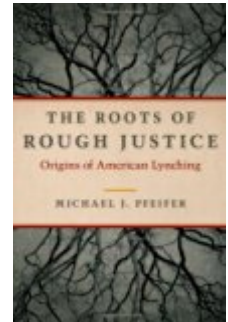


Michael J. Pfeifer. *The Roots of Rough Justice: Origins of American Lynching.* Urbana: University of Illinois Press, 2011. x + 143 pp. \$40.00, cloth, ISBN 978-0-252-03613-2.



Reviewed by Stephen Leonard

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Commissioned by Ethan Zadoff (CUNY Graduate Center)

Many of the studies on lynching that have appeared in the past twenty years have focused on the South and West in the seven decades after the Civil War largely because those years and regions offer a bountiful harvest replete with one damnable lynching after another, some of them documented with photographs of hanging or charred bodies surrounded by pleased-as-punch onlookers. Thanks to the shelf of recent books, a few fault-finders may have come to believe that Samuel Clemens had a point when in 1901 he dubbed the nation the “United States of Lyncherdom.” Yet it is unlikely that such an unflattering description will ever make it past school boards and into textbooks. As wise academicians realize today, Clemens recognized the dangers and futility of telling the truth about anything that matters. He scuttled his proposal to write a multivolume history of lynching, explaining to his publisher: “Upon reflection it won’t do for me to write that book ... for I shouldn’t have even half a friend left down there [in the South], after it issues from the press.”[1]

Clemens’s failure is our loss. Had he, more than a century ago, scrutinized lynching he may well have talked to at least a few old folks who saw lynching evolve from mainly non-lethal punishments such as whippings in the years before 1830 into a deadly form of retribution, vengeance, and social control in the 1830s and after. As a Southerner who reached his majority before the first canon ball smashed into Fort Sumter, he might have given us knowledge of antebellum lynching that a century after his death we are hard pressed to retrieve.

Without benefit of Clemens or another of his talent and time, today’s multistoried edifice of lynching studies has rested until recently on ill-understood foundations. Writing about persistent and widespread post-Civil War lynching without carefully elucidating its origins has put historians in as awkward a position as a botanist trying to explain the hardiness and propagation of a weed without parsing its complex roots.

Michael J. Pfeifer, whose book *Rough Justice: Lynching and American Society, 1847–1947* (2004) provided an excellent comparative study of lynching in seven states, tackles the foundation problem in *The Roots of Rough Justice*. Although recognizing and briefly discussing the British origins of American lynching and the occasional use of extralegal punishments in the colonial and early national eras, Pfeifer concentrates on the period between the mid-1830s and the early 1870s, during which lynching, “any sort of collective extralegal punishment, lethal or nonlethal,” emerged as a common form of punishment as well as an instrument of social control in the South and then in the West, with occasional forays into the Midwest (p. 19).

In each of those areas the contest was between those who held differing views of the legacy of the American Revolution. The questions, to borrow and modify a phrase from historian Carl Becker, were not only ones of home rule and who should rule at home, but also of how, and to whom the rules should be applied. Were the citizens of the new nation bound by laws and due process as Amendment 5 of the Constitution proclaimed, or were they sovereigns unto themselves and hence free to take the law into their own hands?

In parts of the South in the 1830s, citizens adopted the “sovereigns unto themselves” side of the argument when they dealt with African American slaves whose rights as persons were virtually nonexistent, but who gained some legal protection as property. Yet some Southerners believed that even “person-property” could be killed without due process of law, if such “property” posed a threat to the white social order. Lynchers used similar “social order” reasoning to justify lynching in the West and other parts of the country, although the debate over the propriety of lynching in those areas was more vigorous than in the South. This was the case because the population in the West and the Midwest was a mix of North-

easterners, many of whom favored due process, and Southerners, who had less reverence for the rules.

Pfeifer’s intelligent and detailed exposition of this debate as it played out over forty years in southern, western, and midwestern settings defies easy summary. He is so careful not to overgeneralize, so nuanced in his arguments, so attentive to providing evidence for his conclusions, so far-ranging in his mustering of material, and so enthralled with intricate ideas that he borders on overloading the circuits of an ordinary reader’s brain. That is, of course, the ordinary reader’s problem, not the author’s.

Rough Justice provides insights which allow those who find lynching both reprehensible and incomprehensible some hope of understanding lynchers’ thinking and that of those who tolerated it. Thanks to Pfeifer we now know that the lynching of the post-Civil War decades rested in part on massive pylons of popular sovereignty, white supremacy, and class preservation and advancement. Those sturdy foundations, in the eyes of lynching apologists, raised extralegal punishments from the trash heap of necessary evils to the level of positive goods. Realizing the importance of these foundations, we can better understand why the practice was so difficult to eradicate and why elements of lynching’s DNA still remain in our criminal “justice” system.

Given the book’s quality, I hesitate to raise the slightest criticism. Yet, I wonder if a better title could have been found. Perhaps sometimes there was justice, albeit rough and irregular, in summarily killing the guilty, but as Pfeifer makes clear, lynching was also used to terrorize African Americans, Hispanos, and Native Americans who often had committed no crime, or whose missteps were either manufactured or exaggerated in order to justify a lynching. Was there any justice in that? Pfeifer does not confuse “rough justice” with actual justice, but those who simply glance at the

book title might incorrectly conclude that lynching equaled justice.

A dense work without illustrations and with long sentences, *The Origins of Rough Justice* will not attract a large audience among the Twitter generation's average sophomores. Fortunately, its many merits will assure the book's long life as a starting point for studies of lynching that come after it.

Note

[1]. L. Terry Oggel, "Speaking Out about Race: 'The United States of Lyncherdom' Clemens Really Wrote," *Prospects: An Annual of American Cultural Studies*, vol. 25 (New York: Cambridge University Press, 2000), 129.

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