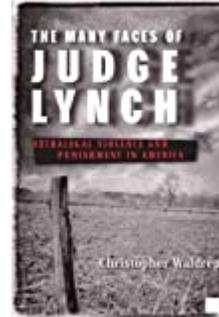




**Christopher Waldrep.** *The Many Faces of Judge Lynch: Extralegal Violence and Punishment in America.* New York: Palgrave Macmillan, 2004. x + 264 pp. \$24.95 (paper), ISBN 978-1-4039-6711-4.



**Reviewed by** William D. Carrigan (Department of History, Rowan University)

**Published on** H-Law (December, 2004)

## Lynching and Rhetoric

The scope of Christopher Waldrep's *The Many Faces of Judge Lynch* is geographically and chronologically impressive. His setting is all of the United States, stretching from Virginia to California, and he covers the period from the American Revolution to the present day. Such breadth demands a somewhat lengthy summary, but I promise to conclude by suggesting ways that scholars can engage and explore the implications of Waldrep's findings.

*The Many Faces of Judge Lynch* is a history of lynching in the United States, but it is not the history of lynching as a behavior or as an act of violence. Rather, Waldrep is concerned with lynching as rhetoric. He is interested in the history of the word "lynching" and how the complicated history of the language surrounding the word has influenced the history of extralegal violence in America. Waldrep argues that a history of lynching should not be, indeed cannot be, a history of acts of violence. Rather, the history of lynching must show how Americans have used the word lynching as a political tool to help them either to defend or to condemn certain types of mob violence.

After noting that the behavior called lynching was never unique to America and existed in many other parts of the world, Waldrep begins his study in Virginia where the word first began to circulate in the late-eighteenth century. Waldrep examines Charles Lynch and William Lynch, two men reputed to have been the first to use the term lynching. Both men used the word to legitimate their extralegal violence, though each had a different understanding of what "lynching" meant. No matter who was the first to use the term, Virginians soon came to understand lynching as a form of communal, neighborhood justice. This meaning, however, remained relatively isolated in Virginia's oral culture into the early-nineteenth century.

Lynching entered into national consciousness, says Waldrep, after an 1835 riot in Vicksburg, Mississippi. On July 6, a group of white gamblers shot into a crowd and killed a man. This infuriated the mob, which soon captured and hanged five men. The reason that these hangings, unlike other acts of mob violence, reverberated nationally was due to several factors. First, technological changes allowed for a wider circulation of newspapers.

Second, the violence in Vicksburg played into the political agendas of two important groups. Opponents of Andrew Jackson's administration seized upon the crowd action as an example of popular sovereignty run amok. Abolitionists argued that the Vicksburg case proved the debilitating influence of slavery on the rule of law in the south.

Waldrep believes that the abolitionist critique that human bondage fostered vigilantism was the "most powerful and important rhetorical weapon against slavery" (p. 49). The California Gold Rush, however, undermined this powerful argument. Americans, as a result of what they heard from California, came to accept that vigilantism was necessary and legitimate when the local courts were non-existent or ineffective in punishing criminals. This not only undermined the abolitionist attempt to use lynching to attack the south but made it difficult for Republicans during Reconstruction to assail the violence directed at Unionists and freedpeople.

By Reconstruction, Americans largely accepted lynching to mean an act of violence with widespread community support. Southern conservatives who committed attacks upon the freedpeople wanted to be seen as lynchers because that conveyed their legitimacy. Republicans, by contrast, did not want the violence of Reconstruction to be seen as lynching. They preferred "outrages" to describe the murders and killings of the period because it shaded the violence as illegitimate. In this struggle over the language of lynching, southern conservatives and groups like the Ku Klux Klan lost. Reconstruction violence was not supported by all southerners, not even by all white southerners, and so it did not meet the California test of near-universal community or neighborhood support. The result was that the mob actions of Reconstruction, often involving white perpetrators and black victims, were not widely considered "lynchings" at the time.

The lynching narrative, Waldrep writes, became unified in the 1870s. This newly coherent lynching narrative had four stages. First, a newspaper reported that a terrible, shocking crime had been committed. Second, news of the crime sent the locals into a frenzy for justice and vengeance. Third, the local courts were deemed ineffective, unable to provide the swift, clear punishment that was needed. Fourth, near unanimous public support coalesced and led to a popular act of rough justice. Waldrep says that it was important for newspapers to document public support which they gleaned from the size of the mob, the participation of "leading men," and even from

the participation of racial minorities. Newspapers in the 1870s, Waldrep tells us, did not portray lynchings as particularly reserved for black victims or native to the South.

Perceptions of lynching, however, did begin to change in the 1890s thanks to the continued work of journalists T. Thomas Fortune and Ida B. Wells. Most whites, especially white southerners, did not change their position on lynching. What Wells and Fortune were doing was unifying African Americans and convincing some white Northerners that lynching in the South had a racial component. Wells attacked the narrative of lynching by claiming that many black victims of lynching had never committed the shocking crime that was the first stage in the lynching narrative. She argued that the charge of rape was a mere pretext for white southerners to justify their murders of blacks.

During the early-twentieth century, a division erupted among civil rights activists over the definition of lynching. One camp was led by Jessie Daniel Ames and Monroe Work of Tuskegee. They wanted a narrow definition of lynching. This would help them achieve their goal of a "lynch-free year." This was politically important because such a year would make lynching seem like a thing of the past and thus undermine the community support necessary for lynching in the first place. The second camp was led by the National Association for the Advancement of Colored People. They did not believe that southern racism could be easily eliminated. They argued that the goal of a lynch-free year would lead observers to conclude mistakenly that the south had reformed itself. Thus, they favored a broad definition of lynching that included, for example, murders committed by small committees in the dead of night and killings carried out by posses containing law officers. A summit conference was held at Tuskegee in 1940 to iron out these differences and agree on a definition of lynching. The conference did not agree on a precise definition but did agree on four things. First, there must be a dead body. Second, the killing must have been illegal. Third, the murderers must have constituted a group (though size of group was not specified). Fourth, the murder had to have been committed under the "pretext of service to justice, race, or tradition." The NAACP approved of this broad construction, though it proved hard to use in practice. Jessie Daniel Ames rejected the definition. Scholars of lynching adopted it in later years, but Waldrep concludes that there can be no true definition of lynching. Newspaper editors and correspondents imposed their own ideas about lynching, rendering any attempt by scholars to consistently distinguish murders from lynchings impossible.

The word lynching is now a part of national thinking. Waldrep believes that the word is still elastic in its meaning but that it is now largely understood as racial and wrong. This is nearly a complete reversal of ideas about lynching a hundred years ago. Several factors—a booming urban population, nationalized newspapers, movies, radio, and specific events such as the Scottsboro case—were important in this process, but Waldrep believes that the turning point in national understanding of lynching was the *Brown v. Board of Education* decision and the subsequent murder of Emmett Till. Waldrep concludes that the transformation of lynching’s meaning is now so complete that Clarence Thomas can claim he was the victim of a “high tech lynching” while the public will not consider the mob murder of a white New Hampshire man for beating his hired hand in 1957 to be a lynching.

\*\*\*

This a rich book with much for historians to ponder. Before proceeding to the key issues raised by Waldrep, however, a word about the prose itself is in order. *The Many Faces of Judge Lynch* is written without jargon and is accessible to a wide audience. Although the book covers an enormous range of years and regions, the text is not overly long. Even when counting the notes, it is still just 232 pages.

*The Many Faces of Judge Lynch* stands out among works on lynching for a number of reasons, most obviously because of its focus upon the rhetoric of mob violence instead of the actions of mobs themselves. There are, however, other important differences worth noting. To begin with, Waldrep’s timeframe means that his study begins early in American history and allows him to chart change over time clear through to the recent past. Most studies of lynching focus on the years from 1880-1940 when lynching statistics were being compiled by various newspapers and civil rights organizations. Waldrep’s work suggests a variety of new research projects that might be done on the period before 1880.

Waldrep’s study is also unusual in that he examines lynching’s impact and influence throughout the entire United States. For example, he gives due attention to the importance of the northern and eastern media in shaping how lynching was understood by Americans. Even when focusing on specific states, he gives attention to Kansas, California, and Montana, as well as Virginia, Mississippi, and Georgia.

Parallel to his enlarged geographic range is an expanded examination of the victims of mob violence.

While the best works on lynching have always noted the existence of white and non-black victims of mob violence, they have nevertheless focused primarily upon African Americans. Waldrep also gives the majority of his attention to white-on-black violence, but he spends more time than most on extralegal violence against white men.

By now it should be clear how much I admire and respect Professor Waldrep’s book. It is, in my opinion, the best national overview of lynching yet written. Of course, this does not mean we have reached the end of the line with the study of lynching and mob violence. What follows are my own ideas about how we might expand upon *The Many Faces of Judge Lynch*.

My own published work emphasizes the role of historical memory in condoning, supporting, and encouraging extralegal violence. In understanding lynching, Waldrep focuses on contemporary debates and arguments. He wants to know, quite wisely, what language people were using at the time to talk about mob violence. Yet, I believe that the way communities and individuals remembered earlier historical periods is critical. In short, I think that historical memory had a greater influence on the history of mob violence than does Waldrep. To highlight just one period, I believe that the historical memory of Reconstruction and its violence was critical in shaping later justifications of lynching. To be fair, Waldrep does spend some time examining how Americans remember mob violence, but he could have done far more. For example, Waldrep should have devoted more space to D.W. Griffith’s film *Birth of a Nation* (covered in less detail than Walter Van Tilburg Clark’s *The Ox-Bow Incident*).

Another direction for researchers would be examining the rhetoric of lynching as applied to non-black minorities such as the Chinese, Mexicans, and Native Americans. Waldrep gives particularly scant attention to mob violence against American Indians. This is due in part to the fact that the word lynching was rarely used to describe the violence exacted upon Indians. There are interesting similarities between the acts of violence that claimed the lives of Indians and the acts of violence later orchestrated against white cattle thieves and alleged black rapists. Such connections have been periodically noted by scholars. “The first lynchings in this country,” wrote sociologist W. D. Weatherford in 1916, “were perpetrated on Indians.”[1] Waldrep at times in his book goes to lengths to describe why certain acts of mob violence were not widely described as lynchings, and it would be good to follow up on this question with regard to Native

Americans.

One of the more controversial aspects of Waldrep's work will be his criticism of the use of statistics to study mob violence. I am on record as largely agreeing with Waldrep about the difficulties in tabulating accurate statistics on mob violence. I am still not convinced that all statistical analysis must be abandoned. This is in part because while I stoutly deny that I am a "positivist," I do admit to being a pragmatist in the mold of Charles Pierce. The difficulties that surround the study of lynching are, in the end, merely heightened versions of the problems that surround all historical sources. While I think that there is a danger with statistics giving some readers a false sense of scientific certainty, careful academics should be able to use statistics in a reasonable, fair, and clarifying way. I still think this can be done. I will say that I will be even more cautious with my use of statistics in the future, though I doubt that this goes far enough for Professor Waldrep.

*The Many Faces of Judge Lynch* will be of primary interest to scholars with interests in lynching, crime and punishment, and the history of rhetoric. The book's influence, however, should go beyond those groups. I would like to end my review by focusing on two areas of Waldrep's book that engage, albeit as part of his larger argument, some of the seminal questions of American history.

Christopher Waldrep argues that western expansion hurt rather than helped the abolitionist cause. This flies against the traditional perspective which portrays western expansion as having kept before the American public the issue of slavery that would otherwise have been

buried by the gag rule, the censorship of the mails in the south, and other such silencing measures. At the very least, Waldrep's argument provides new sophistication to our understanding of how western expansion impacted the sectional conflict.

Historians who have written about violence during Reconstruction have not often portrayed southern conservatives as the losers. Yet, Waldrep argues that they suffered defeat in the rhetorical battle over how Reconstruction's violence should be understood at the national level. In doing so, he emphasizes significant division in the white south over the issue of violence. Reconstruction, from Waldrep's perspective, was much more contested and less certainly doomed to failure than historians have traditionally led us to believe. To quote Waldrep: "Recognizing the importance of language in Reconstruction allows the restoration and the recovery of the essential tendentiousness of the period" (p. 83).

Touching upon this issue of contingency is an appropriate way to conclude because this is one of the great strengths of Waldrep's approach to the past. His emphasis on language reveals how contested the meaning of extralegal violence was throughout American history, how particular individuals helped shape and alter the meaning of lynching, how political the simple reporting of crimes in newspapers could be. Attention to language and contingency is, of course, not new to historians, but the profession should be grateful for this very fine example of how such history is written.

Note

[1]. "Lynching-1916 Discussions," box 2, Lynching Files, Tuskegee University Archives, Tuskegee, Alabama.

If there is additional discussion of this review, you may access it through the network, at:

<https://networks.h-net.org/h-law>

**Citation:** William D. Carrigan. Review of Waldrep, Christopher, *The Many Faces of Judge Lynch: Extralegal Violence and Punishment in America*. H-Law, H-Net Reviews. December, 2004.

**URL:** <http://www.h-net.org/reviews/showrev.php?id=10037>

Copyright © 2004 by H-Net, all rights reserved. H-Net permits the redistribution and reprinting of this work for nonprofit, educational purposes, with full and accurate attribution to the author, web location, date of publication, originating list, and H-Net: Humanities & Social Sciences Online. For any other proposed use, contact the Reviews editorial staff at [hbooks@mail.h-net.org](mailto:hbooks@mail.h-net.org).