



## “THE WEB OF CIRCUMSTANCE”: THE UNJUST JUDICIAL SYSTEM AND THE DISENFRANCHISEMENT OF BLACKS VIA PRESUMPTION OF CRIMINALITY IN CHESNUTT

“THE WEB OF CIRCUMSTANCE”: CHESNUTT’TA ADALETSİZ YARGI DÜZENİ VE SUÇLULUK KARİNESİ ARACILIĞIYLA SİY AHLARIN İMTİYAZ MAHRUMİYETİ

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### Abstract

Charles Chesnutt's 1899 short story “The Web of Circumstance” criticizes the post-Reconstruction American South by demonstrating the unjust conviction and defamation of the main character Ben Davis. The 13th Amendment that abolished slavery becomes crucial to understand Ben's conviction for this amendment allowed white Americans to re-enslave the black man, continuing to exploit the labor value of the black body after the abolition. In the story, Chesnutt utilizes themes of property acquisition, citizenship and incarceration to complicate the status of the black man's social elevation in post-Reconstruction South. The first part of this paper focuses on property acquisition as a form of success according to the late 19th century American economic values. As I analyze the importance of property for the freed black man to create an agency in the Reconstruction South, W.E.B. Du Bois, Cheryl Harris and Richard Brodhead will draw the theoretical framework behind the defamation of Ben Davis. The problematic property ownership of Ben Davis is analyzed with a focus on American judicial system and Du Bois' thoughts on the entitlement and the disenfranchisement of the black man after the Reconstruction. The second part of the paper concentrates on the presumed criminality of Ben Davis as a novel form of the black man's exclusion from social and financial elevation in the post-Reconstruction South. Foucault's ideas on the sovereign's authority to kill as well as how this complete sovereignty to obliterate the subject turns the person into the unmovable homo sacer of Agamben and Mbembe will be discussed in the second part in relation to Ben Davis. In the end, the systematic disenfranchisement of the black man in Chesnutt's story through hyper-criminalization will be demonstrated as an outcome of the unjust judicial system of the United States of America.

### Öz

Charles Chesnutt'ın 1899 tarihli kısa öyküsü “The Web of Circumstance,” baş karakter Ben Davis'in adaletsiz mahkûmiyeti ve tahkirini gözler önüne sererek Yeniden Yapılanma Dönemi sonrası Amerikan Güneyini eleştirmektedir. Amerikan Anayasasının köleliği yasaklayan 13. Değişiklik maddesi Ben'in mahkûmiyetini anlayabilmek için mühimdir, çünkü aynı yasa beyaz Amerikalıların siyahları yeniden köleleştirmesine ve köleliğin yasaklanmasından sonra dahi siyah bedenlerin emek değerini sömürmeye devam etmelerine olanak sağlamıştır. Chesnutt öyküde mülk edinimi, vatandaşlık ve hapsedilme konularını Yeniden Yapılanma sonrası Amerikan Güneyinde siyahların toplumsal kalkınmasını güçleştiren bir durum olarak değerlendirmektedir. Bu makalenin ilk kısmı geç 19. yüzyıl Amerikan iktisadi değerlerine göre mülk edinimini bir tür başarı olarak ele almaktadır. Siyahların Yeniden Yapılanma Güney'de kendileri için bir edim yaratmaları adına mülkün önemi incelenirken, W.E.B. Du Bois, Cheryl Harris ve Richard Brodhead, Ben Davis'in tahkirinin ardındaki teorik çerçevenin oluşturulmasını sağlayacaklardır. Ben Davis'in sorun addedilen mülk sahipliği, Amerikan yargı sistemi ve Du Bois'in Yeniden Yapılanma sonrası siyahların salahiyyet ve imtiyaz mahrumiyetleri üzerine düşüncelerine odaklı bir şekilde incelenmektedir. Makalenin ikinci kısmı ise Ben Davis'in suçluluk karinesine, Yeniden Yapılanma sonrası Amerikan Güneyinde siyahların toplumsal ve ekonomik kalkınmadan mahrum bırakılmasının yeni bir yöntemi olarak odaklanmaktadır. Foucault'nun egemen gücün öldürme yetkisi ve özneyi yok eden bu tam egemenliğin kişiyi nasıl Agamben ve Mbembe'nin bahsettiği ardından yas tutulamaz homo sacer'a dönüştürdüğüne dair düşünceleri ikinci bölümde Ben Davis ile ilişkilendirilerek incelenecektir. Sonuç olarak, Chesnutt'ın hikâyesinde siyahların hiper-suçlulaştırma ile sistematik olarak imtiyazdan mahrum bırakılma hali Amerika Birleşik Devletleri'nin adaletsiz yargı düzeninin bir sonucu olarak sunulacaktır.

## Introduction

When the 13<sup>th</sup> Amendment abolished slavery and accepted the equal status of black people as human beings, it also ended their status as chattel allowing them to a new form of possessive entitlement. Considering the fact that Americans equate property ownership to an achieved sense of citizenship, the lack of property as well as the former chattel status of ex-slaves grew into an obstacle between them and their prosperity. Moreover, the 13<sup>th</sup> Amendment allowed white Americans to re-institutionalize the black man under the pretense of justice.

This paper analyzes how the institutionalization of the black man turns into a means to disenfranchise him as he tried to elevate his social and economic status in the post-Reconstruction South in Charles Chesnutt's 1899 story "The Web of Circumstance." The first part of this paper will focus on property acquisition as a form of advancement according to the late 19<sup>th</sup> century American economic values. As I analyze the importance of property for the freed black man to create an agency in the Reconstruction South, W.E.B. Du Bois, Cheryl Harris and Richard Brodhead will draw the theoretical framework behind the defamation of Ben Davis. The problematic property ownership of Ben Davis along with the elevated status that accompanies his unprecedented, yet undesired success will be analyzed with a focus on American judicial system and Du Bois' thoughts on the entitlement and the disenfranchisement of the black man during and after the Reconstruction. The second part of the paper will concentrate on the presumed criminality of Ben Davis as a novel form of the black man's exclusion from social and financial elevation in the post-Reconstruction South.

Foucault's ideas on the sovereign's authority to kill as well as how this complete sovereignty to obliterate the subject turns the person into the un-mournable homo sacer of Agamben and Mbembe will be discussed in the second part in relation to Ben Davis. By discussing the legal system that silences Ben Davis in terms of property and agency in the first part, I aim to offer the presumed criminality of the black man in the second part as an outcome of the racist attitude of post-Reconstruction South which aimed to restore the black man's status as close to his former enslaved position as possible. In the end, the systematic disenfranchisement of the black man in Chesnutt's story through hyper-criminalization will be demonstrated as an outcome of the unjust judicial system of the United States of America.

Chesnutt's story demonstrates that due to the loss of the exploited labor value of the slave's body after the abolition, the Southern white society appropriated the re-enslavement of the black body through incarceration to achieve a new form of superiority and gain. It also illustrates how the African American man's inclusion into the American nation as a member is challenged with the assistance of laws. The utilization of themes such as property acquisition and the toil of the criminalized African American body allow this text to demonstrate how history and racial hierarchies are reflected in literary works. In order to understand these themes, which were commonly used in both the slave narrative and the color line literature, I will analyze Chesnutt's story with a focus on the black body's labor and property values within the institutionalized incarceration system.

In this article, the word success is used to describe the advancement of Ben Davis in American South, where social progress was not a common term adhered to black people. Considering the fact that artisanship was forbidden to black people in the South due to the Black Codes of 1865 and 1866, Ben's job as a blacksmith in the post-Reconstruction era gains a special meaning in terms of self-improvement. Chesnutt himself is described as "*one of American culture's most compulsive self-improvers,*" for whom, "*the self's goal is [...]to advance itself toward a worldly career that will carry the meaning of achievement and success*" (Brodhead, 1993, pp. 182-183). Chesnutt creates a character who also believes in self-improvement and self-determination. In the story, Chesnutt describes Ben's blacksmith shop with the words "*a forge was glowing*" (1899/1968, p. 291), which according to Bill Hardwig is "*an indication that his business is thriving*" (2002, p. 10). Moreover, the property acquisition of Ben leads the white Southerners in the story to perceive his "*economic success*" as a danger which needs to be obliterated (Hardwig, 2002, p. 11; Delmar, 1980, p. 178). Furthermore, the Colonel regards Ben as "*the best blacksmith in the county*" (Chesnutt, 1899/1968, p. 305). Ben Davis is seen as an "*industrious, self-reliant, prosperous black m[a]n in the postwar South,*" which according to Henry Wonham situates Ben as one of "*the leaders of a potential black middle class*" (1998, p. 123). However, the use of the term successful is simultaneously problematic because the advancement of Ben Davis transforms into an incriminating act. Wonham and P. Jay Delmar propose the idea that Ben Davis' economic success that follows self-determination is regarded unacceptable by the white society. According to Delmar, the fate of Ben Davis suggests that "*political power must precede economic power*" (1980, p. 179). This idea renders the self-improvement of Ben Davis as a

threat to American middle-class values, the essence of which was a rather debated issue by African American activists like W.E.B. Du Bois.

In his 1935 book *Black Reconstruction in America*, W.E.B. Du Bois argues that even though the negative representations of the black man have been safeguarded by the white Americans, the “*serious speeches, successful administration and upright character are almost universally ignored and forgotten*” (p. 721). The Reconstruction in the American South following the Civil War was a period when black people were integrated into American society as freed people, however as Du Bois argues, their elevation was obstructed, and the successful black people were targeted to erase their positive influence on the black race. Consequently, “*the postwar era [...] posed many obstacles to the implementation of smooth Reconstructionist reforms for black people*” in the white supremacist atmosphere of the South (Güzel Köşker, 2016, p. 28). This period was also a time for blacks to prove to the whites that they were capable of thriving in an equally promising environment. However, the restrictions of the Reconstruction Era in the racially prejudiced American South were accompanied by the racially restrictive Black Codes and Jim Crow Laws that hindered the social elevation and movement of the black man in many parts of the South. These laws limited the mobility and job opportunities available for blacks in an effort to oppress them as a cheap labor force. “The Web of Circumstance” tells the story of Ben Davis in such a racially motivated North Carolina, where he is wrongfully accused, tried and found guilty of larceny.

### **“The Web of Circumstance”: Contextualizing the story**

Charles Chesnut’s “The Web of Circumstance” focuses on the obstacles encountered by a black man on his way to social and economic elevation following the Reconstruction Era. Since the representatives of justice perceives the accomplishment of Ben Davis as a threat to the white middle-and-upper-class values, it eradicates his hard-earned success. The judicial system of the United States fails to protect the black man for it becomes the means to completely deconstruct his newly acquired progress. In this respect, “The Web of Circumstance” demonstrates the pinnacle of injustice, by depicting how the black race is turned into an institutionalized people under the 13<sup>th</sup> Amendment. When slavery was abolished in the United States with the ratification of the very same amendment, those unsatisfied with the law turned it into a novel means of enslaving the black man to hinder his improvement via hyper-criminalization. The term hyper-criminalization refers to the exercise of an unjust treatment of a group of people by surveilling, punishing, and

subjugating them within the justice system. Sociologist Victor Rios defines hyper-criminalization as *“the process by which an individual’s everyday behaviors and styles become ubiquitously treated as deviant, risky, threatening, or criminal, across social contexts”* (2011, p. xiv). The rising black incarceration rates during and after the Reconstruction as a way to derail the black man resulted in a constant state of hyper-criminalization for blacks. The freed ex-slaves now had to fight not only to sustain their lives, but also to effectuate the promise of equality. However, the 13<sup>th</sup> Amendment enslaved them once more under the pretense of freedom by declaring that *“[n]either 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 Civil War resulted with the abolition of slavery, but the amendment states that a person can be forced to involuntary servitude as penalty. Dennis Childs in *Slaves of the State* addresses the problematic 13<sup>th</sup> Amendment and the ways it is used to enslave people of color through criminalizing and incarcerating them. Childs says that even if parts of the 13<sup>th</sup> Amendment regarding the chattelization of the black man were outlawed,

the national state police power would still have involved the necropolitical right not only to kill free black people but to submit them to innumerable public/private carceral hybrids through the hyper-criminalization of black being and the productive legal euphemism of ‘involuntary servitude’ (2015, p. 75).

The threat against the freedom of African Americans was legally recognized as a rightful punishment, without considering the consequences of racialization on the black body. Besides, the judicial system recognized the 13<sup>th</sup> Amendment as another way to exploit the black body and extract its labor value in the Reconstruction period. Moreover, Chesnutt’s “The Web of Circumstance” can be viewed in light of the 13<sup>th</sup> Amendment and the incarceration of the black body as well as the problem of property. In fact, the reason why the main character Ben Davis is imprisoned is rooted in property ownership. According to the Slave Codes of the 17<sup>th</sup> century, slaves were not allowed to own property since they were categorized as chattels themselves. Cheryl Harris argues that the black people were turned into property through the exploitation of their labor. This, she says, caused race and property to become intertwined *“by establishing a form of property contingent on race –only Blacks were subjugated as slaves and treated as property”* (Harris, 1993, p. 1716). Ben Davis is aware that the black man’s agony comes from not having property. Davis is a blacksmith and a former slave, who has been free for fifteen years by the time the



story begins. However, he is accused of stealing the whip of Colonel Thornton. The act of stealing the whip from the white man in charge is ironical in itself, but the problem exceeds the act itself, since Davis is innocent.

Even after their freedom in 1865, blacks were still subjected to segregation carrying the burden of slavery. “The Web of Circumstance” suggests that slavery was dragged into the subsequent decades under segregationist discourse. This discourse is evident in the color line novels that deal with segregation, racism, and passing. A member of the color line literature, Charles Chesnutt, born in 1858, was an educated black man born to free black parents. He witnessed the Civil War, the ratification of the 13<sup>th</sup> Amendment, and the following racial experience. Chesnutt wrote fiction and non-fiction, and his collection of short stories, *The Wife of His Youth and Other Stories of the Color Line*, was published in 1899. Richard Brodhead, who comments on Chesnutt’s work in *Cultures of Letters* (1993) studies the history of the literary works within the dynamics of American social life. He states that “for Chesnutt writing means writing fiction, and is a medium of verbal invention” (Brodhead, 1993, p. 178). Unlike the authors of preceding slave narratives, Chesnutt focuses on literature as a profession he can master. His use of the black dialects specific to the South is Chesnutt’s demonstration of how he—as a black man—can use a literary means appropriated by white authors. However, as an ambitious black man Chesnutt believes that self-improvement is the only way to improve the black man’s condition. Therefore, Chesnutt writes on the status of the free black man after the Civil War and explores the dynamics of social inclusion, criminalization and passing in the American society. R. J. Ellis states that “[u]ndoubtedly, Chesnutt shows an acute awareness of the virulent forms of racism proliferating in the South as the nineteenth century moved into the twentieth” (2015, p. 98). Although the artistic and poetic form of his stories were of importance to Chesnutt, he incorporated the toil of African Americans in a racially prejudiced country. In his essays, journal entries and fiction, Chesnutt criticizes the efforts of Southern white society to disfranchise the black man. His paper “The Disenfranchisement of the Negro” (1903) is one of these works where Chesnutt poses the question of “what is the effect of this wholesale disfranchisement of colored men, upon their citizenship” (87). Therefore, it can be said that the segregation and subjugation which followed the black man during and after the Reconstruction became some of the recurring themes in Chesnutt’s fictional and non-fictional work. In one of his journal entries written in 1880, Chesnutt talks about the role of his work in the advancement of the black man as follows;

This work is of a twofold character. The negro's part is to prepare himself for social recognition and equality; and it is the province of literature to open the way for him to get it—to accustom the public mind to the idea; and while amusing them to lead people out, imperceptibly, unconsciously, step by step to the desired state of feeling. If I can do anything to further this work, and can see any likelihood of obtaining success in it, I would gladly devote my life to the work" (qtd. in Brodhead, 1993, pp. 194-195).

Even though Chesnutt's situation as a black man who achieved economic and social success socially distanced him from the lower classes of blacks in the South, he focused on the ills of an ongoing injustice for the black man. In his fictional and nonfictional works, it is seen that "*[i]nvariably Chesnutt was concerned with the possibilities of citizenship and an accompanying human fulfillment for Negroes*" (Reilly, 1971, p. 31). In a review published in *The Atlantic*, William Dean Howells also argues that Chesnutt's stories can either be considered "*merely as realistic fiction, apart from their author, or as studies of that middle world of which he is naturally and voluntarily a citizen*" (1900, pp. 700-701). Accordingly, Chesnutt brings the experiences of Southern blacks into his work, both as an artistic expression and a way to draw attention to the inequality the blacks endured long after emancipation.

The "Web of Circumstance" takes place in North Carolina circa 1880. In the story, Davis treats the shoe of Colonel Thornton's horse, and he expresses his desire to own a similar whip. This turns into an exchange of ideas between Ben Davis and bystanders on property ownership and manhood. Later, the reader meets the almost immaculate Davis family in their house, the mortgage of which is declared to be paid off by next January, leaving the family debt-free. The next time the readers encounter Ben Davis is when he is at a courthouse accused of stealing the whip. Innocent, he listens to the law enforcement and the members of the judicial system as they force him back into enslaved labor, from which he had been saved by the 13<sup>th</sup> Amendment. Ironically, he is punished with five years of hard labor under the same amendment, losing everything he has acquired in the process. A desolate man financially and emotionally, he goes afterwards to the house of the Colonel with the intention of harming his little girl, later abandons the idea but is killed on the ground of his looks as a black man who is recognized as a threat to the angelic white baby. Ben Davis dies at the end of the story along with the dreams of integration for blacks. Reconstruction is over with no beneficial outcome for him as a black man; he dies alone and miserable. His body had been transformed into that of a slave first, then

that of a freed man; afterwards, he had been incarcerated bound to do hard labor which means that he is enslaved again under modern involuntary servitude laws, and lastly his body is transformed from that of a father, husband, blacksmith to that of tabula rasa. In the end, his black body remains a target for the powerholding white man with all its visibility and all the connection it has to criminality.

Throughout the first part of the story, the reader is reminded of the Slave Codes before the Civil War and how slaves were not allowed to hold property since they were categorized as chattel. Property ownership and the American justice system's association of the concept with the white race are well-known aspects of racial subjugation in the US. When the law changed to refer to the needs of freed blacks in the post-war era, property became a means to earn respect from society. Even though Ben Davis works hard to own property, pays his mortgage, and is respected for having an honest business, his ascent to a financially secure man who has no debts-hence no monetary obligations- to society becomes a threat to the white community. In order to understand the US Justice system and what it would mean for Ben Davis to hold property, it is crucial to consider the laws and regulations that categorized the black man as chattel and limited his rights to hold property.

### **Property Ownership, Entitlement and Disenfranchisement of the Black Man**

Early British attempts at colonizing North America failed multiple times because of a lack of laborers who were crucial in building the colonies from the bottom up. The constant search for laborers and the reluctance among men to do the back-breaking job of menial labor led to a rapid demand for a low-cost workforce that could be managed easier compared to the indentured servants. When the first black slaves arrived aboard a Dutch ship in the 17<sup>th</sup> century, the idea of enslaving people for the sole aim of profit-making was not unheard in North America, for the continent was already familiar with the enslavement of Native Americans.

When the enslavement of blacks proved to be financially profitable for the colonies, the practice became widely accepted and this gave a momentum to the rising number of the enslaved population. The colonies needed to guarantee that the situation remained beneficial to their cause, therefore they passed laws that labeled the blacks as chattel rather than human beings and dehumanized them even further with the use of pseudo-sciences that listed the black race inferior to the white race. Furthermore, in 1662, Virginia laws declared *partus sequitur ventrem*- the doctrine which stated that the condition of the child would follow that of the mother. This



allowed white masters to recognize the bodies of their female slaves as reproduction sites, since the child of an enslaved woman would automatically become a slave no matter the race of the father. Under this Virginia law, a self-reproducing slave labor force was created.

The autonomy of the slave was further disregarded when in 1669, the Virginian law declared the murder of a black man not a felony if he died at the hands of his master, for the black man at this time was the property of the master. Even when an enslaved person became free before the Civil War, he was not recognized as a US citizen entitled to the right of equality and freedom. The renowned case of *Dred Scott v. Sandford* ruled in 1856 that a black man, though freed was not a citizen of the country (*Dred Scott v. Sandford*, 1856). Moreover, the concept of property ownership as an ideal citizenship requirement further worsened the status of black man as chattel. When the 13<sup>th</sup>, 14<sup>th</sup> and 15<sup>th</sup> Amendments declared blacks free and entitled them to the rights of life, liberty, and property, the former masters in the South proclaimed unease. During the reconstruction and readmission of the Southern States into the Union following the Civil War, black freedom and progress were halted under the disguise of Black Codes and Jim Crow Laws. In an order specifically designed to block the financial and social advancement and integration of the black race, African Americans with a background of slavery like Ben Davis held little to no chance. Therefore, it is a great change in color line discourse to observe a previously enslaved man like Ben Davis to be quite successful, promoting the middle-class work ethics.

The first section of Chesnutt's story leads the reader to acknowledge the astonishing progress of Ben, with a thriving blacksmith business, a beautiful wife and clever children in the Southern state of North Carolina. Ben Davis seems closer to middle-class work ethics than to his people, whom he criticizes for not following his suit in materializing their progress. Wonham mentions that the middle-class whites accept Ben as "*worthy of social recognition*," for they "*share his values of thrift and common sense*" (1998, p. 68). Ben believes that hard work and being provident will result in material gain, and material gain will reinforce manhood of the ex-slave through self-improvement:

"An' ef you niggers," he continued, raking the coals together over a fresh bar of iron, "would stop wastin' yo' money on 'scursions to put money in w'ite folks' pockets, an' stop buildin' fine chu'ches, an' buil'

houses fer yo'sel'ves, you'd git along much faster" (Chesnutt, 1899/1968, p. 293).

The institution of slavery exploited the Bible to dominate and subjugate the black man. In these lines, religion and leisure time become synonymous with those past exploitations, and Ben suggests that investing in a man's future is a better option compared to enriching the white people—their past exploiters. Ben's criticism of black men's habits acquired under slavery and his speech on the importance of individual advancement situate him above the average working-class black man. As an artisan ex-slave, he has improved his life conditions with the help of hard work. Ben Davis puts a distance between himself and other black people, because as he says these words he is described as a man "*carried away by his eloquence*" (Chesnutt, 1899/1968, p. 293). The black people he talks with at the time lack the qualities of a hard-working, self-made man like himself, which leads him to situate himself above those men, who are described as "loafers" in contrast to his toiling image.

The necessity of property acquisition for the black man is repeated constantly by Ben, demonstrating property-ownership as a threshold that needs to be passed by the former slave. As Du Bois argues, the distribution of land and wealth was a prominent thought among the black people during the Reconstruction, for property acquisition was crucial for inclusion to a respectable social class of people (1935, pp. 590, 599). However, the aforementioned inclusion would mean loss of jobs and income for the underprivileged whites, causing a competition for manual jobs among the poor working-class. When the black man disproved the white man's expectancy of failure, his elevation changed into a fearful prospect. In the South, it was not only the Klan that worked to prevent the black man's improvement, but also the judicial as well as social systems of the Southern democracy were established against it. Du Bois mentions how the poor white laboring class would also take vengeance "*upon the prosperous and hard-working Negroes*" (1935, p. 674). The whites, however, knew that only through social defamation the black man's rise into the upper spheres of social and economic life would be hindered. The hyper-criminalization of the black man at the hands of the racially prejudiced justice representatives forced many of the blacks into chain gangs and hard labor—a step back to the slavery days.

Du Bois argues that even though judges were fair to a degree, "*the police courts and magistrates' courts were in the hands of a wretched set of white Negro-hating politicians, and nine-tenths of the Negro court cases ended here and filled the chain-gangs with Negroes*" (1935, p. 696). His discussion points to the defamation of the

black man as a way to defer his elevation, for “[i]t was the policy of the state to keep the Negro laborer poor, to confine him as far as possible to menial occupations, to make him a surplus labor reservoir and to force him into peonage and unpaid toil” (Du Bois, 1935, p. 696). According to Du Bois, the social degradation that followed the hyper-criminalization of the black man became a common practice in the Southern States, which focused their energy to prove the black man a “*natural criminal*” (1935, p. 698). Du Bois notes that this not only defamed the black man, but also killed his success drive, challenging his status as father and husband, and deconstructing his identity as a human being. The loss of self-respect in the black community led to a loss of ambition and hope in better days (Du Bois, 1935, p. 701). Ben Davis experiences a similar incident that shatters his identity, but as a man who embodies both the free American and his ex-enslaved African self within his body, Ben reinforces the desire of the black man to create “*a better and truer self*” by reconciling these two identities (Du Bois, 1935, p. 2). Identity, however, not only denotes who a person is but also signifies society’s “*expectations from the individual*” (Bezci, 2008, p. 4). In Ben’s case, his strive to create a better identity that upholds the values of his society is shunned as it creates an undesired proximity between the whites and Ben, who tries to obliterate the effects of his enslaved past. But Chesnutt shows how the past haunts the black man no matter how far he escapes, and how the white society strives to bring down Ben Davis, who according to them is “*gittin’ mighty blooded*” (Chesnutt, 1899/1968, p. 292).

The story starts with Ben Davis’ admiration for the Colonel’s whip—worth fifteen dollars—and his desire to own a similar one. The whip in question becomes a symbol of power and authority—things neither the Colonel nor the white Southern society would be willing to hand over to the blacks. When Ben Davis asks the Colonel, “*where kin yer git dem whips?*”, he learns that those whips are sold in New York, and he “*can’t buy them down here*” (Chesnutt, 1899/1968, p. 292). Bill Hardwig states that

[t]he Colonel's response reveals his anxiety about the prospect of Davis's purchasing such a whip, of obtaining a status symbol equal to his own. Obviously, the whip also functions in this story as a symbol of authority, of established traditions, and specifically invokes the slavery-era power of the "masters" over the slaves. Furthermore, the whip was most often used when the white master believed there was need for punishment or "lessons"-when he feared the ability to control the slave population. In this light, the whip signifies the tenuous power balance of slavery, and acts as a reminder of how weak the mechanism

for the maintenance of that power truly was. Davis's yearning for the whip signals to the white community a desire for equality, not only in the economic realm (the "handsome" whip as a symbol of purchasing power), but in the realm of power and social autonomy as well (2002, p. 11).

Ben's admiration of a status symbol and his desire to own a whip like the Colonel, and the accusations of the people present at that time demonstrate how these characters cannot detach the black man from slavery. The society Ben lives in seems reluctant to see black people attaining power that has usually been associated with the white race. Ben criticizes the slavery days on how "*colored folks never had no chance ter git nothin' befo' de wah*" (Chesnutt, 1899/1968, p. 293), and his comments on property ownership is received positively by one of the white men who approves of his point saying "*Yo'r people will never be respected till they've got property*" (Chesnutt, 1899/1968, p. 293). However, some of the bystanders perceive his desire to own such a whip as greed. As the story develops, the narrator informs the reader that Davis is paying the mortgage on his house. In other words, Chesnutt's character does not only wish to own property, but contrary to the common belief of the period on the black man's lethargic nature, he works for it. And his pride in this act affirms his manhood as he talks to his "yellow" wife. Davis says that "*dere ain' nothin' like propputy ter make a pusson feel like a man*" (Chesnutt, 1899/1968, p. 294). However, he loses all his property and his family—everything he would not have had before the War as a slave—once he is charged with theft. Chesnutt shows that practically nothing has changed in the black man's life after the 13<sup>th</sup> Amendment; in the end he has nothing, the white society and the Reconstruction failed to include him as an equal member into society.

When Ben Davis is found guilty of theft and put into the penitentiary on the ground of circumstantial evidence, his life takes a turn for the worse. He loses his most important property, his freedom—for the sake of being turned into an example for other black people. Carrying the visual burden of hard labor on his re-enslaved body, he completes his term of five years in the penitentiary. Upon his return, his body is compared to that of a horse, further highlighting how far he moved from his human side to that of an animalistic side. He expects to find his wife and children safe and sound, but he finds out that his wife Nancy is living with Davis' mulatto assistant Tom—who framed Ben for stealing the whip. Their daughter is dead, and his son is lynched for shooting a white man. Eventually, not only Davis but the whole family lose their agency upon the false conviction of the father figure in their lives. In

the story, agency and freedom transform into a form of property for black people, which is denied to them. Nancy's implied prostitution, Ben's body broken under five years of back-breaking menial labor, and the dead bodies of their two children suggest further defamation. Before Ben's conviction, the whole family was associated with a promising future; with their property almost being paid for, and through a thriving business, his children were entitled to a better future. This rather hopeful picture of the Reconstruction period is shattered when they lose the property after Ben's conviction. When the property and Ben's aspiration for a better future is lost, the children who were previously described as "*bright-looking*" (p. 296) are remembered as failures;

[d]e gal's dead. Wuz'n' no better 'n she oughter be'n. She fell in de crick an' got drown'; some folks say she wuz'n' sober w'en it happen'. De boy tuck atter his pappy. He wuz 'rested las' week fer shootin' a w'ite man, an' wuz lynch' de same night. Dey wa'n't none of 'em no 'count after deir pappy went ter de penitenchy (Chesnutt, 1899/1968, p. 316).

With no property to keep their identity intact and respected, the family is lost. The slave family that was previously shattered due to the forced loss of autonomy is re-achieved by the pro-slavery forces of the Reconstruction society that aims to break down the black family and leave them with no hope for a better future.

After getting the bad news regarding his family, Ben Davis asks for his property and learns that a white man plundered his house. Davis, supposedly freed from slavery, has nothing in the end of the story. He does not have paternal authority or dominance on his family or his property. But he himself is the subject of the paternal love of the white man, and his labor at the convict camps became the property of the contractors who tried to keep him as long as possible since he was a good worker. At the end of the story, Davis decides that Colonel Thornton is responsible for all his sufferings. He thinks about harming the Colonel's little daughter to hurt him, then immediately changes his mind. Yet, on his way out of the garden he is killed by the Colonel. The formerly accomplished Ben Davis is mistaken for a "*desperate-looking negro*" by the Colonel who spots him "*clad in filthy rags, and carrying in his hand a murderous bludgeon, running toward the child*" (Chesnutt, 1899/1968, p. 322). With an impeccable shot Ben Davis is killed by the Colonel, and as he falls at the feet of the little white child, he loses the one last thing he owns; his body which he had just reclaimed from the hard labor in the penitentiary. Michel Foucault argues that the sovereign appropriates its power to hold "*the privilege to seize hold of life in order to suppress it*" (2010, p. 259). In this context the death of the suppressed one at the



hands of the sovereign “is now manifested as simply the reverse of the rights of the social body to ensure, maintain, or develop its life” (Foucault, 2010, p. 259). The authoritative white figure re-enacts slavery days and holds the power to end the black man’s life. It is ironic that Ben Davis is shot on the property of the white man, whose property he was accused of stealing. It is even more ironic that Colonel’s house is described as “a large white house” further implying a resemblance between the white man and the executives of power in the United States (Chesnutt, 1899/1968, p. 319). Portraying a failed Reconstruction, “*The Web of Circumstance*” becomes “another tale about thwarted postwar aspirations, [...] redirect[ing] [Chesnutt’s] moral indignation toward the dominant culture’s role in derailing the advancement of talented, industrious African Americans” (Wonham, 1998, p. 68). As the white man controlled the lives of black people by enslaving them before the war, after the abolition they desired to control the lives of free blacks by preventing them from a prosperous future. Their rise from chattel to free humans is deprecated; and freedom becomes the key point in transgressing the line between property and human.

However, the question of to which degree this freedom is accomplished hovers on the color-line narrative itself as the author makes constant references to Ben’s human and animalistic portrayals to demonstrate where his protagonist stands as someone whose changing status from property to property-owner has been disrupted with the injustices of the Southern Reconstruction judicial system. Lisa Lowe argues that freedom has different outcomes for people of different color, as the free status finds its whole potential within the white realm. In fact, Ben Davis’ life as well as “*the narrative of the self-taught former slave is marked again and again, by the limits to his attainment of freedom*” (Lowe, 2015, p. 51). The constant mention of Ben Davis’ property ownership and his loss of it equals not only to losing his entitlement to property but also his entitlement to freedom, which stands as the lone non-financial aspiration for Davis. Furthermore, Saidiya Hartman states that even though “*the formerly enslaved were granted entry into the hallowed halls of humanity [...] the unyielding and implacable fabrication of blackness as subordination continued under the aegis of formal equality*” (1997, p. 119). According to Hartman, the white community maintained its manner of transforming the black man into dehumanized property even after the abolition. In “*The Web of Circumstance*,” Chesnutt humanizes that dehumanized property, and thus he points at the deferment of black dreams of equality and inclusion, fighting pre-war prejudices that disenfranchise the black man with his eye set on “*another golden age, when all men will dwell together in love and harmony*” (1899/1968, p. 323).

### **Hyper-Criminalization of the Black Man: Incarceration of Ben Davis as Segregationist Policy**

The derailment of black man's success was managed by confining him to penitentiaries and chain gangs in rising numbers during and after the Reconstruction period. In North Carolina, "by 1874, 384 of 455 prisoners were Negro, and in 1878 they accounted for 846 of 952" (Christianson, 1998, p. 172). The numbers of black people in chain gangs continued to rise to offer governmental offices an unpaid labor force. This way to incarcerate black people close to slavery conditions became a common practice especially in the Southern States, that expected the free black man to deteriorate in morality and living conditions without the guidance of their benevolent masters. When power is attained by a single force like the white masters of the slavery period, it causes the power-holding group to adopt inhuman methods to preserve their authority and existence (Hay, 2018, p. 430). When slavery days were over, the ex-masters found new inhuman methods to secure their authoritative power. The white imagination thought that lacking a parental figure to guide them in their future lives, black people would be lost and unfit to adapt to free economy. When this proved untrue, the white judicial system realized that black people could be turned into unpaid laborers again. Dylan Rodríguez argues that

[t]o the extent that the (black) prisoner or "inmate" is conceived as the fungible property of the state (according to the Thirteenth Amendment to the U.S. Constitution, the "convict" is ready-made for actual "involuntary servitude," or enslavement), the captive is both the state's abstracted legal property/obligation and intimate bodily possession" (2007, p. 36).

It is this mindset that convicts Ben Davis to the possession of the state, obliterating all his human desires to become someone. The trial of Ben Davis is a demonstration of the segregationist racial experience in the post-bellum United States. The second section of the story starts directly with the case of the State of North Carolina vs. Ben Davis. In this case, in which the State is the plaintiff, there is a sudden shift in the circumstances of Davis, whom the reader observed sitting at his house hopeful about the future at the end of the first section. Now, sitting at the prisoner's dock, Ben Davis is the defendant in the theft of Colonel Thornton's whip. The narrator conveys that the anxious Ben is facing a crowd of whites who have no doubt about the guilt of the defendant even before the hearing. The State's attorney has "no doubt of the prisoner's guilt," and he has been advised to make this case an example for the other theft cases that have been on the rise (Chesnutt, 1899/1968,

p. 298). As Bill Hardwig indicates, in this part Ben Davis is referred as the prisoner, “a term that connotes a degree of guilt even before the trial begins” (2002, p. 15). Moreover, the jury that listens to the case consists of white men only, which complicates the problem of justice in terms of racial prejudice. Besides, the prosecuting attorney is another reflection of white supremacist ideology:

We expect to show that the defendant is a man of dangerous character, a surly, impudent fellow; a man whose views of property are prejudicial to the welfare of society, and who has been heard to assert that half the property which is owned in this county has been stolen, and that, if justice were done, the white people ought to divide up the land with the negroes; in other words, a negro nihilist, a communist, a secret devotee of Tom Paine and Voltaire, a pupil of the anarchist propaganda, which, if not checked by the stern hand of the law, will fasten its insidious fangs on our social system, and drag it down to ruin (Chesnutt, 1899/1968, p. 298).

In the eyes of the prosecuting attorney Ben Davis is not only a black man but also a pure and systematic villain. This speech shows how the assumed act of theft on the part of one black man is generalized as an inherited susceptibility to crime in the whole black community. The attorney insists on the harmful nature of this incident for he wants to designate the social status of the black man in the post-Reconstruction period. The theft of the Colonel’s whip turns into a communist act, an anarchist declaration made by black people, which according to the attorney will gradually but surely poison the American social values. The distrust to Ben Davis, is the distrust to the whole black race, and he does not stand in the dock as one man but as the representative of a whole race. The attorney argues that when Ben Davis was “confronted with the evidence of his crime, showed by his confusion that he was guilty beyond a peradventure” (Chesnutt, 1899/1968, p. 300). Even the act of confusion Davis experiences is recognized as the indication of guilt leaving no ground for any doubt. The prejudice on the prosecuting side as well as on every white representative of the US justice system ranking from the judge to the constable in the story demonstrate how the assumed criminality of Ben Davis transforms into a label that will metamorphose the freed black man back to his enslaved status.

Moreover, the constable who found the whip in Davis’ blacksmith shop further criminalizes Davis, who by this time gets confused by all the new labels added to his name. The constable’s alignment of Ben to a mule clarifies his position as closer to chattel rather than to a human in the eyes of this member of the law enforcement.

When the constable is cross-examined by Ben's attorney on how he cannot perceive Ben's confusion as an "*evidence of conscious innocence*," the constable reveals his prejudice towards the black race by saying "*I've tuck up more'n a hundred niggers fer stealin', Kurnel, an' I never seed one yit that did n' 'ny it ter the las*" (Chesnutt, 1899/1968, p. 302). The constable claims that Davis, like other black people he "*tucked up*" is guilty of stealing. According to this man of law enforcement, there is no possibility of innocence in the acts of Ben Davis for he justifies his claim with a generalization: All blacks deny it, because they are guilty. Acting as a representative for white disciplinary authorities like himself, the constable uses the presumed criminality of Ben Davis to subject the whole race to criminalization.

The third part of the story commences with Ben Davis previously sitting numb at the court room, taking the matter into his own hands by attempting to break out of the jail. When Ben tries to escape, it becomes clear that he is aware of the high possibility of his imprisonment. As he knows that the judicial system will not be just on him, he attempts to break free from the possible chains of future imprisonment like a slave running away from a plantation. The narrator points out how the spectators arguing this incident were talking about Ben in the past tense "*as if they were speaking of a dead man*" (Chesnutt, 1899/1968, p. 308). At that specific instant, Ben symbolically attains a body bereft of political, social and individual power. His body transforms into an unalive entity that lacks any future connection to the life it desires, for he no longer has the authority over his unmournable body; the government has taken the power over his fungible body under the 13<sup>th</sup> Amendment. Giorgio Agamben argues that the sovereign power unfrees the bodies that are deprived of their humanity and rights. This victimized unfree body becomes unmournable, as it becomes the homo sacer, reduced to bare life "*lacking almost all the rights and expectations that we customarily attribute to human existence*" (Agamben, 1998, p. 159). Similar to Agamben, Achille Mbembe also questions the limits of the sovereign power. He states how "*the slave condition results from a triple loss; loss of a "home," loss of rights over his or her body and loss of political status*" (Mbembe, 2003, p. 21). Ben Davis is returned to the slave condition after the Reconstruction. He loses his home to a white man, he loses his rights over his body when he is condemned to hard labor, and he also loses his political status as a living entity both at the courthouse and at the end of the story when he is killed by the Colonel.

American racism is the product of white hegemony, and it functions on an in/visibility base. The imprisoned black body of Ben Davis is no longer existent within the white community. As the narrator will show in following pages, the justice system imposes a silence to the conquered bodies and tortures them systemically in hopes of breaking the resistance. The dehumanization of Ben's body in the penitentiary is an ordinary act of the times in its process of subjugating the black body. The desire to dehumanize the other, and to leave it to the mercy of racism is the consequence of US imperialism "*with white supremacy as a fundamental element*" (Whitehorn, 2007, p. 274). The way Ben's body is treated is reminiscent of the slavery system where the white supremacy had the absolute power over the silenced and damaged black bodies. Ben's criminalized body is unmournable, his loss of dignity is a must for other blacks to realize what it means to become too successful.

At this point in the story Chesnutt demonstrates the racial prejudice and segregation against the black man in contrast to his white fellow convicts. One of the convicts at the courtroom is a white man who is convicted of manslaughter to one year in the penitentiary. According to the judge, this crime is committed "*under circumstances of great provocation*" (1899/1968, p. 309). The second convict is a clerk convicted to six months in county jail and monetary fine because of forgery. However, the judge's decision about Davis is displayed in great contrast to these two men's convictions to reflect on the Southern racial prejudice. Making no connections of an inherent racial criminalization in the cases of the previous convicts, the judge is convinced that the felony is rooted in Davis' race:

Your conduct is wholly without excuse, and I can only regard your crime as the result of a tendency to offences of this nature, a tendency which is only too common among your people; a tendency which is a menace to civilization, a menace to society itself, for society rests upon the sacred right of property. ... you have been heard to utter sentiments which, if disseminated among an ignorant people, would breed discontent, and give rise to strained relations between them and their best friends, their old masters, who understand their real nature and their real needs, and to whose justice and enlightened guidance they can safely trust (Chesnutt, 1899/ 1968, pp. 311-312).

This passage shows that the failure of Reconstruction lies in the malfunction of equality and democracy. Larceny becomes an "*aggravated*" case, for "*a man of more than ordinary intelligence*" among black people (Chesnutt, 1899/ 1968, p. 312). The white man is still the black man's "*old master*," a term used by the judge to highlight



the black man's former status as a slave. However, at this point, Ben Davis becomes a trespasser for living, behaving and making money like a white man, which distresses the line between master and slave. This resemblance itself becomes an act of unlawful trespassing. Even though the society wanted the blacks to acquire white traits as the characteristics of a decent man, the adoption of white traits became inappropriate for the act itself was learned behavior. As Saidiya Hartman demonstrates in *Scenes of Subjection*, for some people the black slave only longed for "*animal comforts—sufficient food, kind treatment, and warmth*" (1997, p. 33). But, when an ex-slave like Ben Davis performs white traits by hard work to gain more than those animal comforts, he is shunned by the society for the performativity of those traits are ironically limited to the advancement of the white man.

Moreover, the judge's speech shows that African American man is still subjected to the parental attitude and warnings of the white man. Brodhead holds that in the 19<sup>th</sup> century bodily correction was replaced by "*another correctional model that made warmly embracing parental love the preferred instrument for authority's exercise*" (1993, p. 47). Content with the paternal hand he offered to Davis, the judge sentences him to "*five years in the penitentiary at hard labor*" and wishes that he "*may lead the life of a law-abiding citizen*" after serving his time in the penitentiary (Chesnutt, 1899/ 1968, p. 312, 313). The unjust nature of Ben's conviction becomes even more striking when compared to the sentences of the previous two convicts. Therefore, the judge's words become even more ironical at the end of the story when Ben Davis is killed doing the rightful thing as a law-abiding citizen. But the presumed criminality engraved on his race is a constant obstacle between men like him and their acceptance as law-abiding citizens.

The narrator shortly relates the treatment Ben received at the hands of contractors, nonetheless, the story focuses more on the animalistic side of Ben demonstrating how he was forced to lose his humanity at hard labor. The five years he spent "*slaving by the side of human brutes*" becomes the praxis of "*unrequited toil,*" making him lose any hope of shortening his sentence for each contractor was "*interested in keeping as long as possible a good worker*" (Chesnutt, 1899/ 1968, p. 317). It becomes obvious that he is forced to return to the inevitable position of a slave lacking human qualities. In this context, his body is resourceful as long as it offers material gain to the contractors. His labor is reduced to that of unreturned exertion, declassing him to his slavery days.

Chesnutt demonstrates that the white society aims to disenfranchise the black man by hyper-criminalizing him. The aspirations of African Americans after the abolition faded away as Reconstruction laws of the South interfered with their mobility and formation of a community, restricting them to a base status as close to slavery as possible. The story indicates how artisan black men like Ben Davis symbolically pass as white-only in social status-and how this passing is perceived as a violation of racial codes that needs to be punished. The society disciplines the blacks in large numbers with the authority of whiteness, an unsubstantiated, self-given authority that is an extension of their paternal rights as former masters. For the white imagination this incarceration is necessary to direct the blacks in their newly attained freedom, so that the white communal values can remain intact in the face of large numbers of unregulated free blacks. As Foucault states, “*imprisonment was seen ... as branded by the abuses of power*” (1975/1995, p. 119). Abusing their self-attained paternal power over the black body, the members of the white judicial system hyper-criminalized, incarcerated and as a consequence invalidated many ways of improvement for the blacks. Nevertheless, this strategy confined black people to certain low-paying and degrading jobs designated by the law and segregated them in spheres of education and social life. The white society demanded this hyper-criminalization crucial to their racist cause, but for blacks this approach led to devastation, impoverishment and inevitably to be branded as people void of morals and discipline. The spectators in Chesnutt’s story wonder “*why there should be so much ado convicting a negro of stealing a buggy-whip,*” without realizing “*out of what trifles grow the tragedies of life*” (1899/1968, p. 307). The effects of hyper-criminalization of Ben Davis result in utter loss eventually, in the end he becomes no one, unworthy, unfree, unmournable.

### **Conclusion**

Early in the story, Ben Davis asks “*What’s de reason I can’t hab a hoss an’ buggy an’ a whip like Kunnel Tho’nton’s, ef I pay fer ‘em?*” (Chesnutt, 1899/1968, p. 292). Ben is clueless about the connotations of his ownership of similar things possessed by a Southern white man of authority. The ability to purchase a carriage and a horse is connected with his purchasing power according to Ben. However, for the white Southern society this is an anarchic idea; for the ability of a black man to purchase such things would only undermine the white authority. Therefore, the possible social alignment of white and black members of the society is obstructed via legal measures. Altogether, the story presents the unjust judicial system of the United States in post-

Reconstruction as a platform susceptible to exploitation by power abusive methods of racist authorities resolved to create obstructions in the black man's path to self-elevation.

Charles Chesnutt's "The Web of Circumstance" reveals such an obstacle and the outcome of such a treatment on part of the black people. The simple desire of Ben Davis to acquire property gains a sinister provocative meaning over the course of the story. Moreover, the implicit failure of the 13<sup>th</sup> Amendment in "The Web of Circumstance," further criticizes the issues of involuntary servitude and the continuing confinement of black people to measures of discipline at the hands of white authorities. Nevertheless, it is not only Ben Davis that loses his property, the respect of his community and his life at the end of the story. Chesnutt demonstrates how Ben's family is destroyed as a consequence of the unjust judicial system. The system not only condemns Ben to hard labor but also his family to financial hardship and social degradation once the father figure vanishes from their life. Therefore, Chesnutt shows this injustice as a systematic disenfranchisement. This is not an example of one man failed by the justice system, it is the whole black community that is failed over and over again by white power holders. And even though the narrator ends the story by wishing to witness rightful days, he also implies how toilsome it is for black people to keep the minuscule hope of better days alive in such an atmosphere.

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### Summary

When the 13<sup>th</sup> Amendment abolished slavery and accepted the equal status of black people as human beings, it also ended their status as chattel allowing them to a new form of possessive entitlement. Considering the fact that Americans equate property ownership to an achieved sense of citizenship, the lack of property as well as the former chattel status of ex-slaves grew into an obstacle between them and their prosperity. Moreover, the 13<sup>th</sup> Amendment allowed white Americans to re-institutionalize the black man under the pretense of justice.

Chesnutt's story "The Web of Circumstance" demonstrates that due to the loss of the exploited labor value of the slave's body after the abolition, the Southern white society appropriated the re-enslavement of the black body through incarceration to achieve a new form of superiority and gain. It also illustrates how the African American man's inclusion into the American nation as a member is challenged with the assistance of laws. The utilization of themes such as property acquisition and the toil of the criminalized African American body allow this text to demonstrate how history and racial hierarchies are reflected in literary works.

The Reconstruction in American South following the Civil War was a period where black people were integrated into the American society as freed people. However, as W. E. B. Du Bois argues, their elevation was obstructed, and the successful black people were targeted to erase their positive influence on the black race. This period was also a time for blacks to prove to the whites that they were capable of thriving in an equally promising environment. However, the restrictions of the Reconstruction Era in the racially prejudiced American South were accompanied by the racially restrictive Black Codes and Jim Crow Laws that hindered the social elevation and movement of the black man in many parts of the South. These laws limited the mobility of and job opportunities available for blacks in an effort to oppress them as a cheap labor force. "The Web of Circumstance" tells the story of Ben Davis in such a racially motivated North Carolina, where he is wrongfully accused, tried and found guilty of theft.



“The Web of Circumstance” focuses on the obstacles encountered by a black man on his way to social and economic elevation. Since the society perceives the accomplishment of Ben Davis as a threat to the white middle-and-upper-class values, it eradicates his hard-earned success. The judicial system of the United States fails to protect Ben Davis for it becomes the means to completely deconstruct his newly acquired progress. In this respect, “The Web of Circumstance” demonstrates the pinnacle of injustice, by depicting how the black race is turned into an institutionalized people under the 13<sup>th</sup> Amendment. When slavery was abolished in the United States with the ratification of the very same amendment, those unsatisfied with the law turned it into a novel means of enslaving the black man to hinder his improvement via hyper-criminalization. The freed ex-slaves now had to fight not only to sustain their lives, but also to effectuate the promise of equality. The amendment states that a person can be forced to involuntary servitude as penalty. The threat against the freedom of African Americans was legally recognized as a rightful punishment, without considering the consequences of racialization on the black body. Besides, the judicial system recognized the 13<sup>th</sup> Amendment as another way to exploit the black body and extract its labor value in the Reconstruction period.

Chesnutt’s “The Web of Circumstance” can be viewed in light of the 13<sup>th</sup> Amendment and the incarceration of the black body as well as the problem of property. The trial of Ben Davis is a demonstration of the segregationist racial experience in the post-bellum United States. Chesnutt demonstrates institutionalization as a tool used by the judicial system to disenfranchise black men like Ben Davis as they tried to improve their condition in the post-Reconstruction era. The simple desire of Ben Davis to acquire property gains a sinister provocative meaning over the course of the story. Moreover, the implicit failure of the 13<sup>th</sup> Amendment in “The Web of Circumstance,” further criticizes the issues of involuntary servitude and the continuing confinement of black people to measures of discipline at the hands of white authorities. Chesnutt demonstrates that the white society aims to disenfranchise the black man by hyper-criminalizing him. The white power holders demanded this hyper-criminalization crucial to their racist cause, but for blacks this approach led to devastation, impoverishment and inevitably to be branded as people void of morals and discipline.

This article aims to study the questions of property acquisition, entitlement, and disenfranchisement of the black man in “The Web of Circumstance.” In doing so, the article applies the discussions of Du Bois, Brodhead, Foucault, etc. to analyze the defamation of Ben Davis via the legal system. The segregation and the inequality encountered by African Americans like Ben Davis in post-Reconstruction South are discussed along with the contribution of the justice system to the hyper-criminalization of the black man.