

Black Codes

Southern states enacted black codes after the Civil War to prevent African Americans from achieving political and economic autonomy.

Overview

- When slavery was abolished at the end of the Civil War, southern states created black codes, laws which aimed to keep white supremacy in place.
- Black codes attempted to economically disable freed slaves, forcing African Americans to continue to work on plantations and to remain subject to racial hierarchy within the southern society.
- Black codes gave rise to a new wave of radical Republicanism in Congress, and the eventual move towards enshrining racial equality into the Constitution. However, black codes also set precedent for Jim Crow laws.

Black codes

As the Civil War came to a close, southern states began to pass a series of discriminatory state laws collectively known as **black codes**. While the laws varied in both content and severity from state to state—some laws actually granted freed people the right to marry or testify in court—these codes were designed to maintain the social and economic structure of racial slavery in the absence of the “peculiar institution.” The laws codified **white supremacy** by restricting the civic participation of freed people; the codes deprived them of the right to vote, the right to serve on juries, the right to own or carry weapons, and, in some cases, even the right to rent or lease land.

Slavery had been a pillar of economic stability in the region before the war; now, black codes ensured the same stability by recreating the antebellum economic structure under the façade of a free-labor system. Adhering to new “apprenticeship” laws determined within the black codes, judges bound many young African American orphans to white plantation owners who would then force them to work. Adult freedmen were forced to sign contracts with their employers—who were oftentimes their previous owners. These contracts prevented African Americans from working for more than one employer, and therefore, from positively influencing the very low wages or poor working conditions they received.

Any former slaves that attempted to violate or evade these contracts were fined, beaten, or arrested for vagrancy. Upon arrest, many “free” African Americans were made to work for no wages, essentially being reduced to the very definition of a slave. Although slavery had been outlawed by the [Thirteenth Amendment](#), it effectively continued in many southern states.



African American men in striped jumpsuits.
African American men working in postbellum Tennessee under unfair labor conditions. [Image](#) courtesy of World Digital Library.

The rise of radical Republicanism

These draconian state laws helped spur the congressional **Joint Committee on Reconstruction** into action. Its members felt that ending slavery with the Thirteenth Amendment did not go far enough. Northern outrage over the black codes helped to undermine support for Johnson's policies, and by late 1866 control over Reconstruction had shifted to the radical wing of the **Republican Party** in Congress. At that point, Congress extended the life of the **Freedmen's Bureau** to combat the growing prevalence of black codes and in April 1866 passed the first **Civil Rights Act**, which established the citizenship of African Americans. This contradicted the Supreme Court's 1857 **Dred Scott decision**, which declared that black people could never be citizens. President Johnson, who continued to insist that restoration of the United States had already been accomplished, vetoed the 1866 Civil Rights Act. However, Congress

overrode his veto. Congress would soon thereafter pass the [Fourteenth](#) and [Fifteenth Amendments](#), which aimed to protect African Americans from substandard treatment and enshrine their equal citizenship in the Constitution.

Despite the Civil Rights Act of 1866 and Civil War Amendments and the fact black codes were formally outlawed, their sentiment endured and morphed into a new ruling racial order. Support for Reconstruction policies waned after the early 1870s, undermined by the violence of white supremacist organizations such as the **Ku Klux Klan**. When Reconstruction ended in 1877, freed people had seen little improvement in their economic and social status. This set the foundation for the racially discriminatory [Jim Crow](#) segregation policies that impoverished generations of African Americans.

What do you think?

How did black codes maintain a social order similar to slavery?

Did the Civil Rights Act of 1866 and the Civil War Amendments adequately address racial inequality after the Civil War? Why or why not?