

The Roots of Rough Justice: Origins of American Lynching

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Review

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Pfeifer, Michael J. *The Roots of Rough Justice: Origins of American Lynching.* University of Illinois Press, \$40.00 ISBN 978-0-252-03613-2

Seeking the Roots of Violence

This slender volume – a prequel to Pfeifer’s *Rough Justice: Lynching and American Society, 1874-1947* – engages with important historical questions and issues: connections between lynching and older Anglo-American traditions of popular justice and, particularly helpful, evidence which complicates our understandings of the chronology and geography of lynching’s prominence. As in his first book, Michael Pfeifer places at the center of his analysis the tension between legal reforms (the growing importance of due process in particular) and the competing tradition of rough justice. *The Roots of Rough Justice* is a valuable book for scholars of violence, of race, and of the South, for it pushes readers to test and consider their assumptions about what fostered extralegal violence.

The book is divided into five chapters along with an introduction and epilogue, and several of these chapters are quite brief; it is admirable – and unusual – for a scholar to say what needs to be said and leave it at that. The endnotes are rich with both primary sources (chiefly newspapers) and a range of secondary sources. The volume is appended with two lists of the lynching incidents under consideration: fifty-six African-American lynchings in the South from 1824-1862, and one hundred forty nine lynchings of all races in the Northeast, Midwest, and West from 1840-1877. Those familiar with his first book will note that *Roots of Rough Justice* pulls from a much broader geography. For instance, Pfeifer’s first book evaluated Louisiana as its only Southern example; the list of southern lynchings in *Roots of Rough Justice* includes examples from every state of the South (including the border states of Kentucky, Maryland, and Missouri) except for Virginia and Florida. From another perspective, however, the basis of this book also appears to be shallower: the lynchings in *Roots of Rough Justice* are suggestive rather than encyclopedic; an

“incomplete database” in Pfeifer’s words (34-5). For the South, his tally averages a little more than one African-American lynching per year over a thirty eight year period. Instead of a comprehensive view, *Roots of Rough Justice* suggests themes for this period that are important for us to consider.

Pfeifer begins with a very brief chapter evaluating the Anglo-American traditions of rough justice that predate lynching. Chapter two focuses on the contest between reforms in the criminal justice system and an enduring tradition of rough justice. Chapter three evaluates this contest in terms of race and class. Chapters four and five evaluate the shifts in extralegal violence in the latter part of the antebellum era, during the Civil War, and in Reconstruction that “remake” American lynching, setting the stage for the wave of lynchings in the late-nineteenth century.

As with his first book, Pfeifer is seeking to expand the scope of the study of lynching, believing, justly I think, that our scholarship has too narrowly read the historical record. For Pfeifer, this effort to broaden the context of extralegal violence includes focusing our attention on periods before the last decades of the nineteenth century, the period earning the most intensive scholarly attention. It also includes looking beyond the American South, for traditions of mob violence can be found elsewhere as well. These shifts in our frames of reference are extremely helpful, perhaps the most notable contributions to the scholarship from both of his books.

The crux of Pfeifer’s argument in *Roots of Rough Justice* is that “American lynching arose in the early to mid-nineteenth century as a response to alterations in law and social values (the shift from a penology of retribution and deterrence to one centered on reform of the criminal, the rise of the adversarial system and aggressive defense lawyering, the shift from private to public criminal prosecution, and the professionalization of criminal justice) that occurred throughout the Anglo-American world” (4). This argument has the advantage of scope – not focused on the South, cotton production, or other more narrow explanations for violence when lynching also occurred outside of those conditions, regions, and eras. This focus on “a development of ideas and practices,” which resolves into a contest between rough justice and due process, is very thought provoking, particularly for historians of the South, forcing an engagement with wider streams of history and broader sets of data on violence (3). In that way, the thrust of this book – consonant with and expanding upon the thesis of his first book on a later period – is extremely valuable.

The ideological contest between rough justice and due process is clearly a theme throughout the western world, a part of the long-term effort to civilize the machinery of justice. Yet Pfeifer argues that this was more than a legal and ideological context to bear in mind; he argues that this struggle over the nature of justice was fundamental to lynching's origins and development. "Due process" figures here as a central actor, changing the legal landscape in ways that fostered violent opposition.

This is at the heart of Pfeifer's project to expand the vision of lynching studies. If what is at stake in lynching is a broad cultural/legal conflict over competing visions of justice – that lynchings were, in essence, an element in a larger ideological battle that all of Anglo-America was engaged in – then a focus on the South (or on race) makes no particular sense, nor does a focus on the late-nineteenth century. Hence, Pfeifer pushes us to look at extralegal violence beyond the South, beyond the United States, and before the late-nineteenth century: wherever and whenever these wider ideas about justice and civility were in conflict. In a sense at least, *Roots of Rough Justice* charts an intellectual history of lynching – Pfeifer writes that he studies the "cultural conflict over criminal justice" – by giving primacy to ideas of justice (due process, rough justice) as the agents of change and conflict (3). The ways that these ideas of justice play out on the landscape of history, in Pfeifer's view, are more telling than are the ways that race, the economics of cotton, or other regional issues frame the lynching experience.

It is unclear, however, just why we should believe that this ideological conflict has more efficacy in explaining lynching than do a host of other factors. Pfeifer argues that vigilantism was an "explicit and conscious rejection of the evolving antebellum criminal justice system," but surely it was other things as well (20). There is an element here of taking participants in this nineteenth-century ideological conflict at their word, and that is less convincing. Defenders of a lynching will say they are enforcing a longstanding tradition of community justice. What else would they say? Opponents would call lynching against the rule of law. This is so, but it is less clear that this is as meaningful to our understandings of lynching as Pfeifer argues.

The evidence of this contest is strongest – measured by the vibrancy of the public debate – in regions where the victims tended to be both few and white, such as in the Northeast and Midwest. Pfeifer argues that due process forces

were strongest in the North, and that seems right. It is with the South that Pfeifer's argument seems the most strained, for it makes at least as much sense to argue that the South's racial regime affected its hesitant views on due process than that the weakness of due process forces in the South explains its penchant for lynching. Additionally, Pfeifer argues that "white northerners helped to fashion a practice of racial lynching" (70). Here he steps too far, for racial lynching is centered in the South, and the white South needed no help from the North – nor would it have heeded such help – in being either racist or violent.

This reviewer has strong reservations about the argument at the heart of this book: that the encroachment of due process upon traditional rough justice is a central element in explaining lynching. Even so, *The Roots of Rough Justice* has tremendous value, expanding the chronology of lynching in important and convincing ways, asking us to think in ever-larger geographical terms about violence, and testing our assumptions against a new, bold set of assertions. What more can we ask of any scholarly study? This one is very worth a close and engaged read.

Michael A. Trotti, Associate Professor of History at Ithaca College, is the author of The Body in the Reservoir: Murder and Sensationalism in the South and is currently at work on a book that places public execution in the context of lynching and other racial violence in the late-nineteenth century South.