

Karen Ferguson


Recent attention to the reemergent reparations movement for the descendants of American slaves has brought debates about the historical legacy of, and responsibility for, past oppression to the forefront of popular discourse. Two compelling new books, one by historian Craig Steven Wilder and the other by legal scholar Alfred L. Brophy, extend the scope of this discussion by examining it in terms of the history of American cities.

Wilder’s A Covenant with Color surveys Brooklyn’s history from its fifteenth-century beginnings as a Dutch agricultural colony founded on slave labor to the creation of America’s largest urban black ghetto in the decades following World War II. His sweep of more than four centuries has one fundamental rationale. He wishes to demonstrate once and for all that racism is not simply a product of the unfortunate prejudices inevitable in human nature, nor is it ultimately responsible for social inequality, as is so often claimed or believed; rather racism is an ideology of power deeply imbedded in society’s material relationships used to create or perpetuate inequality. While this is certainly not a new claim, Wilder’s demonstration of its validity throughout Brooklyn’s history gives us a valuable demonstration of racism’s sustaining power as an instrument of power, and particularly how it has been used in shaping cities. He shows us that not much has changed since Brooklyn’s Dutch chose to single out Africans (as opposed to Native Americans, Jews, Quakers, or any other reviled population) for superexploitation, not out of innate prejudice but rather out of their ability to exercise mastery over the already enslaved. Similarly, in a new insight on the history of the unholy alliance of federal policy and private real estate interests and the creation of the second ghetto in Brooklyn, Wilder shows how revaluing moved from targeting a broad swath of Brooklyn’s non-WASP population to focusing on black neighborhoods, not because of basic bigotry, but rather in order to cement the development goals of powerful banking, insurance, and real estate interests in the city. Thus, Wilder would argue, we should not simply examine the impact of the legacy of slavery (or rather, “the legacy of mastery,” as he puts it in one of his many masterful reversals of liberal clichés about African Americans and their condition), but rather focus on the perpetuation of the “covenant with color” to the present.

Wilder’s implicit secondary objective is to refute another widely held shibboleth—that of the North, and particularly the urban North, being somehow unconnected to the worst abuses of the racial system of the plantation and then Jim Crow South. Thus he shows us the brutality of Brooklyn’s supposedly “gentle” slave system and the recalcitrance of King County’s planters in relinquishing control of their human property long after emancipation had legal force in New York State. Hence he also reveals how Brooklyn’s dependence on the textile and sugar industries bred a pro-slavery majority in the antebellum period. Finally, and insightfully, he shows how the northern wing of the Democratic Party both before the Civil War and long into the twentieth century attracted urban “white” ethics not simply through Tammany-style patronage but also, explicitly, through its support of white supremacy throughout the nation.

While Wilder’s work is based significantly on primary research, its greatest value is as an extended essay bringing together the insights of a broad body of recent scholarship in a fresh way to build his case about continuities in the history of whites and their “covenant with color,” using Brooklyn as his case. However, in his desire to cover so much ground, some of his evidence in the text and the tables is underanalyzed leaving a few of his conclusions less than self-evident. Furthermore, in his quest to explore continuities in the relationship between race and power, Wilder gives little more than thumbnail sketches of the changing contours of the black or white communities through time, leaving readers with a number of tantalizing questions related to his thesis and to the history of Brooklyn. Given the portrait of overwhelming pro-slavery support Wilder paints, why was Brooklyn a national centre of white abolitionism and the refuge of choice of Manhattan’s black elite after the draft riots of 1863, as he himself reveals? Were there no significant changes in the dynamics of race and power as Brooklyn’s black population fluctuated between being a third of the total in the slavery era, to a minuscule minority in the eighty years between the Civil and Second World Wars, to one-third again by 1990? Most pressing, what was the African-American response to the “covenant with color”? Readers catch compelling glimpses at possible answers to this final question, but no sustained view of the African-American community or its reactions. Surely the powerless are in a very good position to say something about the power held by their oppressors.

This very possibility lies at the centre of Alfred L. Brophy’s Reconstructing the Dreamland. In a detailed examination of the infamous Tulsa riot of 1921, Brophy places the contrasting black and white visions of the American legal system at the heart of his examination of what happened and why. For African Americans, and especially for a vocal and militant minority of veterans returned from World War I, the law was about justice and about the ideals of democratic citizenship and equality, which were so sorely lacking for black people in Jim Crow Oklahoma. For whites, and particularly those in power, it was an instrument of control, intended to maintain the social, and particularly racial, order.
These conflicting visions clashed in the riot. Dismayed by the abrogation of justice demonstrated by vigilante mobs facilitated by local police, militant black Tulsans had begun in the months prior to the riot to form their own defensive brigades to protect potential lynching victims. One of these armed black delegations seeking to protect a black prisoner threatened by the rope and faggot sparked the riot. This final black assertion for justice was simply too much for whites fearful of increasing black militancy and the growing prosperity of Greenwood, Tulsa's black community. They were more than ready to start "Running the Negro out of Tulsa," as the triumphalist caption claimed on one riot photograph. In the end, Greenwood lay in ashes. National Guard troops, aided by hundreds of civilians deputized into the city police force, burned thirty-five blocks to the ground, and killed dozens of black citizens. Using airplanes for surveillance, and perhaps even to bomb the neighborhood, white Tulsans showed that they too had learned some lessons well from the first modern war.

After the riot, city officials continued to be consistent in their desire for a white-dominated order, attempting to raze the Greenwood area for (white) industrial development until the courts stopped them based on the property rights of Greenwood's property owners, and refusing to compensate the victims (despite acknowledging some culpability) when narrow legal interpretations of the state's responsibility to riot victims allowed them to do so. It is this latter evidence that is the basis of Brophy's case for state reparations to victims of the riot, which he details in his concluding chapter.

Brophy's work is more limited in its chronological scope than Wilder's, and its lack of historiographical context might lead readers to conclude that the age of official oppression is long over. However, his book is extremely effective, both in terms of its narrative structure, his insights about race and the law (particularly as they pertained to the urban South), and his vivid portrait of pre-riot Greenwood's prosperity and vitality. In contrast to Wilder, his story is almost entirely constructed from primary sources, largely the black press and previously unused testimony from civil court records of lawsuits seeking compensation from insurance companies and the city after the riot. While this sometimes means that pertinent insights from other scholars are missing, Brophy compensates for this lapse through his careful use of testimony. Demonstrating his skills as a legal scholar, he presents his evidence fully, weighing it judiciously by pointing out inconsistencies and paradoxes. This is particularly useful in terms of understanding the contentious debates within the black community about the appropriate response to Jim Crow discrimination and his discussion of the ambiguities of the National Guard's fateful decision to disarm Greenwood's residents and to take them into "protective" custody, thus leaving the neighborhood defenseless. Brophy treats every actor in this tale fairly, all the while making an ironclad case that white Tulsa was to blame.

For these reasons, *Reconstructing the Dreamland* is a particularly valuable book for undergraduates, giving them a short, interesting model of the historical method, and providing myriad questions for debate in classes dealing with African-American, race, or public policy issues. Further, the final chapter, where Brophy makes the case for reparations, brings the story very much into current policy debates, thus showing students history's relevance. Wilder's book would be a natural companion source for faculty wishing to contextualize Brophy's work for their students—to make them understand the broad geographical and chronological scope, and the ever-changing but ongoing impact of the "covenant with color."

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John Beattie's new book is a sequel to his influential *Crime and the Courts in England, 1660–1800* (Princeton University Press, 1986). Like the best sequels, *Policing and Punishment* takes the best from its predecessor but goes further and along different tracks; the Godfather Part II of legal history as it were.

*Policing and Punishment* opens with a lengthy introduction on crime in London from Restoration to the appointment of novelist and reformer Henry Fielding as justice of the peace for Westminster in 1748. Here Beattie traces both the changing rates of prosecutions and the popular perception of crime in the City. He concludes with a case study of women as criminals that links the two. The main body of the book comprises two tales around a single theme: the City's involvement in changes to criminal administration. The first tale (and first half of the book) is an analysis of the methods of policing. Though they range more widely, the chapters centre on four groups of men and women: magistrates, constables, the night watch, and thief-takers. The second tale (and half) follows changes in the criminal trial, outcomes, and punishments in three periods: from Restoration to Glorious Revolution; the reigns of William and Mary, and Anne; and the early Hanover regime. In both sections, Beattie compares changes in statutes and regulations with the day-to-day practice in London. His conclusion draws the two tales together with the themes from the introduction in a discussion of the importance of, and limits to, capital punishment.

A key element of the new book is its geographical focus. While Beattie's previous volume compared two counties, one rural and one urban, the new book is dedicated to the "ancient" City of London and its institutions. Beattie contends that the City and its officers were central to shaping much of the legislation and government policy regarding crime and policing in this period. The focus allows Beattie to touch on a number of issues that have resonance beyond the eighteenth century and legal history.

The first half traces changes in policing in the era prior to the development of modern police in idea or practice. Criminal justice and crime prevention in the seventeenth and eighteenth centuries were amalgams of public and private action. For the most