

CHAPTER III

EXTRINSIC THEORETICAL FRAMEWORK

3.1. Social Injustice

Simon (1995:1) argues that injustice differs from justice in that it holds empirical, temporal, psychological, and moral priority. This perspective reinforces the idea that injustice is not merely the absence of justice, but rather a tangible and structured experience that can be observed and measured. Social Injustice is a fair and just relation between the individual and society. The explicit and implicit measurements for social advantages, personal activity choices, and economic distribution are used to measure this. Injustice in the legal system, ranging from the separation of parents and children at the border to the use of excessive force by police, has attracted popular indignation and media attention. This injustice is especially upsetting for people of color, as unarmed people of color have encountered personnel who are rarely held responsible Varghese, et al. (2019). The issue of social injustice occurs in social life, such as in society. This injustice has existed since the era of slavery and continues through systems that operate under the guise of legality, social injustice is built into the foundations of American society that affects power struggle between the two races, where dominant groups maintain control over resources and institutions by exploiting and suppressing subordinate group.

3.2. Jim Crow Law

From roughly a century after the Civil War until 1968, Jim Crow refers to a system of racial segregation laws and practices that enforced discrimination against African – Americans in the United States. Jim Crow, the legal, social, and frequently extralegal system that segregated and isolated people, was established in 1883 after the Supreme Court decided to overturn civil rights laws that were thought to be unconstitutional this law the basic of principles of the Jim Crow Laws is “separate but equal” a legal principle stating that racial segregation is allowed if the facilities provided to both races are considered equal. For the majority of Black Americans, the abolition of slavery signaled the beginning of a new era of opportunity, political, civil, and social equality African – American Community Lauglin-Stonham (2020). Alexander (2012) says These historical symbols have been powerful tools used as a means of control in a largely white world called “America”, many people have wanted to deny racial hostility on the part of whites in this awful history, so the say that most whites did not support these patterns of discrimination because they had a sadistic desire to harm blacks or any other race. As historical symbols Jim Crow was not a real person this law named after a character from a Black minstrel show, back when this law was introduced in America the rise of the “Black Codes” and “Ku Klux Klan” are inevitable which brought the racial conflict between the two races.

3.3. The Exception Clause in the Thirteenth Amendment

The thirteenth amendment abolished slavery, except as a punishment for crime. This exception clause became the foundation for a new form of racial

control: criminalizing black existence to force them back into labor. According to Goodwin (2022:53) this textual loophole, known as the punishment clause, explicitly permits “slavery” and “involuntary servitude” as “punishment for crime,” where the person has “been duly convicted.” This legal loophole served the interests of economic elites. It maintained the capitalist structure that depends on exploited labor, this exception clause continuing systemic racism using crime and punishment to justify racial exploitation.

3.4. Mass Incarceration as Modern Slavery

Building on the exception clause in the 13th Amendment, the rise of mass incarceration in the late 20th century represents the modern evolution of racial subjugation. Policies such as War on Drugs, mandatory minimum sentencing, and the privatization of prisons have disproportionately affected African – American communities, according to Pettit and Sykes (2015:591) Mass incarceration contributes to another form of exclusion that affects both statistical portraits of inequality and our understanding of the impact of civil rights legislation. Mass incarceration provides a pool of cheap labor and suppresses political opposition from marginalized communities, operates as racial institution designed to sustain white advantage.

3.5. Racial Inequality

While discussions about racial inequalities in the United States often center on economic inequalities, its impact extends beyond financial aspects, affecting various facets of well-being for both individuals and society. These effects encompass differences in wealth, education, employment, housing, mobility,

health, and incarceration rates, among other factors according to Bowdler & Harris (2022). The historical roots of racial inequality in the U.S. can be traced back to the introduction of slavery, during which African-Americans faced systemic discrimination and were relegated to second-class citizenship, deprived of rights compared to their white counterparts which affects their social class status in society. Social Class is group of people within a society who possess same socioeconomic status, conceptually a nominal categorical variable characteristic of socioeconomic position Krieger, Williams, Moss (1997), one's opinions and attitudes toward particular people or groups can be greatly influenced by their social standing in the culture of the community Rosyidah & Nurwati (2019). African – American community was coming to the United States in the 17th century as a slave that are brought by the European, as a result the racism and the social class status that are seen in them are far below the white people's that are mainly as the owner of the black slave.