimately produces a more just system of financial punishment in the criminal justice system, it only combats half of the issue and is, thus, an incomplete solution. As aforementioned, crime is inherently tied to poverty, so a reduction in poverty would produce a reduction in crime. While the new bail system does combat individual financial capture, it does little to combat more significant, macro-level crime-related issues. Those who have committed a crime are released into the same conditions that led them to commit it in the first place. Therefore, the bail reform program acts as a step towards justice without making actual systemic changes to produce a society that is not conducive to crime. Thus, the bail reform program creates a narrative of incentivized reoffence. This implies that crime can be committed with little repercussions or assistance. Narratives of incentivized reoffence, to be addressed further shortly, suggest that when one realizes they will not be immediately punished for their actions but still face a lack of resources leading to their actions, they will likely repeat the same actions–and perceptions of this are magnified and hyperbolized by strategic narratives of stagnation, which further entrench racial capitalism.

*Monetary Sanctions and Racial Capitalist Penology*

Because Memphis has not ended cash bail, contrary to popular belief, these economic effects remain under the 2023 bail reform. However, since the reform has been misrepresented as "ending cash bail," many maintain that these effects no longer exist. This is not the case; thus, it is evidence of the systemic refinement at work with the February 2023 bail reform. The

mischaracterization of the reforms has concealed their true nature and allowed racial capitalism to continue unequally penalizing people of color under the law under the guise of progress, a hallmark of my theory of systemic refinement.

Friedman's (2020) explanation of the racially capitalist penology of monetary sanctions creates a systemic refinement perspective for the American bail system that aligns with my framework. According to Friedman (2020), the creation of a bail system that grants freedom based on financial ability constitutes a growth out of American enslavement, much like the prison system as a whole.

*Bail Bond Agents Profiting off of Black Criminalization*

Even with the new February 2023 bail reform, bail bond agents and municipalities alike profit off of the criminalization of Blackness and continue to utilize this criminalization of Blackness to relegate Black Memphians to spheres of poverty. All bail bond businesses in Memphis are located in majority Black neighborhoods, most of them concentrated around the prison and jail, illuminating how bail bond agents continue to profit off of the criminalization of Blackness (See Figure 4.1). The presence of a prison, jail, and numerous bail bond agencies in a majority-Black neighborhood points to the ways in which racial capitalism makes use of geography. Concentrating punitive systems of both physical and financial capture in Black neighborhoods further connects Blackness with criminality and poverty. Moreover, we see a substantial presence of Black bail bond agents in Memphis. This reminds us of the point on the pervasiveness of white supremacy under racial capitalism discussed in the previous chapter about the presence of Black law enforcement officers. The adaptive and subversive nature of racial capitalism bolstered by systemic refinement creates an ideology of white supremacy embraced

by minorities under the guise of progress. Under racial capitalism and through systemic refinement, anyone can become rich off of the criminalization of Blackness–regardless of race. This element of systemic refinement creates the guise of progress through equal opportunity exploitation of the criminalization of Blackness; however, it is still Black people who bear the brunt of the burden in the for-profit system of financially punitive practices.

*Narratives of Incentivized Recidivism*

This new bail system has been lauded by attorneys, politicians, and activists across the nation, but within the city, Memphians have seen the shortcomings of the new policy firsthand. Nearly a year into implementing the new bail reform program, Memphis has only seen crime rates increase (FOX13, 2023). In 2023, compared to 2022 averages, the overall crime rate in Memphis has increased by 9.6%, the violent crime rate has increased by 5.0%, and the major property crime rate has increased by 26.0% (Memphis Crime Commission). Many Memphians directly attribute these increases to the reformed bail system, emphasizing the psychological effects of this systemic refinement, which will be discussed later in the chapter. In terms of the rise in property crime, Memphians may have a point, as the average bail price for non-violent property crimes has decreased by roughly 12.8% as of June 2023; however, average bail for violent offenses has increased by approximately 9.2% with the new bail system as of June 2023 (Finton, 2023). Thus, we understand these increases in crime as not merely reflections of the new bail system, though that might be a factor.

One cannot conclude that increases in crime are directly attributed to bail reform because we also see a decrease in recidivism; however, there have been cases where the system has failed. For example, in May of 2023, 19-year-old Chase Harris, an “accused serial car thief

charged in the shootout at Huey's [restaurant], was arrested and released on bond four times before the Shelby County District Attorney's Office filed a motion to revoke his bond" (Peterson and Kennin, 2023). Similarly, 18-year-old Tyrus Earnest was charged with robbing and carjacking a rideshare driver in April of 2023, was released on a $15,000 bond, and then arrested and charged again in August of 2023, receiving a bond of $100,000 after the second offense (Peterson and Kennin, 2023). In one of the most extreme cases, a murder suspect, Edion White, was released on recognizance due to an inability to pay (Moore, 2023). Critics of the bail reform then used such cases to call for a regression to the previous bail policy. In the case of White's release on recognizance, even Tennessee state officials got involved in attacks on the bail reform. Following White's release, state Senator Brent Taylor sent a letter to the Administrative Officer of Courts, Michelle Long, stating that the bail system is dangerous and corrupt (Moore, 2023). Even with these failures, though, the re-arrest rate while awaiting trial in Memphis decreased by 4% only nine months after the reform (Moore, 2023). This is especially interesting when considering the correlation between cash bail and recidivism. Cash bail "has been associated with a 6 to 9 percent increase in recidivism. Indeed, pretrial incarceration of more than 23 hours, which is often the result of unaffordable cash bail, has been tied to a 'consistent and statistically significant increase in the likelihood of rearrest'" (Preston, 2023). The increased perceptions of recidivism when there has been a decrease constitutes a direct example of systemic refinement.

Given that crime rates have continued to rise even in the face of this new reform, many Memphis residents are concluding that the issue with crime in Memphis was never a matter of finances, but rather one of inherent Black criminality. Since the implementation of the bail reform program, common narratives of crime in Memphis imply an inability of criminal offenders to cease their illegal activity. The consensus among both citizens and officials is that

criminals “go out and they commit more crimes, and they go to the bond room, and they just let them out on bond again and they commit another crime, and they go to the bond room, and they get another low bond” (Peterson and Moore, 2023). However, this is not always the case. Firstly, “bail amounts have increased overall” in the year since the passage of the bail reform and “fewer accused offenders are being arrested while out on bail” (Watts, 2024). Secondly, when compared to other cities, the narratives of increased recidivism in the face of bail reform fall short. Since the February 2023 bail reform, only 23% of defendants have been arrested while out on bail for another crime, as opposed to the 40% of defendants arrested while on bond in Nashville, TN (Peterson and Moore, 2023).

Nashville has yet to implement a similar restorative justice-oriented bail policy, yet is plagued by the same, if not worse, issues of reoffense and recidivism. Here, we see a pervasive use of deracialized messaging to reinforce and reaffirm the criminality of Blackness. By implying that the justice system is now more just with the new bail reform, inequalities in arrests and crime rates are attributed to inherent Black criminality rather than a racially unequal punitive system. This reinforcement of white supremacist narratives of Black criminality shifts attention away from societal causes of crime and causes a reversion in crime reduction tactics back to an individual level.

This shift in narratives following the reform has created a public opinion that sees all pre-trial jailing as necessary. Thus, we see the misaligned and racialized outcome which further criminalizes Blackness and relies on carceral and financial punishment. Rather than addressing root issues of crime and poverty in the city, officials created an inadequate system to delegitimize restorative justice efforts through systemic refinement. Following the bail reform, many Memphians have begun advocating for an increase in financially punitive, aggressive

responses to crime, stagnating progress in the form of a desired regression to classic racially capitalist schemas of crime management in the form of cash bail and unnecessarily long holds.

*Recent Developments: State Preemption*

As aforementioned, state officials have actively attempted to undermine the February 2023 Shelby County bail reform in the realm of public discourse. More recently, however, these efforts have culminated in the Tennessee House and Senate Joint Resolutions 0859 and 0919, respectively. The two bills propose an amendment to the Tennessee Constitution that would restrict the possibility of bail for a number of serious offenses such as a capital offense, terrorism, second-degree murder, aggravated rape, grave torture, and "any other offense for which, as of Nov. 3, 2026, a defendant, if convicted, could not be released prior to the expiration of at least eighty-five percent of the entire sentence imposed" (Salvemini, 2024). HJR 0859 is currently moving through House committees, while SJR 0919 has been adopted and is in the Senate and is ready to see a vote in the House, where it will likely pass to be placed on the ballot in the coming election (TN H.J.Res 0859, 2024 and TN S.J.Res. 0919, 2024). Each resolution was proposed by a white Republican official, Sen. Jack Johnson of Franklin, TN, and Speaker Cameron Sexton of Crossville, TN, and was introduced roughly one year after the passage of the Shelby County bail reform. Sexton and other lawmakers frequently cited Memphis in their defense of the resolutions, implying that they were proposed in response to the system to block pretrial releases and continue exerting control over criminalized communities (Royer and Thompson, 2024). Here, we see two white Republicans residing outside of Memphis creating legislation in response to issues within Memphis to directly impact the city, which is majority Black and Democratic. This unrepresentative exertion of authority is a clear attack on seemingly

progressive policies in the city and, thus, reveals how the subversive and adaptable nature of racial capitalism allows for the continued exploitation and criminalization of Blackness, even in a majority Black city.

Moreover, state officials have also proposed more extreme direct attacks on the equitable bail premise of the Shelby County bail reform. House Bill 1719 and its Senate counterpart, SB 2565 would "[remove] the defendant's financial condition as a consideration for the magistrate in determining the amount of bail" assigned to a defendant (TN H.B. 1719, 2024 and TN S.B. 2656). Once again, these bills were introduced by two white Republicans, Representative John Gillespie and Senator Brent Taylor, who had previously spoken out against the bail reform. Though each official is a representative for a district located in the Memphis-Shelby County region, they both represent majority-white areas of the city, State House District 97 and State Senate District 31. Memphis delegates and activists spoke out strongly against the bill upon its introduction, "warning of not only inequality in how bail will be assessed, but the potential ramifications of crowded jails, rising budgets, and lawsuits" which the February 2023 bail reform was attempting to address (Watts, 2024). These moves to preempt progressive policies display a more explicit form of systemic refinement. Still preying on the subversive nature of racial capitalism, they also rely on the capitalist realism that looks to the exploitation and criminalization of Blackness as a means of maintaining white supremacy, materially and psychologically. Here, the adaptable nature of racial capitalism is exploited by resorting to state legislatures to preempt progress made at the local level, and the subversive nature of racial capitalism is exploited by maintaining the assumption that the direction of Black leadership in local politics is inadequate and requires oversight.

*Conclusion*

The perceived failure of the February 2023 bail reform program is a fitting example of my framework of systemic refinement. The policies make use of the subversive and adaptable nature of racial capitalism to inadvertently silence calls for a more equitable system and stagnate progress. These psychological and economic effects act as powerful sustainers of racial capitalism through a calculated revision of dominant narratives to solidify and legitimize white supremacy and the criminalization and subjugation of Blackness. Often, this is the case for incremental reform under my framework of systemic refinement–reforms that allow the dominant racially capitalist system to prevail are performative at best, producing temporary and minuscule changes without rectifying inequalities. My framework of systemic refinement assists in distinguishing between performative and transformative reform, addressing the inadequacies of incremental reform under a system of racial capitalism which works together across several dimensions to relegate people of color to spheres of disinvestment and inopportunity.

# CHAPTER 5: Conclusion

## Section I—Implications and Findings

As this thesis has shown, the implications of systemic refinement as a theoretical framework for evaluating reform are quite far-reaching. Chapter 2 shows the uses of systemic refinement as a historical perspective. A systemic refinement historiography accounts for a racialized history in which the dominance of racial capitalism is privileged above progress and makes clear the ways in which racial capitalism has been further entrenched in society under the guise of progress. This pessimistic evaluation of history, in keeping with Marxist ideals of critique, is necessary for differentiating between performative and transformative reform and can help steer us toward a more equitable society. Chapters 3 and 4 address specific instances of systemic refinement and consider the transformative/performative reform dialectic in real-world circumstances. Chapter 3 investigates cases of systemic refinement within the criminal justice system to understand the ways in which racial capitalism renders incremental reform ineffective and how the American legal system upholds racial capitalism. The case study of police reform that aims at reducing excessive force reveals the necessity of state sanctioned violence in upholding racial capitalism, explaining how physical violence against Black bodies factors into the conversation of racial capitalism as a possessive investment in whiteness. The non-implementation of these reforms reveals the subversive nature of racial capitalism in incremental reform, while state preemption reveals the adaptable nature of racial capitalism. Chapter 4 deals more directly with the economic axis of the systemic refinement of racial capitalism. The mischaracterization of the Shelby County bail reform alongside the absence of structural change in society has rendered the reform ineffective

at equalizing bail and combatting crime. These shortcomings have created narratives of stagnation leading to a regression in social justice politics. Taken together, Chapters 3 and 4 emphasize the value of narratives as possessive investments in whiteness in systemic refinement. Through a misrepresentation of objectives and a subsequent misalignment of outcomes, incremental reforms are often ill-suited to meet the needs of a community and thus provide minimal, short-lived, or purely symbolic progress.

Systemic refinement allows us to recognize inadequacies in progressive policy and steers our attention to the ways in which state and local officials can strategically undermine reforms through narratives of stagnation and misaligned outcomes. Thus, systemic refinement gleans insight into distinguishing between performative and transformative reform. In the same vein, systemic refinement also emphasizes the need for transformative reform which operates outside the scope of racial capitalism and deals in sweeping transformations that fundamentally alter society and its institutions.

**Section II—Further Research**

Further research into systemic refinement could take several directions. First, a further case study of Memphis (or another city) could extend the scope of systemic refinement to understand other mechanisms by which racial capitalism's adaptable and subversive nature renders incremental reform ineffective. Systemic refinement is not confined to the criminal justice system and can occur in other components of racial capitalism through which inequality is maintained, such as education, housing, employment, infrastructure, and healthcare. For example, one could view affordable housing initiatives as examples of systemic refinement that maintain segregation by relegating poor people of color to

certain areas of society. Moreover, it can be argued that “no child left behind” policies that restrict funding to underperforming schools in an attempt to encourage higher achievement but instead deny funding to those schools that need it most are examples of systemic refinement. Understanding the ways in which the systemic refinement of racial capitalism extends beyond the criminal justice system is imperative for a fully-fledged framework.

Other avenues for further research could include other place-based studies of systemic refinement. A similar study of the history and contemporary examples of systemic refinement in other majority-Black cities could glean insight into the complexities of systemic refinement. Black people, and thus Black cities, do not exist as monoliths, and thus, the systemic refinement of a majority Black city such as Jackson, Mississippi could vary greatly from that of Memphis. Finding the similarities in differences in systemic refinement across majority-Black cities can help us better understand the ways in which systemic refinement allows for the continued dominance of racial capitalism when it does not benefit the majority of the population. Moreover, it would be interesting to understand the ways in which the state carries out systemic refinement in states that have the same party affiliation as the majority Black cities. I would anticipate less state preemption in Detroit, a majority Black Democratic city in a Democratic state, than in Memphis, a majority Black Democratic city governed by a Republican state legislature. On that note, understanding the differences in systemic refinement in the Northern and Southern United States could reveal the extent to which the South’s history of enslavement impacts systemic refinement in the region. Furthermore, in terms of place, the framework could be modified to extend beyond the

context of American racial capitalism to understand the systemic refinement at work in global racial capitalism. A globalized framework of the systemic refinement of racial capitalism could reveal a great deal about the historic and contemporary inner workings of colonization, underdevelopment, and imperialism.

Not only could place be an important factor in expanding my framework of systemic refinement but so could race. Expanding the framework to a study of majority-white cities could reveal the differential effects and intensity of systemic refinement based on a city's racial demographics. This thesis took on the framework of systemic refinement to understand how racial capitalism continues to dominate in majority-Black cities, but systemic refinement exists throughout all of racial capitalism and, thus, can be seen in majority-white cities, as well. Moreover, racial capitalism exists not only for the oppression of Black people, but for all people of color. Therefore, it would be useful to expand my framework of systemic refinement to other racial groups. This thesis has focused on systemic refinement purely in terms of Black and white, but understanding the ways in which systemic refinement has impacted other minority racial groups would create a more inclusive and encompassing framework. It is necessary to understand the different ways in which the systemic refinement of racial capitalism operates across demographic makeups, not merely for Black people in majority Black cities.

Perhaps most important is the issue of intersectionality. My framework is intersectional in that it addresses the oppressive axes of both race and class, but it does not account for intersectionality and views Blackness as a monolith for the sake of simplicity. Though this reductionist approach is non-ideal, the scope of a senior thesis is

not one large enough to account for intersectional identities. The most pertinent next step in the formation of a framework of systemic refinement of racial capitalism that accounts for shared minoritized identities is understanding the differential effects of systemic refinement on individuals based on other minority statuses, as well as the intersectional identity of Black capitalists.

These research suggestions can help us better understand systemic refinement and, thus, overcome racial capitalism's subversive and adaptable nature. A fuller understanding of the effects of race and place on systemic refinement can give us a more complete concept with nuanced complexities. If we recognize the ways in which racial capitalism can shift and conceal itself, we can be more proactive in creating policies that will be immune to systemic refinement.

## Figures

**Figure 1.1: Diagram of Systemic Refinement**

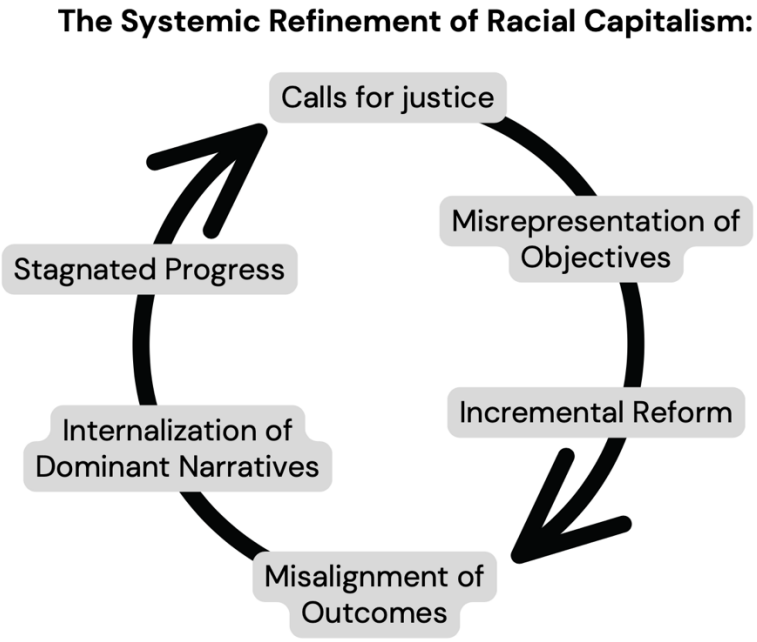
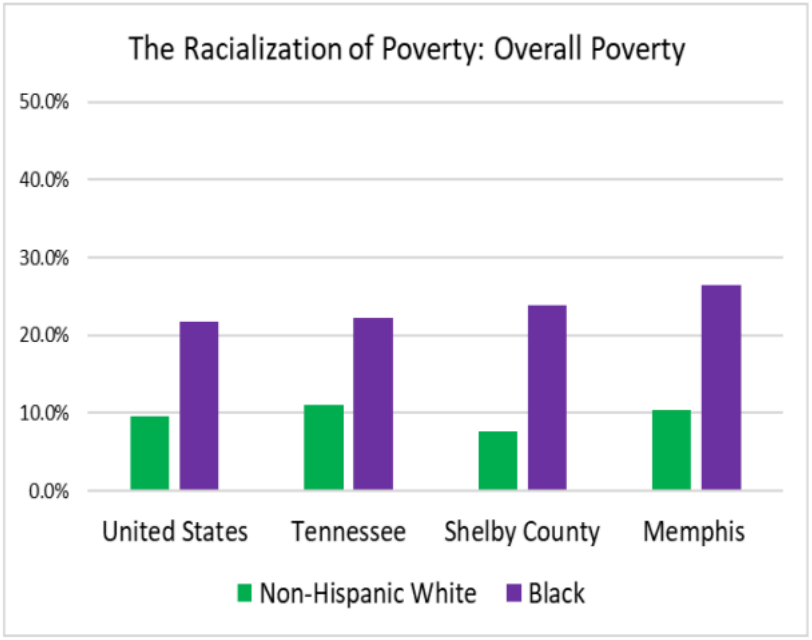



**Figure 1.2: The Racialization of Poverty, Overall Poverty**




Graph From Delavega, 2022.

**Figure 1.3: Black City Council Makeup x Black Population**

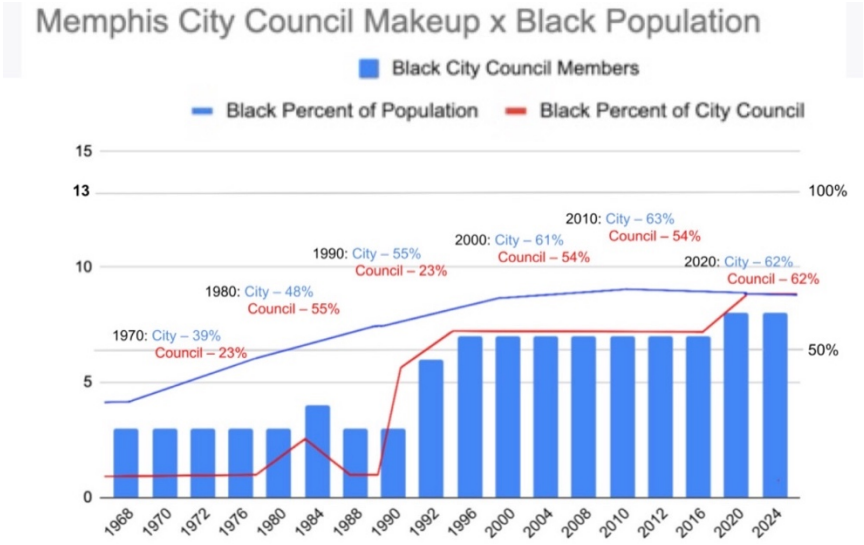


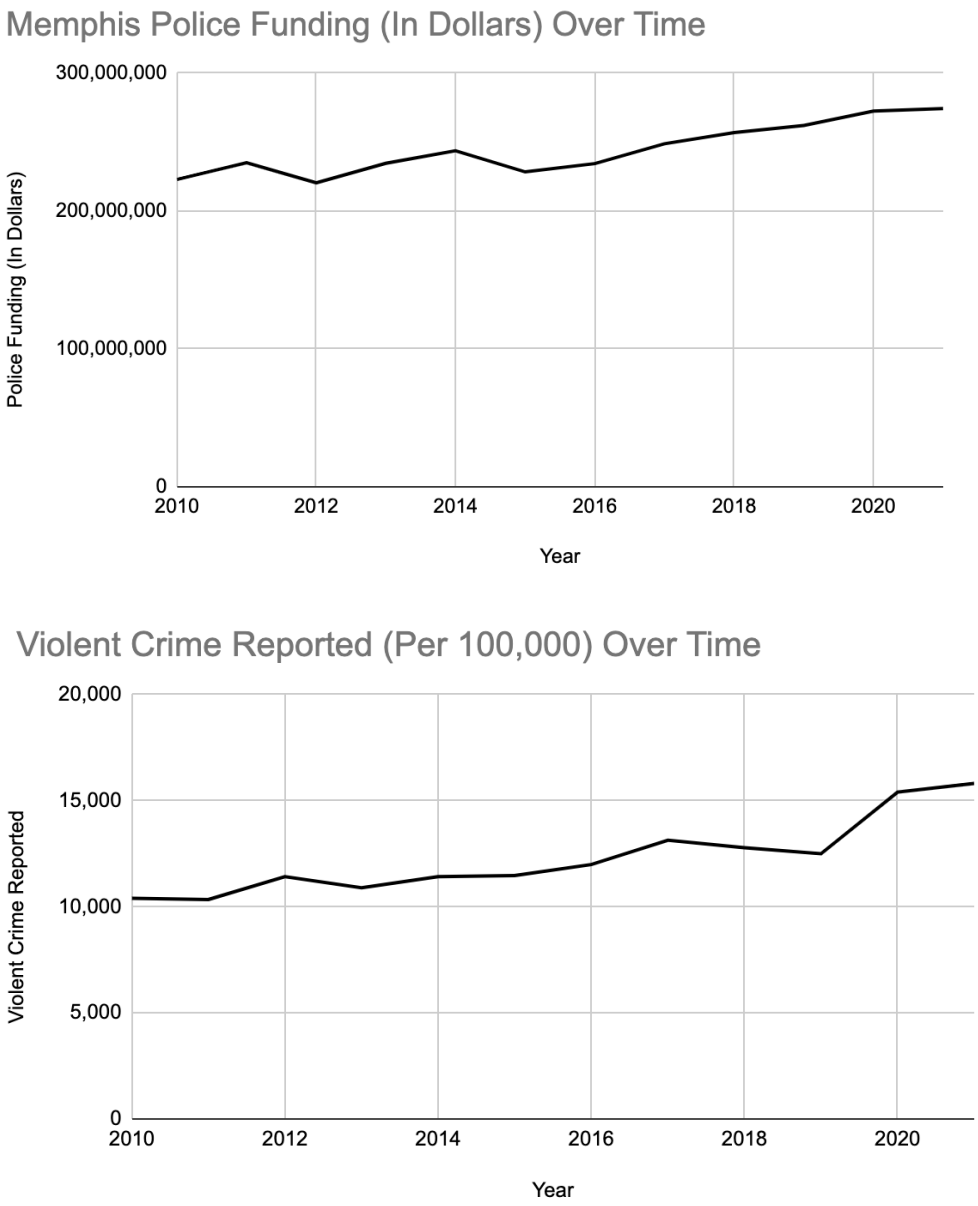

**Figure 3.1: List of Eight Can't Wait Policies**

| Policy | Description | Implemented |
|---|---|---|
| Ban chokeholds and strangleholds | "No law enforcement officer shall use a choke hold or other similar respiratory restraining maneuver, with or without the use of a police baton, on any suspect, defendant or other person unless other methods of restraint are ineffective. Nothing in this section shall be construed to prohibit the use of the lateral vascular maneuver." | BANNED – Policy in Place |
| Require de-escalation | "Officers are required and trained to de-escalate situations, where possible, by communicating with subjects, maintaining distance, and otherwise eliminating the need to use force. De-escalation enables an officer when practicable to initiate specific actions to defuse an event where the use of force would be legally justified at that time. This may be accomplished through both verbal and tactical actions which may include: containment, securing backup, using cover or requesting CIT." | REQUIRED – Policy in Place |
| Require warning before shooting | "Where feasible, the officer has identified himself/herself as a police officer and given warning such as, "STOP–POLICE–I'LL SHOOT," that deadly force is about to be used unless flight ceases; AND If all other means of apprehension available to the officer under the attendant circumstances have been exhausted." | REQUIRED WHEN FEASIBLE – Policy in Place |
| Exhaust all alternatives | "Officers shall use only the NECESSARY amount of force that is consistent with the accomplishment of their duties, | REQUIRED – Policy in Place |

| | | |
|---|---|---|
| before shooting | and must exhaust every other reasonable means of prevention, apprehension, or defense before resorting to the use of deadly force" | |
| Duty to intervene | "Any member who directly observes another member engaged in dangerous or criminal conduct or abuse of a subject shall take reasonable action to intervene.<br>A member shall immediately report to the Department any violation of policies and regulations or any other improper conduct which is contrary to the policy, order or directives of the Department. For sworn employees this reporting requirement also applies to allegations of uses of force not yet reported." | REQUIRED – Policy in Place |
| Ban shooting at moving vehicles | "The use of DEADLY FORCE is prohibited: From or at any moving vehicle, except in a case where an officer has probable cause to believe that the suspect committed a violent felony and the poses a direct threat of serious bodily injury or death to other persons if not immediately apprehended. If the officer is in the path of the vehicle, the officer's first responsibility, if possible, is to move from the path of the oncoming vehicle, as shooting the driver of a moving vehicle raises the danger from an uncontrolled vehicle. Officers should not intentionally place themselves in the path of a moving vehicle or reach inside of a moving vehicle; or in any case, where the officer does not have a clear field of fire and cannot be reasonably certain that only the suspect will be hit and that the potential for harm to innocent persons is minimum." | ONLY WHEN DEADLY FORCE IS AUTHORIZED — Policy in Place |
| Require use of force continuum | Use of the following continuum for use of force:<br>"1. Physical Presence<br>2. Verbal Warnings<br>3. Verbal Commands<br>4. Chemical Agents<br>5. Empty Hands Control (Soft and Hard)<br>6. Impact Weapons/Less Lethal Weapons/MPD Canine<br>7. Deadly Force<br><br>Officers must be aware that this is a dynamic continuum where an officer can be justified in instantly escalating from the lowest level of force to Deadly Force without having to stop and utilize each and every step in between. The Officer can also de-escalate from a higher level of force to one of the lower levels without stopping at each lower level. The Officer's experience and training are his guides as to which level of force to use in each situation." | REQUIRED – Policy in Place |
| Require | "It is the responsibility of all officers utilizing both deadly | REQUIRED – Policy |

| | | |
|---|---|---|
| comprehensive reporting | and less than lethal force to complete a Response to Resistance Form. The Response to Resistance incident will be submitted to the supervisor for approval prior to the end of the officer's shift. The Supervisor will ensure that the report has been completed, and will review the incident for any departmental concerns regarding policy and procedures, training, equipment and/or officer conduct." | in Place |

**Figure 3.2: Police Funding x Crime Rates over time**

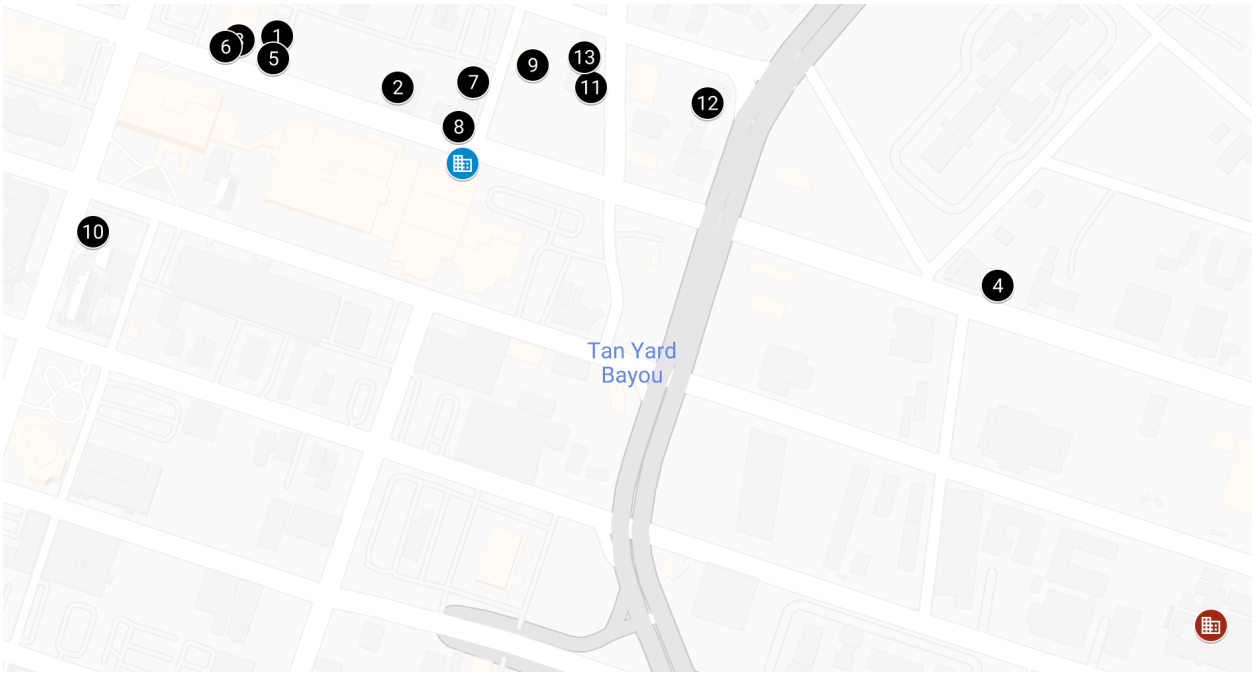


Data from FBI Crime Data Explorer and US Census Bureau via Police Scorecard

**Figure 3.3: Ordinance Nos. 5848-5853 and 5881**

| Ordinance Number | Description |
|---|---|
| Ordinance No. 5848 | "Ordinance to establish a procedure for the Memphis Police Department to conduct an annual independent review of the police training academy and all training techniques," by a third-party auditor |
| Ordinance No. 5849 (The Tyre Nichols Driving Equality Act) | "An ordinance to amend city of Memphis code of ordinances vehicles and traffic code to clarify appropriate methods of enforcement for traffic violations." Distinguishes between primary and secondary violations to ensure that traffic stops may only occur if a primary violation is observed. Secondary violations include "Registration of Vehicles, when the vehicle had been previously registered within the City of Memphis within sixty days of the observed infraction," misplaced temporary registration permits or plates, non-illuminating single brake light, headlight, or running light, other obstructions, bumper issues, unlawful operation of vehicle without official certificate of inspection, and unlawful operation without evidence of emission inspection |
| Ordinance No. 5850 | "Ordinance to Amend the City of Memphis Code of Ordinances, Chapter 21, Motor Traffic and Vehicles, Article 1, General Provisions and Definitions, to Require the Division of Police Services to Use Only Appropriately Marked Law Enforcement Vehicles to Conduct Traffic Stops" |
| Ordinance No. 5851 | "An ordinance to establish a public safety reporting protocol in regard to the disposition by the Memphis Police Department of recommendations by the Civilian Law Enforcement Review Board (CLERB) to the Memphis Police Department regarding CLERB's disposition of complaints involving police misconduct, the use of deadly force by police officers, and deaths or injuries of persons occurring while in police custody" |
| Ordinance No. 5852 | "Ordinance to establish an Independent Review Process of Memphis Police Department Incidents involving the use of Excessive, Unnecessary and, or Deadly Force by Police Officers and Deaths or Serious Injuries of Persons Occurring while in Police Custody" |
| Ordinance No. 5853 | "An ordinance to amend the city of Memphis code of ordinances relating to public safety for the city of Memphis law enforcement to collect and regularly report data regarding traffic stops, arrests, use of force, and complaints" |
| Ordinance No. 58881 | "amend Chapter 2, Article II of the Code of Ordinances of the City of Memphis to establish and affirm the Council's authority to appropriate City funds and resources to provide the appropriate staff, facilities and assets that it deems necessary to adequately and efficiently perform the legislative functions vested in it by the City's Charter." |

**Figure 4.1: Map of Bail Bond Agents in Memphis**




Key:

1 – Barron Bail Bonds Company

2 – All-N-One Bail Bonds

3 – All Out Bail Bonds

4 – Clark Bail Bond

5 – Liberty Bailbonds

6 – United Bonding Company Bail Bonds

7 – Alpha Omega Bonding Company Inc

8 – Battle Bonding Company

9 – A+ Bail Bonds

10 – M & M Bail Bond Co.

11 – A&A Bail Bonds

12 – Tiger Bonding

13 – Tennessee Bonding Company - Memphis and Shelby County

Blue Building Icon – Shelby County Jail

Red Building Icon – Shelby County Juvenile Detention Center

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