
Freedom and Unfreedom in the Black Belt: Du Bois as Proto-Criminologist

Shuntavia N. James, Ph.D.

Fort Valley State University

This article re-reads W. E. B. Du Bois's *The Souls of Black Folk* (1903) as a criminological text, arguing that his journey through Albany, Georgia, offers an early theory of racialized punishment and carceral power. While Du Bois is most often situated within sociology, history, and literature, I contend that his reflections on the veil, double consciousness, and the Black Belt anticipate core concerns of critical criminology—surveillance, criminalization, and structural inequality. In the Black Belt, Du Bois encountered a community legally emancipated yet constrained by debt peonage, vagrancy laws, labor coercion, and racial terror—conditions that illuminate a continuum between freedom and unfreedom. Conceptually, the veil functions as a criminological metaphor for racialized surveillance and misrecognition; double consciousness captures the juridical tension of citizenship under suspicion; and the Black Belt reveals how race, land, and labor converge to criminalize space itself. Through close reading and theoretical translation, the article positions Du Bois as a foundational—though frequently unacknowledged—thinker of racialized punishment. Re-situating *Souls* within criminology not only bridges Africana thought and carceral studies but also reframes freedom as a central analytic problem for the discipline: a condition unevenly distributed and routinely managed through law.

KEYWORDS: Surveillance, Critical Criminology, Racialized Punishment, Black Belt, Carceral Studies

INTRODUCTION

In 1903, W. E. B. Du Bois published *The Souls of Black Folk*, a work that continues to shape the moral and intellectual foundations of Africana thought. Within its pages, Du Bois chronicled the afterlife of slavery and the

spiritual striving of a people living, as he wrote, “within the veil.”¹ His journey through Albany, Georgia—located at the heart of what he termed the “Black Belt”—offered more than a sociological portrait of post-Reconstruction life. It revealed a racial order determined to preserve domination through law, labor, and surveillance long after emancipation had been formally declared.²

In Albany, Du Bois conducted careful empirical work, combining surveys, economic observation, and narrative reflection to document the conditions under which Black life endured in the rural South.³ He encountered a community legally free yet bound by debt peonage, vagrancy laws, racial terror, and restricted mobility.⁴ Du Bois’s reflections on Albany reveal that *Souls* should be read not only as literary or sociological observations, but as an early articulation of criminological theory. Long before criminology turned its attention to race, punishment, and social control, Du Bois theorized how criminalization functioned as a mechanism for reproducing racial hierarchy under the guise of freedom.⁵

Conventional histories of criminology typically begin with figures such as Cesare Lombroso, Émile Durkheim, and Robert Merton, whose theories framed deviance as pathology, social function, or strain.⁶ Yet Du Bois—writing alongside these thinkers—interrogated a more fundamental problem: the moral and legal order that rendered Black existence itself suspect. His work exposed how law, political economy, and social science converged to criminalize Black life, laying conceptual groundwork for later developments in labeling theory, conflict criminology, and the sociology of punishment.⁷ To revisit *The Souls of Black Folk* through a criminological lens is therefore to reconsider the discipline’s genealogy—not as a European project later applied to racialized populations, but as a field whose critical foundations were articulated by a Black scholar confronting the racial state at its inception.⁸

¹ W. E. B. Du Bois, *The Souls of Black Folk* (A. C. McClurg, 1903), 3.

² Aldon D. Morris, *The Scholar Denied* (University of California Press, 2015), 92–95.

³ Du Bois, *Souls of Black Folk*, 10–11.

⁴ Nicole Rafter, *The Criminal Brain* (New York University Press, 2008), 1–3.

⁵ Khalil Gibran Muhammad, *The Condemnation of Blackness* (Harvard University Press, 2010), 4–8.

⁶ Du Bois, *Souls of Black Folk*, 9.

⁷ Ruth Wilson Gilmore, *Golden Gulag* (University of California Press, 2007), 28–30.

⁸ John Hagan, “The Social Disorganization Tradition in Criminology,” in *The Sage Handbook of Criminological Theory*, ed. Eugene McLaughlin and Tim Newburn (Sage, 2010), 230–33.

Du Bois also offered a conceptual vocabulary for studying racialized punishment that remains strikingly relevant. The veil operates as an early metaphor for surveillance—the condition of being perpetually visible yet never fully recognized.⁹ Double consciousness names the tension of legal and civic life lived under suspicion, while Du Bois’s depiction of the Black Belt anticipates contemporary analyses of carceral space, where race, labor, and geography converge to regulate freedom.¹⁰ Together, these concepts form what this article describes as a continuum of freedom and unfreedom, a framework that prefigures abolitionist criminology’s attention to the enduring structures of domination that survive the formal end of slavery.¹¹

By positioning Du Bois as a proto-criminologist, this article advances two central claims. First, it contends that Du Bois’s analysis of the Black Belt constitutes one of the earliest theoretical accounts of racialized punishment in the United States. Second, it argues that re-reading *The Souls of Black Folk* through criminology expands both Africana thought and critical criminology by centering freedom itself as a primary object of analysis. The sections that follow examine criminology’s historical silence on Du Bois, translate his key concepts into criminological frameworks, and situate Albany as a material and symbolic site of criminalization. In doing so, the article seeks to restore Du Bois to the criminological canon and to reaffirm his enduring insight: that the struggle for freedom has always been inseparable from the struggle against the criminalization of Black life.¹² Recognizing Du Bois as a foundational criminological thinker not only reshapes disciplinary history—it alters how we diagnose contemporary systems of policing, surveillance, and punishment.

CRIMINOLOGY’S SILENCE ON DU BOIS

If Du Bois’s observations in Albany offer an early and powerful account of racialized punishment, it is necessary to ask why his insights remain marginal within criminology. Although W. E. B. Du Bois wrote contemporaneously with the discipline’s early architects, his work rarely appears in criminology’s official genealogy. Standard histories trace the field’s origins to nineteenth-

⁹ Du Bois, *The Philadelphia Negro* (University of Pennsylvania Press, 1899), 115–20.

¹⁰ Stephen Steinberg, “The Sociological Imagination and Its Colonial Blindspots,” *Sociological Forum* 34, no. 3 (2019): 611–14.

¹¹ Morris, *Scholar Denied*, 92–95.

¹² Du Bois, *Souls of Black Folk*, 10–11.

century Europe—to Cesare Lombroso’s biological determinism, Émile Durkheim’s functionalism, and later, Robert Merton’s theories of strain.¹³ These narratives constitute what Nicole Rafter describes as criminology’s “origin story,” a canon anchored in white European men who framed deviance as a scientific object rather than as a social relation shaped by power.¹⁴

Du Bois pursued a markedly different intellectual project. His studies of Black life in the post-Reconstruction United States examined crime, punishment, and social order from the standpoint of communities whose very existence had been criminalized by racial capitalism. Rather than treating crime as an individual pathology or functional necessity, Du Bois analyzed how legal, economic, and social institutions produced conditions that rendered Black life vulnerable to punishment. His exclusion from criminology’s canon thus reveals less about the absence of criminological insight in his work than about the racial boundaries that structured the discipline’s formation.¹⁵

This silence is especially striking given Du Bois’s methodological rigor. *The Philadelphia Negro* (1899) employed surveys, statistical tables, and spatial mapping to analyze the relationship between crime, poverty, and segregation in urban Black communities.¹⁶ These methods prefigured the empirical techniques later embraced by sociological criminology, yet Du Bois’s work was largely ignored as the Chicago School rose to prominence. Aldon Morris argues that this omission was not accidental but reflected a deliberate consolidation of disciplinary authority that displaced Du Bois’s foundational contributions.¹⁷ Criminology inherited this amnesia. While Lombroso pathologized the criminal body and Durkheim normalized deviance as a feature of social order, Du Bois theorized criminalization as a response to racialized exclusion from labor, education, and civic life. His work rejected both biological and moral determinism in favor of structural explanation.¹⁸

Throughout much of the twentieth century, criminology’s dominant paradigms—positivism, social disorganization theory, and later control theory—continued to marginalize race as a constitutive force in the production of punishment. When race did appear, it was often treated as a variable

¹³ Muhammad, *Condemnation of Blackness*, 4–8.

¹⁴ Loïc Wacquant, *Punishing the Poor* (Duke University Press, 2009), 40–44.

¹⁵ Charles W. Mills, *The Racial Contract* (Cornell University Press, 1997), 18–19.

¹⁶ Du Bois, *Souls of Black Folk*, 3–4.

¹⁷ Simone Browne, *Dark Matters* (Duke University Press, 2015), 10–13.

¹⁸ Du Bois, *Souls of Black Folk*, 1.

rather than as a system of power. Du Bois's insistence that racial hierarchy produces the very conditions labeled "crime" challenged the epistemological foundations of these approaches.¹⁹ His reflections on the so-called "Negro problem" exposed the contradiction of a nation proclaiming freedom while constructing Blackness as permanent deviance.

Recent scholarship has begun to address this absence. Khalil Gibran Muhammad demonstrates how Progressive-era social scientists institutionalized racial crime discourse while sidelining Du Bois's structural analysis of inequality.²⁰ Shaun L. Gabbidon and Helen Taylor Greene go further, identifying Du Bois as the "father of African American criminology" and showing how his studies anticipated contemporary critical race criminology.²¹ These interventions clarify that Du Bois did not merely document Black life; he theorized how state power defined criminality through the color line, diagnosing the penal management of racialized labor long before such frameworks were named.

Criminology's neglect of Du Bois reflects a broader pattern of epistemic exclusion within the academy. As Charles Mills argues, racial liberalism depends on an "epistemology of ignorance" that renders Black thought peripheral to universal knowledge.²² Within this epistemic order, Du Bois's work exceeded what dominant institutions were prepared to recognize as theory-producing. To acknowledge Du Bois as a criminological thinker is therefore to confront the racial foundations of the discipline itself.

Recovering Du Bois for criminology is not an exercise in retrospective inclusion but a methodological reorientation. His scholarship fused empirical observation with ethical judgment, refusing to separate data from humanity or policy from moral consequence. By integrating history, economics, and spiritual reflection, Du Bois modeled an interdisciplinary approach that contemporary Africana and abolitionist criminology continues to develop. Re-centering his work compels criminology to reconsider its object of study—not crime alone, but the production of unfreedom through law and social order. It also relocates the origins of critical criminology away from mid-twentieth-century Europe and back to the Jim Crow South, where Du Bois witnessed

¹⁹ Michelle Alexander, *The New Jim Crow* (The New Press, 2010), 178.

²⁰ Du Bois, *Souls of Black Folk*, 2.

²¹ Devon W. Carbado, "From Stopping Black People to Killing Black People," *California Law Review* 105 (2017): 127–29.

²² Du Bois, *Souls of Black Folk*, 8.

the criminalization of Black life firsthand.²³ If Du Bois has been excluded from criminology's canon, recovering his work requires more than historical correction—it demands theoretical translation. The following section turns to the conceptual vocabulary of *The Souls of Black Folk* to demonstrate how Du Bois's insights map onto contemporary criminological concerns.

CONCEPTUAL TRANSLATIONS FROM *THE SOULS OF BLACK FOLK*

The Souls of Black Folk is at once ethnography, moral philosophy, and political theory. Read through a criminological lens, it offers a framework for understanding how freedom and punishment are intertwined in racial modernity. Du Bois's central concepts—the veil, double consciousness, the Black Belt, and what this article terms the continuum of freedom and unfreedom—function as theoretical bridges between Africana thought and contemporary criminological concerns.

THE VEIL → RACIALIZED SURVEILLANCE

"The veil" is one of Du Bois's most enduring metaphors. He describes it as a thin yet rigid barrier separating Black and white worlds, a condition in which Black people are constantly perceived yet never fully recognized.²⁴ To live "within the veil" is to experience hypervisibility as a racialized body and invisibility as a human subject. In criminological terms, the veil anticipates racialized surveillance—the condition of being perpetually watched, evaluated, and disciplined by the dominant gaze.

Du Bois's observation that neighbors regard him with curiosity or pity before asking, "How does it feel to be a problem?" captures the logic of criminalization at the level of perception.²⁵ The question presumes that Black existence itself requires explanation. As Simone Browne later theorizes, this surveillance of Blackness precedes formal policing institutions, shaping how Black life becomes legible as risk.²⁶ Where classical criminology sought to explain deviance, Du Bois revealed how vision itself could criminalize.

²³ Stuart Hall et al., *Policing the Crisis* (Macmillan, 1978), 210–12.

²⁴ Paul Gilroy, *The Black Atlantic* (Harvard University Press, 1993), 87–89.

²⁵ Du Bois, *Souls of Black Folk*, 3.

²⁶ Angela Y. Davis, *Are Prisons Obsolete?* (Seven Stories Press, 2003), 22–24.

DOUBLE CONSCIOUSNESS → LEGAL SUBJECTIVITY

Du Bois's notion of double consciousness—“this sense of always looking at oneself through the eyes of others”²⁷—anticipates a criminological theory of racialized legal subjectivity. It names the condition of being simultaneously citizen and suspect, compelled to navigate civic life under constant scrutiny. Devon Carbado describes this dynamic as the racial naturalization of suspicion, in which Black people must perform compliance to avoid criminalization.²⁸ Double consciousness, then, is not merely psychological; it is juridical.

In Albany, this divided consciousness emerges in the everyday lives of people subject to a legal system that promised equality while enforcing debt peonage and vagrancy laws. Du Bois's declaration that “the problem of the Twentieth Century is the problem of the color-line”²⁹ captures the contradiction between formal emancipation and racialized surveillance. Later critical criminologists would describe this condition as the production of the criminalized citizen—a figure suspended between belonging and punishment.³⁰

FREEDOM AND UNFREEDOM → ABOLITIONIST CRIMINOLOGY

Du Bois's depiction of post-emancipation Georgia introduces a continuum of freedom and unfreedom. In the Black Belt, slavery's formal abolition coexisted with new regimes of constraint: debt peonage, convict leasing, racial terror, and the policing of mobility. Du Bois insisted that freedom could not be measured by the absence of chains alone; it required safety, opportunity, and self-determination. His observation that freed people lived “halfway between slavery and freedom”³¹ anticipates abolitionist criminology's insight that carceral systems extend unfreedom through law itself.

Angela Davis and Ruth Wilson Gilmore argue that contemporary imprisonment reproduces slavery's logic under racial capitalism. Du Bois provides their historical and philosophical antecedent. Long before modern abolitionist theory, he identified unfreedom as a structural norm rather than a historical residue, sustained by what he later termed the “wages of

²⁷ Gilmore, *Golden Gulag*, 28–30.

²⁸ Du Bois, *Black Reconstruction in America* (Free Press, 1998 [1935]), 700–701.

²⁹ Du Bois, *Souls of Black Folk*, 113.

³⁰ Du Bois, *Souls of Black Folk*, 84–86.

³¹ Du Bois, *Souls of Black Folk*, 85.

whiteness.”³² In this framework, punishment becomes a central mechanism through which racial hierarchy is maintained.

THE BLACK BELT → SPATIAL CRIMINALIZATION

For Du Bois, the Black Belt was both a geographic region and a moral landscape—a space where race, labor, and law converged to sustain racial capitalism. He described Albany as “a land of the shadow of death,” capturing how geography itself became a technology of punishment.³³ His observations of tenant farming, restricted movement, and land monopolization reveal how space and poverty were criminalized together.

Du Bois’s account anticipates later theories of carceral geography by showing how confinement operates through economic immobility as much as through formal incarceration.³⁴ At the same time, the Black Belt is a site of resilience. Du Bois wrote of the “faith of our fathers” persisting amid deprivation, highlighting how Black communities produced alternative spatial orders through churches, schools, and mutual-aid networks.³⁵

SYNTHESIS: TOWARD A DU BOISIAN CRIMINOLOGY

Together, these conceptual translations position Du Bois as a theorist of racialized punishment whose work prefigured critical and abolitionist criminology. The veil illuminates the epistemology of surveillance; double consciousness names the fractured legal subject; the continuum of unfreedom exposes punishment’s persistence beyond slavery; and the Black Belt reveals the spatial logic of carcerality. These concepts offer a framework for studying crime as a relational and structural process rooted in the uneven distribution of freedom.³⁶

ALBANY AS A CRIMINOLOGICAL SITE

Albany, Georgia, occupies a central place in *The Souls of Black Folk* and in Du Bois’s theorization of the Black Belt. For Du Bois, Albany was not merely

³² Wacquant, *Urban Outcasts* (Polity, 2008), 242–45.

³³ Alexander, *New Jim Crow*, 197.

³⁴ Du Bois, *Souls of Black Folk*, 88.

³⁵ Katherine McKittrick, *Demonic Grounds* (University of Minnesota Press, 2006), xii–xv.

³⁶ Du Bois, *Souls of Black Folk*, 84.

a southern town but a microcosm of the afterlife of slavery—a landscape where freedom was proclaimed yet systematically undermined. He described the region as “a land of the shadow of death,” a place where emancipation failed to dismantle the economic and legal architecture of bondage.³⁷ As Du Bois traveled through Dougherty County, he documented the persistence of sharecropping, debt peonage, and vagrancy laws that criminalized poverty and constrained Black mobility.³⁸ What might appear as regional observation thus becomes an early study of structural criminalization: the process by which racial capitalism renders certain populations inherently suspect and certain spaces persistently degraded.

THE AFTERLIFE OF EMANCIPATION

Du Bois’s account of Albany reveals the central paradox of post-Reconstruction freedom. Emancipation announced liberty while reproducing control through legal and economic coercion. Formerly enslaved people were, as Du Bois observed, “free in name but not in fact,” bound to labor systems that demanded productivity while denying autonomy.³⁹ These conditions anticipate what Saidiya Hartman later theorized as the “afterlife of slavery,” a continuity of domination that operates through debt, surveillance, and racial terror rather than formal enslavement.⁴⁰ Du Bois’s description of freed people who “toil on, cursed by poverty and ignorance” illuminates how punishment and deprivation became mutually reinforcing, producing vulnerability as a condition of freedom.⁴¹

In criminological terms, Albany functions as a site of penal dependency, where economic exploitation, racial hierarchy, and legal coercion formed an integrated apparatus of unfreedom.⁴² Du Bois’s analysis demonstrates that criminalization did not arise from individual deviance but from structural arrangements designed to extract labor while disciplining Black life.

³⁷ Du Bois, *Souls of Black Folk*, 85–86.

³⁸ Du Bois, *Souls of Black Folk*, 70.

³⁹ Saidiya Hartman, *Lose Your Mother* (Farrar, Straus and Giroux, 2007), 6.

⁴⁰ Du Bois, *Souls of Black Folk*, 71.

⁴¹ Wacquant, *Punishing the Poor*, 40–42.

⁴² Du Bois, *Souls of Black Folk*, 72.

LAW, LABOR, AND THE PRODUCTION OF CRIME

Within this apparatus, law served as both symbol and instrument of racial control. Vagrancy statutes, contract laws, and the convict-lease system transformed Black survival into a potential crime. Du Bois noted with precision that “the courts were used to enforce peonage,” revealing how legal institutions functioned to secure labor rather than justice.⁴³ This observation prefigures later critical legal scholarship that understands law as a mechanism for managing surplus and racialized labor.

What Du Bois witnessed in Albany foreshadows what Loïc Wacquant would later describe as “punitive containment” and what Michelle Alexander identifies as the emergence of a racial caste system enforced through punishment.⁴⁴ In this sense, Albany marks an early moment in the development of the American carceral state, where the plantation economy gave way to a penal economy and the courthouse replaced the auction block.

Du Bois’s methodology reinforces his criminological significance. His integration of empirical observation—interviews, statistics, and travel—with moral interpretation anticipates the political-economic analyses of punishment advanced by Angela Y. Davis and Ruth Wilson Gilmore.⁴⁵ By documenting not only labor conditions but also spiritual life, Du Bois revealed that criminalization was not merely economic; it was existential. To be Black in Albany was to live “within the veil,” subject to constant scrutiny and misrecognition by the white gaze.⁴⁶ The veil thus emerges as both a sociological boundary and a criminological one—the threshold at which difference is transformed into deviance.

ALBANY’S SPATIAL POLITICS

For Du Bois, space was inseparable from justice. His mapping of the Black Belt illustrates how geography itself operated as a technology of punishment. The isolation of rural Black communities, the monopolization of land by white planters, and the scarcity of transportation created what can be understood as a penal landscape—one in which confinement was produced through

⁴³ Davis, *Are Prisons Obsolete?*, 29–31.

⁴⁴ Gilmore, *Golden Gulag*, 28–30.

⁴⁵ Du Bois, *Souls of Black Folk*, 3.

⁴⁶ McKittrick, *Demonic Grounds*, xii–xv.

immobility rather than walls.⁴⁷ Albany's fields, rail lines, and riverbanks organized not only production but also surveillance, echoing what Katherine McKittrick identifies as the carceral spatiality of Black life.⁴⁸

Yet Albany was also a site of resilience. Du Bois's portraits of teachers, preachers, and farmers reveal how Black communities cultivated alternative spatial orders through churches, schools, and mutual-aid societies—institutions that enacted what he called "the faith of the freedman."⁴⁹ These counter-geographies prefigure what later scholars describe as abolition geography: spaces of care and cooperation that contest carceral dominance.⁵⁰ Even within the "shadow of death," Du Bois identified practices of world-making that refused the moral degradation imposed by racial capitalism.

FROM ALBANY TO ABOLITION

Reading Albany through a criminological lens reveals the genealogy of the American carceral state. The systems Du Bois documented—forced labor, racial surveillance, spatial isolation—evolved into the penal codes, policing practices, and mass incarceration that structure the present. Yet Du Bois's narrative also offers an abolitionist horizon. His calls for education, economic justice, and collective spiritual renewal anticipate abolitionist criminology's insistence on building the social conditions that make punishment unnecessary.⁵¹

Albany thus completes the conceptual arc of this article. The veil becomes visible in the surveillance of Black life; double consciousness materializes in the legal paradox of freedom and suspicion; the continuum of unfreedom emerges through debt and labor control; and the Black Belt encodes the spatial logic of carcerality. To treat Albany merely as history is to miss its theoretical power. It is criminology's unacknowledged origin site—the place where freedom itself became a problem to be governed.

⁴⁷ Du Bois, *Souls of Black Folk*, 88.

⁴⁸ Gilmore, "Abolition Geography," 225–27.

⁴⁹ Joy James, *Resisting State Violence* (University of Minnesota Press, 1996), 45–46.

⁵⁰ Davis, *Are Prisons Obsolete?*, 104.

⁵¹ Mills, *Racial Contract*, 18–19.

IMPLICATIONS FOR CRITICAL CRIMINOLOGY

Re-centering W. E. B. Du Bois within criminology unsettles not only the discipline's historical narrative but also its conceptual foundations. His work compels criminology to move beyond a narrow preoccupation with deviance and control toward a deeper interrogation of freedom—its meanings, material conditions, and betrayals. Read as a proto-criminologist, Du Bois reveals that criminology's central object of study is not crime itself but the social production of unfreedom through law, surveillance, and racial capitalism.⁵²

RECONSTRUCTING THE CANON

Incorporating Du Bois into criminology's genealogy requires expanding the discipline's canon beyond the familiar Euro-American lineage of Lombroso, Durkheim, and Merton. To treat *The Souls of Black Folk* as criminological theory is to recognize that Black intellectual traditions have long offered analyses of punishment and social order that predate and exceed many canonical texts. This shift challenges what Charles Mills describes as an “epistemology of ignorance”—a structure of knowing that has historically excluded Black thought from the category of theory.⁵³ Du Boisian criminology would therefore locate its origins not in European laboratories or lecture halls but in the cotton fields and courtrooms of the Jim Crow South, where the contradictions of emancipation first demanded theoretical explanation.

FREEDOM AS AN ANALYTIC CATEGORY

Du Bois transforms freedom from a political aspiration into an analytic category. His continuum of freedom and unfreedom reframes punishment not as a deviation from democracy but as one of its organizing mechanisms.⁵⁴ By tracing how law reproduces dependency, surveillance, and vulnerability, Du Bois anticipates the abolitionist insight that carceral systems thrive where freedom remains incomplete. This reconceptualization invites criminologists to evaluate legal institutions not by their stated aims but by their effects on people's capacity to live freely. In doing so, freedom becomes a measure of social health and a diagnostic tool for identifying structural injustice.

⁵² Morris, *Scholar Denied*, 102–5.

⁵³ Du Bois, *Souls of Black Folk*, 69–72.

⁵⁴ Du Bois, *Souls of Black Folk*, 70.

METHODOLOGICAL IMPLICATIONS

Du Bois also models a methodology that refuses the separation of empiricism from ethics. His synthesis of statistical data, field observation, and narrative reflection unsettles positivist assumptions that objectivity requires moral detachment.⁵⁵ A Du Boisian method treats numbers as moral texts and lived experience as empirical evidence, demanding that criminological research account for both material conditions and human meaning.

This approach has clear relevance for contemporary criminology. Modern data regimes—such as risk-assessment tools and predictive policing systems—extend the logic of the veil by translating racialized perception into quantitative measures of threat. A Du Boisian framework would interrogate these technologies not only for technical bias but for the social worlds they help produce. Emerging traditions in narrative criminology and participatory research reflect this orientation, even when they do not explicitly name Du Bois as their intellectual predecessor.

RETHINKING PUNISHMENT AND POLICY

Du Bois's critique of post-Reconstruction law as the continuation of slavery by other means resonates with contemporary analyses of mass incarceration and racialized policing.⁵⁶ His insistence that criminalization emerges from economic inequality rather than moral failure anticipates modern decarceration and reparative justice frameworks. Incorporating his insights would shift policy debates away from managing "offenders" and toward transforming the structural conditions—labor exploitation, land dispossession, educational inequality—that produce vulnerability to punishment.

TOWARD AN AFRICANA CRIMINOLOGY

Finally, Du Bois offers a philosophical foundation for an Africana criminology that is both critical and emancipatory. Such an approach would treat racial domination as central rather than peripheral to theories of crime and punishment while foregrounding the creative practices of survival and resistance Du Bois observed in Black communities. Rooted in Africana humanism, this framework recognizes spirituality, art, and collective memory

⁵⁵ Gilmore, *Golden Gulag*, 28–30.

⁵⁶ Du Bois, *Souls of Black Folk*, 3–4.

as sites of political meaning. It also aligns with Ruth Wilson Gilmore's call to build "life-producing institutions" capable of rendering carceral ones obsolete.⁵⁷

Taken together, these implications suggest that Du Bois challenges criminology to reimagine itself as a discipline oriented toward liberation rather than control. His work insists that understanding crime requires confronting the structures that make freedom unevenly distributed—and that the task of criminology is not merely to explain punishment, but to help envision a world beyond it.

CONCLUSION: FREEDOM AS CRIMINOLOGY'S UNFINISHED QUESTION

This article has argued that *The Souls of Black Folk* should be read not only as a foundational text in Africana philosophy and sociology but also as an early work of criminological theory. Through his reflections on Albany, Georgia, W. E. B. Du Bois articulated a framework for understanding racialized punishment that predates—and in many ways anticipates—critical and abolitionist criminology. His concepts of the veil, double consciousness, the continuum of freedom and unfreedom, and the Black Belt offer a coherent vocabulary for analyzing how law, labor, space, and surveillance converge to regulate Black life.⁵⁸

Re-situating Du Bois as a proto-criminologist requires more than retrospective recognition. It demands a reorientation of criminology's foundational assumptions. Where conventional criminology has often treated crime as a deviation within democratic society, Du Bois revealed punishment as one of democracy's organizing mechanisms under racial capitalism. Unfreedom, in his analysis, is not a remnant of slavery but a durable structure reproduced through legal, economic, and spatial arrangements.⁵⁹

Albany emerges in this reading as more than a historical backdrop. It is a theoretical site where the contradictions of American freedom become visible. The systems Du Bois documented—debt peonage, labor coercion, vagrancy laws, and racial surveillance—form the genealogy of contemporary

⁵⁷ Muhammad, *Condemnation of Blackness*, 4–8.

⁵⁸ Du Bois, *Souls of Black Folk*, 88–90.

⁵⁹ Gilmore, *Golden Gulag*, 28–30.

policing and incarceration. Yet Du Bois's work also resists fatalism. Alongside domination, he documented practices of care, faith, education, and collective striving that gestured toward alternative social futures.⁶⁰

The implications for criminology are profound. If freedom is taken seriously as an analytic category, the discipline's task shifts from managing deviance to interrogating the structures that make freedom unevenly distributed. This shift opens space for an Africana criminology grounded in historical consciousness, ethical accountability, and human dignity—one aligned with abolitionist commitments to building life-producing institutions rather than refining punitive ones.⁶¹

Du Bois closed *The Souls of Black Folk* with an insistence on hope forged through struggle. More than a century later, his question remains unresolved: What is the cost of freedom, and who is made to pay it? To engage Du Bois as a criminological thinker is to acknowledge that this question lies at the heart of the discipline—and that answering it requires not only explanation, but transformation.

BIBLIOGRAPHY

- Alexander, Michelle. *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*. The New Press, 2010.
- Browne, Simone. *Dark Matters: On the Surveillance of Blackness*. Duke University Press, 2015.
- Carbado, Devon W. "From Stopping Black People to Killing Black People: The Fourth Amendment Pathways to Police Violence." *California Law Review* 105, no. 1 (2017): 125–170.
- Collins, Patricia Hill. *From Black Power to Hip Hop: Racism, Nationalism, and Feminism*. Temple University Press, 2006.
- Davis, Angela Y. *Are Prisons Obsolete?* Seven Stories Press, 2003.
- Du Bois, W. E. B. *Black Reconstruction in America, 1860–1880*. Free Press, 1998 [1935].

⁶⁰ Davis, *Are Prisons Obsolete?*, 35–37.

⁶¹ Du Bois, *Souls of Black Folk*, 113.

- . *The Philadelphia Negro: A Social Study*. University of Pennsylvania Press, 1899.
- . *The Souls of Black Folk*. A. C. McClurg, 1903.
- Gabbidon, Shaun L., and Helen Taylor Greene. *Race and Crime*. Thousand Oaks, CA: Sage, 2020.
- Garland, David. *The Culture of Control: Crime and Social Order in Contemporary Society*. University of Chicago Press, 2001.
- Gilmore, Ruth Wilson. *Golden Gulag: Prisons, Surplus, Crisis, and Opposition in Globalizing California*. University of California Press, 2007.
- . “Abolition Geography and the Problem of Innocence.” In *Futures of Black Radicalism*, edited by Gaye Theresa Johnson and Alex Lubin, 225–240. Verso, 2017.
- Hall, Stuart, Chas Critcher, Tony Jefferson, John Clarke, and Brian Roberts. *Policing the Crisis: Mugging, the State, and Law and Order*. Macmillan, 1978.
- Hartman, Saidiya. *Lose Your Mother: A Journey Along the Atlantic Slave Route*. Farrar, Straus and Giroux, 2007.
- Hagan, John. “The Social Disorganization Tradition in Criminology.” In *The Sage Handbook of Criminological Theory*, edited by Eugene McLaughlin and Tim Newburn, 225–245. Sage, 2010.
- James, Joy. *Resisting State Violence: Radicalism, Gender, and Race in U.S. Culture*. University of Minnesota Press, 1996.
- McKittrick, Katherine. *Demonic Grounds: Black Women and the Cartographies of Struggle*. University of Minnesota Press, 2006.
- Mills, Charles W. *The Racial Contract*. Ithaca, NY: Cornell University Press, 1997.
- Morris, Aldon D. *The Scholar Denied: W. E. B. Du Bois and the Birth of Modern Sociology*. University of California Press, 2015.
- Muhammad, Khalil Gibran. *The Condemnation of Blackness: Race, Crime, and the Making of Modern Urban America*. Cambridge, MA: Harvard University Press, 2010.
- Rafter, Nicole. *The Criminal Brain: Understanding Biological Theories of Crime*. New York University Press, 2008.

Steinberg, Stephen. "The Sociological Imagination and Its Colonial Blindspots." *Sociological Forum* 34, no. 3 (2019): 606–620.

Wacquant, Loïc. *Punishing the Poor: The Neoliberal Government of Social Insecurity*. Duke University Press, 2009.

———. *Urban Outcasts: A Comparative Sociology of Advanced Marginality*. Polity, 2008.