January 2010

The Legal Creation of Raced Space: The Subtle and Ongoing Discrimination Created through Jim Crow Laws

Frances L. Edwards

Grayson Bennett Thomson

Follow this and additional works at: https://scholarship.law.berkeley.edu/bjalp

Recommended Citation

Link to publisher version (DOI)
https://doi.org/10.15779/Z38XC8T
The Legal Creation of Raced Space: The Subtle and Ongoing Discrimination Created Through Jim Crow Laws

Frances L. Edwards* and Grayson Bennett Thompson, AIA**

I. INTRODUCTION

Jim Crow Laws codified discriminatory practices and provided the legal framework necessary for the unequal treatment of African Americans. This inequality was pervasive, and extended to the way individuals lived and functioned within society. Discrimination always has a direct impact on architecture, because architecture is used to manifest physically differential treatment. During the Jim Crow Era, the legal system set up an environment that, when combined with the creation of certain uses of space within architectural designs and outcomes, produced an incredibly segregated society. Jim Crow Laws defined property rights and restricted the use of architectural space for both White and African Americans. As a result, these laws intentionally, yet subtly, created a kind of “raced space.” This segregated use of space ensured that White Americans were treated in a superior manner not only in their neighborhoods, but also in schools, restaurants, and a myriad of places in their communities. This in turn created persistent and pervasive discrimination against African Americans. Although the courts finally struck down Jim Crow Laws,1 the physical consequences of the Jim Crow Era endure throughout American society.

Pendleton, South Carolina was one of the many towns in the South that adopted its own Jim Crow Law, The Town of Pendleton Ordinance of 1913.2

---

* J.D. University of Kansas, 1980. Associate Professor, School of Accountancy and Legal Studies, Clemson University, Clemson, South Carolina. Many thanks to Meghan Gordon and the members of BJALP for their help in editing this article.


2. Pendleton, S.C., An Ordinance For Preserving Peace, Preventing Conflict and Ill-Feeling Between the White and Colored Races in the Town of Pendleton, and Promoting the General Welfare of the Town by Providing, so far as Practicable for the Use of Separate Blocks for
This law was not very different from other ordinances passed throughout the South that legally mandated segregation. Similar to other Jim Crow Laws, the Pendleton Ordinance legally defined racial boundaries within the community by creating “Color Lines” and defining property rights. The clear goal of the Pendleton Ordinance was to set spatial boundaries separating African Americans from White Americans.

Although the Pendleton Ordinance was a standard example of a Jim Crow Law, the African-American community’s response to the legal and social segregation in Pendleton was unique. Prior to the enactment of the 1913 Pendleton Ordinance, Mr. Ben Keese began building the “Keese Barn” which eventually became a community center for African Americans residing in Pendleton during the Segregation Era. Mr. Keese gradually created a racially dynamic environment, which allowed the site and structure of the Keese Barn to confront the social power structure in a physical way. Initially only a community center, the Keese Barn later functioned as a market where African Americans sold various types of merchandise. After that expansion, Mr. Keese added a side entrance for Whites allowing them to purchase items sold in the Keese Barn. The use of a side door for White Americans represented a type of subtle rebellion, which appeared to have gone relatively unnoticed by the White community. As the Keese Barn slowly expanded, it became not only a “center” for African Americans, but also a building that structurally challenged the Pendleton Center Green, which was the White center of town. In this way the Keese Barn confronted the laws and social structures of the community of Pendleton, South Carolina during the Jim Crow Law Era. This paper will explore the effect of the Jim Crow Laws on the creation of raced space and will look specifically at the Keese Barn as an example of rebellion against this architectural discrimination.

The article analyzes the harmful and discriminatory effect of the Jim Crow Laws on both architecture and the space. The discriminatory laws created and enforced during the Jim Crow Era resulted in the physical manifestation of discrimination exemplified in buildings and their uses. Jim Crow laws had an element of intent in their requirements of separating races through a delineation known as the Color Line. In essence, the laws required certain buildings and uses of space in those buildings that would ensure that races were kept apart. This discrimination, whether occurring consciously or subconsciously, was present in the minds of the drafters of both the Jim Crow

---

4. The challenge of the Keese Barn to the White Center Green of Pendleton was primarily through the barn's height and dimensions.
Laws and the architects and builders who complied with and furthered the goals of these discriminatory laws. In other words, Jim Crow Laws institutionalized discrimination through architecture. Segregation laws influenced the design and internal operations of various types of buildings. Because much of architecture is heavily influenced by the legal restrictions, Jim Crow Laws had an incredible impact on architecture. The subtlety of discrimination through the Jim Crow Laws persists even today in the present use of space that is, in fact, still inexorably raced.

Part II of the article defines space and architecture, and discusses the links between space and discrimination that are manifested in the built environment. It then gives a brief discussion of architecture’s connection to social structures. Part III discusses the nexus between the legal construct and the concept of space as influenced by Jim Crow Laws. Part IV analyzes the Pendleton, South Carolina Ordinance in detail. This discussion reveals the plain language of the Pendleton Ordinance, and how the local statute impacted architecture, space, property ownership, and usage. Part V analyzes the actual physical manifestation of the Jim Crow Laws not only through segregation but also through the way architecture and space were used to ensure that segregation took place. Part VI discusses the Clemson Architectural Department “Hundreds Project,” which analyzed the architectural response by Mr. Keese to the Jim Crow Era. The Clemson team dismantled the Keese Barn and through that process discovered the architectural evolution of the building as it was expanded over time. The article then discusses the Clemson team’s revitalization of the original Keese Barn site, which reflects both a respect for what had occurred historically on the site, while simultaneously commenting on the non-discriminatory use of space. Part VII turns toward an analysis of how the building and expansion of the Keese Barn actually responded to and rebelled against the Pendleton Ordinance that mandated segregation. Mr. Keese’s motives and mindset can be inferred from this dismantling work, a process that revealed Mr. Keese rebelled against the times in which he lived and worked as an African American. The conclusion emphasizes the importance the Keese Barn in its confrontation with the Jim Crow Law of Pendleton, South Carolina. Furthermore, the discussion involves the manner in which architecture and the use of architectural space in the Keese Barn acted as a single architectural rebellion, which in turn symbolized a broader statement about the importance of one man’s fight against segregation.

5. The underlying premise of this article is not that a given architectural style from an aesthetic or functional standpoint concerning the use of space is intrinsically “bad” simply because it was originally “raced,” or race-based. Rather, the article discusses the discriminatory effect of such laws and how they are harmful to a society and its members.
II. ARCHITECTURE AND DISCRIMINATORY SPACE

Architecture plays a significant role in society. Buildings, and by extension the organization of cities, frame the experiences and interactions of all people on a daily basis. Architectural discourse and practice is very much concerned with articulating and manipulating the “frame” around which space is defined. In this article, space refers to the area or void where the events of our lives unfold. Space is dependent on its boundaries. The boundaries of space make one space distinct from another. Italian architectural theorist Bruno Zevi states “[a]rchitecture . . . does not consist in the sum of width, length and height of the structural elements which enclose the space, but in the void itself, the enclosed space in which man lives and moves.” Physical elements “code” a space—that is they bring meaning to space. In urban planning and architecture, spaces are arranged to accomplish many design goals. Traditional city planning with central lawns and public buildings strategically positioned along vistas is one example. Consider the urban layout of Washington, D.C. progressing from the capital building to the monuments along an axial central lawn. Public buildings and government offices line on each side of the street, and relate to each other to accomplish the design goal of displaying the prominence and power of the central government. This is far from a new design concept. The planners and builders of Rome, London, Berlin all utilized similar urban layouts. The essential tenants of urban planning also exist when designing individual buildings. In a residence for instance, what is the relationship between the kitchen and the dining room? How is the boundary between these two spaces expressed? Where are these two spaces in relation to the main entrance? The answers are numerous. Architectural design positions different spaces relative to each other and manipulates the individual and shared boundaries of each space to accomplish different goals.

Space is a fundamental element of both legal studies and architecture. In both fields, boundaries define and codify space. The physical built environment mediates the relationships between the boundaries imposed by law and the experience of space by individuals. Defining space in the legal sense is, for the most part, an exercise of the mind. A parcel of property is a space which has legally significant geometric limits and dimensions that may follow some physical feature of the land. Usually there are no physical manifestations of actual lines that separate different properties. However, these boundaries have great legal significance because they afford rights and privileges. Jim Crow Laws were unique, in that the enactments limited African Americans’ access to space. During the Jim Crow Era, legally imposed geopolitical boundaries translated into physical conditions. In Race, Place and the Law, David Delaney comments, “segregation, integration, and separation are spatial processes . . . ghettos and exclusionary suburbs are spatial entities . . . access,

exclusion, confinement, sanctuary, forced or forcibly limited mobility are spatial experiences.”7 Spatial definition in a segregated environment is linked to power. The effect of discriminatory ordinances of the Jim Crow Era is that “architecture evokes and enables certain forms of life while constraining others with both walls and sanctions.”8 In this context, the built environment embodies and exemplifies the power structure that either produced it or allowed for its production.

Race and racism heavily influenced space in the South. French theorist, Henri Lefebvre states, “[t]he preconditions of social space have their own particular way of enduring and remaining actual within space.”9 The purpose of the Jim Crow Laws was to define, control, and enforce social practices in the early 1900s. These laws, through the manipulation of both property tenure and property rights, created de facto power for the White majority by classifying space by race. The racially motivated power structure in the South persists to this day. Many of the small towns throughout the South continue to reflect segregation laws and practices. Many areas that were once segregated areas of towns still form central areas of the populations they serve. Commercial areas, religious centers, and neighborhoods created during the Segregation Era often persist along racial lines. This power structure and its spatial ramifications are understood not only through social analysis, but also and more significantly, through the examination of the territorial boundaries that first created racial confrontations in the communities throughout the United States.

Segregation laws resulted in space that was treated to emphasize the race that inhabited it. Space continued to change in these instances to reflect the culture and unique social needs of African Americans. During slavery “[the] planters' landscapes were laid out with straight lines, right-angle corners, and axes of symmetry, their mathematical precision being considered as a proof of individual superiority.”10 The physical layout of the plantation system emphasized White dominance through “centrality” of the White plantation owners, while also providing physical boundaries that acted as social buffers between the races.11 Segregation on the other hand, moved beyond the mere concept of centrality of Whites to a more extreme exclusion of African Americans based on territorial boundaries. Segregation laws effectively reduced meaningful space to mere forms of occupation. It was no longer important what the meaning of the space was, only who occupied it and the rights the occupants had within that space. Space in this sense is abstracted to the fullest, losing any need to follow symbolic formal expressions.

8. KIM DOVEY, FRAMING PLACES, MEDIATING POWER IN THE BUILT FORM 17 (1999).
11. Id.
The physical manifestations of segregation are enormous. Segregation created an actual "experience" within space that was far more important than the physicality of the space itself. Kim Dovey states, "[p]lace experience and the spatial strategies that sustain it are not mutually exclusive positions but each contains the necessity of the other." Jim Crow Laws not only impacted defined space, but more importantly, dramatically altered the social experience of individuals interacting within that space.

During the Jim Crow Era, space did not exist without preconditions of race. Therefore, access to space was assigned meaning. The translation of Jim Crow Laws into the built environment was intended to maintain an existing social construct of White supremacy. However, some African Americans confronted the prevailing social construct in physical ways through the manipulation of the built environment through access and boundary manipulation.

III. NEXUS OF THE LEGAL CONSTRUCT AND THE CONCEPT OF SPACE DURING THE JIM CROW ERA

This section discusses the historical progression of racial discrimination in the United States, by beginning with the Reconstruction Amendments, and then moving to the Black Codes, and finally the Jim Crow Laws. The struggle of African Americans for equal treatment evolved through these laws. A discriminatory legal framework created an unequal use of property. This legal construct has instituted a tradition of the discriminatory use of space that is pervasive even today.

Although the Thirteenth Amendment to the Constitution abolished slavery in the United States, the ratification of this Amendment was accompanied by a great deal of controversy regarding how recently freed people would be treated. The Fourteenth Amendment gave the former slaves citizenship in the United States and required equal protection of all persons under the laws. Additionally, the Fifteenth Amendment guaranteed voting rights for citizens regardless of "race, color, or previous condition of servitude." The Thirteenth, Fourteenth, and Fifteenth Amendments were known as the "Reconstruction Amendments," and were passed in 1865, 1868, and 1870, respectively. These Amendments began the difficult process of giving rights to former slaves during a time of intense racial discrimination. Shortly after the adoption of the Thirteenth Amendment, states began adopting legislation commonly referred to as the Black Codes in order the limit the civil rights and

---

12. See DOVEY, supra note 8, at 47.
liberties of Blacks newly freed from slavery.  

The Black Codes were adopted by states from 1865 to 1866. Although both Northern and Southern states enacted Black Codes, both of which recognized the freedom of former slaves, there was a distinct difference between the laws enacted in the North and South. In general the Northern codes treated Blacks and Whites equally, while the Southern codes assigned freed slaves to blatant conditions of inferiority. From these early codes began the movement toward the Jim Crow Laws.

State and local legislatures enacted Jim Crow Laws in order to legitimize racial segregation. These laws epitomized the nexus of legal construct and the concept of space and how it was to be used in regard to the races. The Jim Crow Laws created a legal system that reinforced White supremacy, by creating spatial boundaries based on race. Although these laws were readily accepted within the legal and social framework of American society, they contradicted the plain wording and meaning of the Constitution of the United States.

The Constitution asserts that "(n)o State shall... deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." The Equal Protection Clause in the Constitution seemed to support the statement made in the Declaration of Independence that "all men are created equal." Despite the strong and rather explicit language in the U.S. Constitution, Jim Crow Laws mandated raced space, and effectively mandated unequal protection and treatment under the law.

During the Jim Crow Era, there was a dramatic increase of litigation across the country concerning the enforcement of segregation and institutionalized racism and inequality. These state laws and local ordinances

---

17. The equality in treatment indicated in the Northern codes at least was on paper, even though white members of the society did not always adhere to equal treatment.
18. PAUL L. HAWORTH, THE UNITED STATES IN OUR TIMES 1865-1920, 16 (1920).
20 See U.S. CONST. amend. XIV, § 1.
21. Id.
22. THE DECLARATION OF INDEPENDENCE para. 2 (U.S. 1776)
23. The Martin Luther King, Jr. National Historic Site documented Jim Crow Laws from the 1880s into the 1960s that enforced segregation and created punishments if there were attempts to integrate Blacks and Whites. For example, Alabama laws prohibited White nurses from assisting Black men, and segregated buses, trains, restaurants, pools, billiard rooms and toilet facilities. Arizona, Florida, Georgia, Maryland, Mississippi, Missouri and Wyoming all banned both interracial marriages and cohabitation. Florida, Mississippi, Missouri, New Mexico and Texas instituted segregated education. North Carolina enacted legislation requiring different textbooks for Black and White students. Segregated library facilities were enforced in North Carolina as well as Texas. Virginia statutes required separate theaters, and even telephone booths were to be segregated in Oklahoma. Georgia not only forbade interracial marriage, but also created segregated institutions for juvenile delinquents, patients in mental hospitals, clientele of
required and enforced segregation of races. Jim Crow Laws highlighted that there were no limitations as to what space could or could not be segregated. No space was immune or unaffected by their scope of regulation and discrimination.

Case law during the Jim Crow Era mirrored the perceived supremacy of Whites at the time. For example, in 1893, the South Carolina Supreme Court upheld the separation of races in *Smith v. Chamberlain.* In *Plessy v. Ferguson,* a paramount case during the Jim Crow Era, the Supreme Court created the "separate but equal" doctrine, which was used to justify differential treatment of persons based solely on race. The holding in *Plessy* enabled state legislatures to pass laws that restricted the use of social space based entirely on race. The Court's holding created the necessary legal framework to begin the physical segregation of American society.

South Carolina's case law was consistent with the "separate but equal" doctrine. *Tucker v. Blease* is an example of a case that impacted space and property as well as physical and social boundaries. In *Tucker,* the defendant, Mr. Tucker, appealed a ruling by a lower court that prohibited his children from attending the only public school in his district, Dillon County, South Carolina. At the time, Dillon County's only public school was restricted to Whites only. In this decision, the court required the School Board of Dillon County to create a separate school for non-White children. As a result, it seemed that for every White space created, the law required a mirrored Black space. The only exception applied to instances where duplication of space was impossible. In instances where only one space existed, separate access to that space was required. In essence, the court's decision addressed the use of space and boundaries. Under the court's decision, space, having legal boundaries, could not be inhabited by Whites or African Americans unless there was a duplicate space or separate access to the space.

In its rationalization of the separation of the defendant's children from other White children, the *Tucker* court addressed conflicting aspects of the role of the law and the segregation policy with the U.S. Constitution. The court specifically discussed the role of the Fourteenth Amendment in protecting all

---

26. Id. at 544.
28. Id. at 672-673.
citizens under due process of the law and equal protection under the law: 29

The object of the Fourteenth Amendment was undoubtedly to enforce the absolute equality of the two races before the law, but, in the nature of things, it could not have been intended to abolish distinctions based on color, or to enforce social, as distinguished from political equality, or a commingling of the two races upon terms unsatisfactory to either. Laws permitting, and even requiring, their separation in places where they are liable to be brought into contact do not necessarily imply inferiority of either race to the other, and have been generally if not universally, recognized as within the competency of the State legislatures, in the exercise of their police power. 30

In Tucker, the court stated it was not the role of law to enforce social hierarchies. Rather, the court viewed segregation as a means to creating equality between Whites and African Americans. 31 By denying access to the school the children had previously attended, the court created the requirement of the duplication of space in the form of an alternative school for these children. Thus the quintessential “separate but equal” doctrine of Plessy v. Ferguson was again followed by a court.

The South Carolina Supreme Court in Shealy v. Southern Railroad Company again reinforced not only the “separate but equal” doctrine but also upheld the police power of the states in matters concerning public health, safety, convenience, and morals. 32 This ruling ensured that not only could states pass Jim Crow Laws, but states also had the power to create and enforce sanctions against those who violated those laws and tried to invade, as it were, another race’s space.

In the 1960's, cases in South Carolina centered on the right of the state and local authorities to properly prosecute anti-segregation protestors for various types of breaches of the peace, including protest marches 33 and sit-ins at lunch counters. 34 During the 1960s, South Carolina’s jurisprudence began to change gradually, as state courts reversed convictions of breach of peace for protests and sit-ins that were non-violent in nature. 35 All of the Jim Crow Laws and their support and reinforcement through court decisions created dynamics in social changes – changes that solidified categories of people (in this case African Americans vs. White Americans).

30. Tucker, 81 S.E. at 674 (citing Plessy v. Ferguson, 163 U.S. 537, 544 (1896)).
31. Id. at 674-675.
As stated earlier, space is defined as an area encapsulated by architectural design within which events occur. Legal acts play a significant role in the production of space. Often, both statutes and case law work to formalize social categories by codifying privilege and disadvantage according to race. The existence of racial categories is often attributed to the law due to the immense role that it plays in influencing the concept of social structure. Some may argue that laws perpetuate racial categories rather than create them. However, without laws, freedom from any kind of categorization can more readily exist.

In his book, *White by Law*, Ian Haney Lopez asserts that law was enacted under a social structure in which race was present. He further states that even when the law changes, it speaks of the same categories of people of which earlier laws spoke. In this way, he concludes that law continues to categorize people due to the preexisting definitions in that earlier law.

Segregation laws and state and federal cases, as seen in South Carolina, created categories of people based on race. By doing so, these laws directly impacted property and its functional use. These laws also impacted the use of space. Because property plays a dramatic role in the way in which space is realized, and because property, as the material possession of an object, allows us to create territories, the effect of treatment of people of different races becomes pervasive. During the Jim Crow Era, a part of society used law to define and protect territories. Some territories were considered White and some were considered Black. The legal framework of segregation allowed states to draw territorial lines through properties that reinforced racial discrimination and the isolation of Black communities. Communities throughout the U.S. enacted laws that segregated the races through definition of space and property lines. In fact, segregation laws crossed the territorial lines and influenced the built environment through architectural use of either space or access/denial to space. The outcome established physical and social boundaries.

The result of the Jim Crow Laws and cases is that discrimination exists in a kind of terrible subtlety. This subtle discrimination as a reaction to laws that segregate is the result of decades of treatment of space. This use and non-use of space is not only through the actual creation of "separate but equal" space, but also in access to that space. Society is still entrenched in a superior-inferior struggle through its use of architectural space. For example, we still see side entrances for certain workers or traditional back entrances used by certain classes of workers. Servant quarters still exist. Plantation architectural layouts are still used today in neighborhood planning – evoking similar spatial relationships to the original layout. All of this speaks to and is reminiscent of

---

36. If laws would not create categories of people, then there would be no need to address the inequality created in this categorization through later laws. This only serves to create a labyrinth of laws that repeatedly emphasize differences in people, including racial differences.

the belief of superiority of some in our society, and is reminiscent of earlier
discriminatory use of architecture and space.\footnote{38} In addition, the subtlety rests
not only in the use of space but also in the fact that we, as a society, are still
tenrenched in our easy acceptance of certain usage of space created, many
times as a result of discrimination. Although contemporary American laws
have condemned discrimination based on race,\footnote{39} society unwittingly ignores the
ongoing discrimination created through architectural space and its usage. The
acceptable uses of space today still carry on the legacy of discrimination.

IV. SEGREGATION IN PENDLETON, SOUTH CAROLINA

Not unlike other communities in the South, members of the African-
American community of Pendleton had limited access to specific areas during
segregation based on the community’s Jim Crow Law of 1913. The Pendleton
ordinance\footnote{40} defined spaces as either “Colored” or “White” and allowed access
in certain buildings based on this racial classification. The ordinance was
classic in its creation of a “colored line.” Its purpose was to legally define and
enforce social practices in the early 1900s. This law, by way of property tenure
and property rights, created power for those categorized as White and drew
geo-social lines that affected spatial boundaries and access.

Under this ordinance, crossing racial lines carried with it, for the most part,
negative repercussions through fines and/or imprisonment.\footnote{41} The Keese Barn
(sometimes called the Keese Store) was a response to the racial segregation
resulting from the Pendleton ordinance. This Barn represents a definitive
physical boundary and a rebellion against the norms of discrimination which
were pervasive in the society of the time. The relationship of the Keese Barn to
the Town of Pendleton, the accumulation of events within the site, and the
imposed racial construct (which was articulated by law) define the Keese Barn
site as unique place.

Segregation and the laws that enforce it are intended to create power for
certain classes of people. In a segregated environment, power lies mainly
within the legal “layout” of a society. Interestingly, the built environment, that
is architecture and its use of space, often suffer impositions through abstracted
form as well – the law. The legal landscape is the abstract realm that is
“realized in a chain of social interactions.”\footnote{42} Architecture provides the means

\footnote{38} VLACH, supra note 10, at 8.
\footnote{39} Brown v. Bd. of Educ., 349 U.S. 294 (1954). After the Civil Rights Movement,
Congress passed a number of laws mandated to fight discrimination. Most notable among those
laws that dealt with issues of race were the Civil Rights Act of 1964, Pub. L. No. 88-352; the
Equal Employment Opportunity Act of 1972, Pub. L. No. 92-261; and the Civil Rights Act of
\footnote{40} Pendleton, S.C. Ordinance § 1. (Oct. 3, 1913).
\footnote{41} Id. at §6.
\footnote{42} LEFEBVRE, supra note 9, at 251.
through which social and legal issues are physically manifested in a spatial context. Laws during the Jim Crow Era combined with architecture to achieve institutionalized segregation.

As stated earlier, during the years of American slavery, architecture portrayed an archetypal assertion of power through the plantation as seen in its structured layout. This structured plantation layout effectively organized people in space and created a segregation of races that asserted power. In the development of the plantation and its definition of space, this built environment was the actual physical organization of power through spatial layout (the owner’s plantation house in the center, access to the plantation and its different buildings as well as to the inner areas of the buildings themselves, slave quarters to the sides, working areas in outlying areas, etc.). All of these uses of space related to how power was manifested. It was in that sense that architecture and the use of space became the actual expression of power.

The Pendleton Ordinance was divided into substantive and procedural sections. The ordinance relied on city blocks, which were defined as property or properties inscribed with streets. Blocks, in the Pendleton Ordinance, defined the boundaries of space by codifying the contents of the block based on race. The ordinance created White and Colored blocks. The statute stated that if or when Whites owned the majority of the properties on a given block, then the block was considered White and each property was restricted to use by only White inhabitants. The restriction included activities on the property as well as the transfer of a property by the property owner. Specifically the law indicated “[t]hat it shall be unlawful for any colored person to move into or use as a residence, or place of abode, or assembly, any house building or structure of any part of any house, building or structure situated or located on any block.” The ordinance further limited the space within a block by making it “unlawful for any person to sell, give, exchange, rent or lease to any white person or persons, any part of a colored block, or interest there.” In the ordinance, the limitation of transfer of property occurred in duplication for both White and Colored persons within a block. In effect, space was classified based on the race of the prior inhabitants. Once the classification occurred, continued occupation took on the criteria that the space could only be accessed or occupied by the race of the prior inhabitants.

Racial limits on property ownership and transfer were not the only physical manifestations of segregation. Mere access to space was also restricted by race. However, not surprisingly the ordinance allowed African

43. See VLACH, supra note 10.
45. Id. at §§ 1-2.
46. Id. at §§ 1-3.
47. Id. at § 2.
48. Id. at § 3.
Americans to access White space under one specific condition – that of domestic servitude. The general purpose of the statute was to set out boundaries and territorial limitations to space. The net effect of the ordinance, however, perpetuated a power structure. Thus the ordinance imposed spatial boundaries though habitation and defined specific access to space, with legal recourses through fines or imprisonment for those who failed to comply with the ordinance. Because the ordinance imposed legal repercussions, space was prescribed and defined after the ordinance’s ratification.

The ordinance was prospective and therefore was not binding on property owners who purchased property prior to its enactment. The procedure in which land, and thus space, was defined after the passage of the ordinance was a function of organizing the public as a forum by which members of the community could request, allow and/or contest the manner in which space was to be prescribed (as either Black space or White space). In blocks within the Town of Pendleton that were not designated by race, the person purchasing land and building structures on that land within that block had to declare the race of the inhabitant and the occupation type of the structure by a requirement of public notice. This requirement of public notification took the form of publication in the local newspapers of the intent of an individual to inhabit a certain space after application was made to the Town Clerk. The newspaper notification ran for two weeks, after which inhabitation and occupation might be permitted, unless it was contested. However, if the permit was contested by a majority of property owners, the permit was not issued. Interestingly, there was an unexpected level of neutrality within the language of this ordinance concerning this procedure, in that not only the White community but also members of the African-American community were legally afforded public redress for property usage. The procedure provided a way in which space was defined and accessed by one race with the ability of the other race to contest that definition.

The procedure set out in the ordinance also created temporal access, access within a given time and in a given locale, to space. As a result, there was a definite power structure to which both White and Colored citizens had to adhere before inhabitation. The problem created by such a policy was an

49. Id. at §4.

50. Id. at §§ 3, 6, 9, 10 and 11.

51. If a one race tried to inhabit the space that was specified for the opposite race, punishments and fines would be levied against the “violator.”


53. As a result of this study, the Pendleton Ordinance was finally repealed in 2004.


55. Id. at §7.

56. Id.

57. Although there is neutrality in the language of the statute with equal rights seemingly being given to both races, it is open to conjecture whether, given the culture and times, this equality actually existed for members of the African American community.
opportunity of protest against the proposed usage by a member of one race or the other. The ordinance specifically stated that "(i)f . . . a majority of . . . property owners shall protest against the proposed use . . . no permit shall be issued upon said application for the building or erection of said houses, buildings and structures for the use specified." The impact of this section of the law was that if there was a space that could not be decided upon, the space could not be used at all. Ironically, this procedure actually empowered both the African-American and White communities, by allowing them to expand their respective territory, unless protested, which the ordinance drafters surely did not intend. A negative aspect of this section was that the procedure created a denied use of the land ("non-use") if the inhabitation of the space was not restricted property. Such non-use was in direct conflict with the positive notion of land usage in an agrarian economy.

As a result, it appears that the Pendleton Ordinance of 1913, in a general sense, can be "viewed as a collection of rules or principles intended to prescribe and direct human behavior. Through enforcement, such rules and principles provide a measure of predictability and uniformity to the boundaries of acceptable conduct within a society." As with other segregation laws, the Pendleton Ordinance in the broadest sense defined the social boundaries that regulated the degree and quality of social interaction in the inhabitation of space.

V. PHYSICAL MANIFESTATION OF THE JIM CROW LAWS: SPACE AND THE KEES BARN DURING THE SEGREGATION ERA

The Keese Barn in Pendleton, South Carolina was an important African-American structure during the segregation era. It served several functional purposes including that of a community store, a community restaurant, an auction house, and a home that was owned and operated by its Black proprietor. Above all, it provided internal and external space for the African-American community to congregate and interact. As stated earlier, the Pendleton Ordinance was ratified in 1913, shortly after the Keese Barn was constructed. The ordinance required African Americans to submit requests to the town for approval, prior to constructing any type of building, including: residences, restaurants, and any other type business establishments. The request had to define the areas in which Blacks and Whites could and could not occupy. In effect, the Pendleton Ordinance required that all future constructions clearly define space in terms of race before that space could be

58. Id.
60. There is conjecture that indeed the Pendleton segregation ordinance was passed in response to a concern by the White community of infringement by the Black community on the White community's perceived boundaries and "rights."
used. The Keese Barn site became increasingly important prior to the enactment of the segregation ordinance. As the Keese Barn began to grow in physical mass and cultural importance, one may argue that legal limits had to be applied to continue the perception that the White power structure remained intact. Therefore, the Pendleton segregation ordinance may in fact have responded directly to the Keese Barn rather than to the status quo political environment alone.

Particularly in the South, experiences within space were preconditioned by the boundaries of that space created through legal and social codes. A boundary in architecture implies a certain amount of physicality. However, within the racial construct of power, these boundaries are not always tangible. Architect Bernard Tschumi asserts that there is “no space without event, no architecture without program . . . [and] architecture cannot be dissociated from the events that happened in it.”62 In other words, legal and social constraints create a direct association with the meaning of space to those who used it. It follows then that both the White and Black communities of Pendleton during the Segregation Era were associated by the interactions that occurred within the Keese Barn. First and foremost, however, these interactions (or as Tschumi puts it, events) were conditioned by race and power. Spatial limitations, functional uses, and methods of access in the design of a site and structure were expected to mirror the power structure of the law. Jim Crow laws did not always prescriptively define the physical result, however, they did require performance and review.

The Keese Barn responded to the constraints applied by law in a unique way. Instead of architecture that followed the intent to the law, the Keese Barn located space and created access to space in that which was otherwise

restricted. The second floor of the Keese Barn became a space of integration—a space where the Black and White communities interacted on the terms the Black proprietor. The second floor space in fact functioned as a place of commerce and trade where deals were made and power was blurred. The functional use of the space reversed the power structure between Whites and Blacks, an effect further emphasized by the way this space was accessed and located. The Keese Barn rises up on the second floor in an almost distant but looming manner and stands eye to eye with rest of Pendleton. No other African-American structure was visible to and from the Town of Pendleton proper and no other African-American structure was as large.

Black and White access to the second floor was unique in the Keese Barn. Typically segregated space was duplicated by creating one access path for Whites and a completely different one for Blacks. Furthermore, the access itself was usually coded in such a way as to describe power. White access usually dominated and related to the majority of the interior spaces, while Black access was typically ancillary. The “side entrance” is the classic example of ancillary black access to buildings. Access to the second floor space of the Keese Barn was determined by one of two stairs: stairs for African Americans and stairs for Whites. Blacks gained access through the central interior stairs, while Whites were required to use the side entrance. The side entrance suggests a role reversal from the typical architectural design of buildings during the Jim Crow Era. Through this physical role reversal of spatial access, the makers of the Keese Barn were able to regain power.

In the Keese Barn, African Americans sequentially deconstructed their segregated context by confronting the hierarchical power. The result was that the Keese Barn, as a representation of the social structure of race, was reapportioned through spatial configurations. This in turn created a direct confrontation with the existing racial construct of power during this era. In this
manner, the Keese Barn was not only unique, but also created a confrontational statement of the power of African Americans in this Southern community.

Brown v. Board of Education\textsuperscript{63} completely changed the legal and political landscape of the nation. In Brown, the Supreme Court declared racial segregation unconstitutional, stating that it deprived the plaintiffs of equal protection of the laws guaranteed by the Fourteenth Amendment.\textsuperscript{64} The Court invalidated the “separate but equal doctrine” from Plessy, and held that segregation violated the constitutional rights afforded to all citizens.\textsuperscript{65} By reaffirming African Americans’ constitutional rights in this case, the access of space was no longer subject to previous legal constraints. According to Brown, space, and subsequently, property could not be divided on racial lines.\textsuperscript{66}

After the Brown decision, a new desegregated world began in theory, leading to eventual practice. As the social and legal environment changed, so too did the physical built environment. The original Keese Barn structure deteriorated during this time of change. Today, as geo-political forces continued to evolve, the Keese Barn site can continue to operate, albeit in a different manner. The original Keese Barn, unfortunately could not be saved and slowly deteriorated. The research of its growth both physically and politically forms the basis of a new architectural intervention on the site. The new site can and should expose the subtle boundaries developed during the Jim Crow era and should build on the site heritage as a mediator where communities confront each other. In this way, the site still presents its history to new generations and will continue the dialogue of race and architecture in the future.

VI. CLEMSON UNIVERSITY’S “HUNDREDS PROJECT”:
THE STUDY OF THE KEESE BARN

Clemson University’s Graduate School of Architecture developed a mandate to engage the territorial boundaries through full-scale interventions in southern communities. The graduate school’s architectural studio expanded this goal through a year-long study of the Keese Barn, which was in the final stages of decay when students arrived on site.

The overall purpose of project was to reinvest the Keese Barn site with the meaning it once held for the community. Studio South, as the project team is known, conducted research in the first part of the year through a systematic disassembly of the Keese Barn, documenting the physical building and its historical context. The social, historical, and structural study of the Keese Barn began through a series of workshops and interviews with the community in

\textsuperscript{64} Id.
\textsuperscript{65} Id.
\textsuperscript{66} Id.
2002 and continued through the disassembly of the building. In the second part
of the year, an architectural response known as “The Hundreds Project” began
design and was constructed by the students on site. “The Hundreds Projects”
reactivated this important site for the surrounding community.

![Model of the architectural intervention on the Keese Barn location after its disassembly. This intervention when it was finished, used the building materials of the original Keese Barn, and created a structure that allowed ingress and egress to all of the Pendleton, South Carolina community, without consideration of color, race or other personal characteristics.]

VII. ARCHITECTURAL REBELLION AND CONFRONTATION WITHIN THE RACIAL CONSTRUCT OF POWER: THE KEES BARN

A site in architectural discourse is defined by its local context and how the site expresses that context through design. A site’s local context can include its location, orientation, adjacencies, and the geo-political environment that surrounds it. The architectural site of the Keese Barn within a segregated context, then, is investigated by its relationship to the surrounding community, the Town of Pendleton proper, and the transformations that occurred over time in the physical and legal qualities of the site and property.

Architectural literature has examined the site and “transformation of site” in the contexts of both property ownership and the geo-political environment. In The Production of Space, Henri Lefebvre states that the idea of property “dominating space – and this is the literal sense of subjecting it to its dominion – put an end to the mere contemplation of nature, of the cosmos or of the world, and pointed the way towards the mastery which transforms instead of interprets.” Lefebvre contends that private property is the root of space in

---

68. LEFEBVRE, supra note 9, at 253.
RACED SPACE

architecture. It follows that the transformation of private property through architectural design can transform racial interaction, and thus the environment, within a community. During segregation, control over land ownership was one way of limiting the participation of African Americans in daily life of the greater community. However, the reapportionment of land use and ownership by an African American appears to have occurred quite differently in the Keese Barn. Rather than creating a limitation to the Black community, the Keese Barn site became an assemblage and re-appropriation of land (and consequently, of structure) that allowed the site to become the town center of the Black community. At the same time, it created access to the White community that was contrary to the social mores of the era of the Barn’s construction and use. The result was the creation of a legal loophole allowing desegregation in the community, and an otherwise “illegal” creation of a dominating African-American power base within that same community. This desegregation produced a confrontation between an empowered Black community and the otherwise usual structural power of the White community.

A study of the legal and infrastructural mapping are essential to better understanding the nature of the African-American community and its relation to the White community in terms of position of power. As stated earlier, property creates legal space in that the law defines property (boundaries), affords rights (access) to those who own property, and provides repercussions for those who trespass on property. Simply stated, ownership of property provides power. Segregation laws and practices, by limiting ownership and setting boundaries, prevented Black communities throughout the United States from acquiring this power through property. In studying current and historic property and context maps of Pendleton, South Carolina one can see the progression of the property, structures, and connections.

Beginning with current property conditions, each parcel surrounding the Keese Barn site was investigated by the authors and traced back to both the Civil War and the Reconstruction Era. The information revealed property transformations, corresponding infrastructural changes (i.e., Roadways, pedestrian access, utilities, etc.), and the race of the property owners through time. Based on this information, maps were created of the surrounding area based on these property transformations. In and around the Keese Barn site, there emerged a pattern of appropriation and re-appropriation of land. These patterns parallel the property transformation of the Keese Barn area through time. Additional architectural investigations (through dismantling) of the building revealed that the Keese Barn started as two independent sheds,

69. Id. at 252.
70. Information was gained through Anderson County Property Maps, post Civil War to 2005.
71. Based on Anderson Country Property Maps, plats were combined to indicate the property transformation through time.
possibly as two "shot-gun" (or rowhouse) structures\textsuperscript{72} that would grow into one structure over time. As the Keese Barn site became more defined, the property around it became more consolidated, not by chance, but, as it appears, with purpose. Through time the community created a transformation through legal property ownership. In turn the Keese Barn itself was the focus of that transformation because of its locations and boundaries. It bypassed racial barriers to create a dominant use of property and space within both the physical and social community of Pendleton, in subtle opposition to the socials norms of the day.

The information gained from historical documents and maps taken in conjunction with the Pendleton Segregation Ordinance spatially defines the Keese Barn and surrounding area of Pendleton, South Carolina. The ordinance itself stated that the property owners in the majority of a block determine what the race of the inhabitants would be in the entire block.\textsuperscript{73} This definition was specifically geared towards new blocks being formed and was not retroactive. Property owners could not, through legal means, be forced off of their property by the majority of property owners within the block if they owned the property prior to the passing of the ordinance. This was true of both White and Black residents.\textsuperscript{74} In an instance when White property and Black property abutted, a condition labeled as the Colored Line existed. This line was the territorial boundary in which the Keese Barn existed and developed. The Keese Barn formed a portion of the Color Line imposed by the Town of Pendleton in the Ordinance of 1913. The Keese Barn site occurred precisely where "Black space" confronted "White space."

Boundaries create and codify space. In addition to property boundaries and transformations, additional information revealed the multi-boundary condition of the Keese Barn site as it related to the Town of Pendleton. The importance of this structure to its surrounding environment is further understood by four additional constructs: changes within the urban fabric; population and political lines; important African-American structures; and topographic information. The transformational quality of this information, whether physical or political, creates the construct by which the boundaries can be fully revealed.

Pendleton, like all towns and cities has changed over time from its original urban plan to its current condition. Changes to the urban fabric around Keese Barn site focused on infrastructural changes and access gained by that infrastructure through time. The original urban layout for the Town of Pendleton located the courthouse in the physical center of town (creating the power of the people and lawmakers—all of whom are White) which was

\textsuperscript{72} These shot-gun structures were discernable through actual investigative dismantling of the present structure.

\textsuperscript{73} Pendleton, S.C. Ordinance, §§7-8 (Oct. 3, 1913).

\textsuperscript{74} Id. at §13.
surrounded by a square of residences and businesses. It is a typical gridded
layout with a “Village Green” in a prominent, central location in front of the
courthouse. The Village Green space is the congregational, meaning that it is
intended to relay the power of the Town of Pendleton government by assembly
of those in power. This layout was modified through time, reducing the power
of the original axial approach and changing the context of the town square in its
function. The Keese Barn site and structure are similar in urban layout to the
Village Green. The Keese Barn site is the terminus of a vista. The vista ends
in the front gathering area of the Keese Barn along an axial approach. The
infrastructure has transformed over time because the Keese Barn is the town
center for the Black community it served. The vista became both more
prevalent and prominent as the Keese Barn grew in size and prominence. Prior
to the construction of the Barn, there was a small road leading to the site. After
its construction, the roads around it progressively responded directly to the
Keese Barn, yielding their positions of access to the central entity of the Keese
Barn site.75

The second construct is the present population and political lines that
follow the same path near the Keese Barn site. Census data shows that
population has grown in all areas of Pendleton; however, there is no dramatic
shift in race of each area, including that of the Keese Barn community. It is
important to note that the Keese Barn area is politically distinct because the
area was defined by these historical boundaries. Just as distinct boundaries
define buildings, distinct boundaries define communities. Raced space appears
to have endured even with the legal preconditions removed.

The third construct is represented through important African-American
structures. These structures, such as the Old AME Church, The Old Negro
School, and an African-American hotel within the Town of Pendleton, revealed
that these sites and structures also followed the Color Line. In some instances
these structures were a direct response to the Pendleton segregation ordinance
to provide space for African Americans that was prohibited in the White
buildings of Pendleton. In other instances, these structures predate the
segregation ordinance of Pendleton, and thus anchor the Color Line. The
Keese Barn was unique among the African-American structures because it was
both. While it predates the ordinance to form an anchor, it also directly
responded to the ordinance to provide space that was socially restricted. There
is a transformational quality that existed at the site that focuses the
confrontation of White space and Black space.

75. The Town of Pendleton infrastructure and parcel information was analyzed by
overlaying historical and current maps together, showing the changes through time. In addition to
GIS information obtained from the Anderson County, property maps were compiled from the
Office of Records & Deeds of Anderson County, SC. Historical Maps included “Property and Lot
Map, 1857” from the Pendleton Historical District Commission and “Property and Lot Map,
1857” from the Pendleton Historical District Commission.
Topography is the most critical construct relating to access, power, and confrontation. While not immediately understandable to casual observation, the Color Line does measure actual space. The Color Line taken from map form becomes physical upon linking it to the topography of the area. The Keese Barn and the surrounding African-American community was one of the “low lands” areas in Pendleton. No structure in the late 1800s and early 1900s rose above the topographical elevation of the Color Line. In essence, the Color Line formed a legal ceiling on the permissible height of any structure. In effect, this datum represents three-dimensional restriction of space defined by law through property. Unique to this condition is the Keese Barn itself. The original structure of the Keese Barn did not initially rise above this datum. However, as the building grew between 1910–1960, it was consolidated to include a second floor. The second floor broke the Color Line’s three-dimensional expression of discrimination, allowing the structure to physically rise above the datum. The Keese Barn was visible from the Village Green, and inversely, occupants of the second floor space of the Keese Barn had a visible connection to the Village Green. No other African-American structure during the Segregation Era enjoyed its visible connection. To accomplish this task, the Keese Barn itself grew in physical mass and height to become larger than most structures with the Town of Pendleton and its Village Green.

This unique structure created a condition the community of the Keese Barn could explore and expand new boundaries. As stated earlier, the second floor bridged the two communities and was accessible by either of two ways. Those with intimate access to the Keese Barn—the African-American community it served—could use the interior staircase. Everyone else, including the White community, used the exterior staircase when they came to purchase items from Black proprietors. The use of a “side stair” or “other entrance” by the White community constituted a clear role reversal, shifting power to the Black proprietor. Thus, the methods of access via different staircases defined the racial construct of space. On these terms, architecture actually started the dialogue between the Black and White communities through the use of space to transform the Town of Pendleton as a whole. The significance of a White individual buying property from an African American on the seller’s terms cannot be overstated. The Keese Barn began this dialogue in its community, one that is still being discussed today through our nation.

VIII. CONCLUSIONS AND ARCHITECTURAL INTERVENTIONS

For architectural design to solve the persistent problem of separation of races, it must produce spatial configuration that neither creates a class system by design nor evokes a discriminatory power structure through the expression of boundaries. The study of the Keese Barn’s use of space, not only during the Segregation Era but also later in its reconstruction through the Hundreds
Project in the 21st century, marks the beginning of a rethinking of raced space. Moreover, as the structure was enlarged in the early 1900s, the Keese Barn also sparked a confrontation between the African-American and White communities in the Town of Pendleton. In so doing, it broke down limitations—physically, intellectually, and philosophically. This project acknowledged and exposed the physical implication of racism while working towards change through the creation of new, habitable space. It began a dynamic dialogue between power and race and changed in territorial boundaries by using the built environment to mediate these issues. The importance of this dialogue is seen in the present conditions of the Keese Barn site of Pendleton operating as a mediator between two communities and an implied statement of the legal interests of each.

To reinvest this site with the meaning it once held, architecture must continue the dialogue started by the original structure and its community with the town proper. The present site that has been re-designed and rebuilt using materials of the former Keese Barn accomplishes this goal. In the present architectural form at this site, the manner in which one accesses space can provide the opportunity to reengage the concept of gathering to the Keese Barn site, not in the same manner of the past, but through the use of movement of persons entering the building. Thus the new architectural design has created a tribute to the past through the actual reuse of the original Keese Barn materials left on the site. The architectural expression through the redesigned structure of access, non-access, movement, and displacement within the Keese Barn site conveys the importance of the site in the past and the importance of the site in future occupation, as it expresses the changing concepts in raced space. In this way law and architecture have merged to create a unique expression of the ever-changing dynamics and interactions among members of the society in which we live.