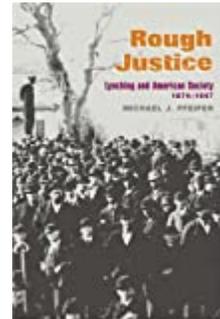




Michael J. Pfeifer. *Rough Justice: Lynching and American Society, 1847-1947.* Urbana: University of Illinois Press, 2004. x + 245 pp. \$35.00 (cloth), ISBN 978-0-252-02917-2.



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Lynching and the Revolt against (Legal) Formalism

Sunday, August 28, 2005, was the fiftieth anniversary of the murder of Emmett Till, the African-American teenager from Chicago whose death in the Mississippi Delta became a catalyst for the modern Civil Rights movement. Had he lived, Till would be approaching retirement age, and like many of his generation taking stock of a full life as he prepared for its next stage. Instead, his life was cut short in an instance of vicious brutality that shocked the nation. Many would say that Till was lynched, and that the swift acquittal of the two men accused in the case compounded the failure of due process and equal justice in this "most Southern place on earth."

I thought of Emmett Till as I read Michael Pfeifer's important new study of lynching in American history. Like the Till case itself, any effort to plumb the depth of emotional ferocity and make sense of the phenomenon is fraught with peril. Pfeifer has entered the quixotic debate over lynching and popular violence with a bold perspective, offering fresh insights and cleverly restating established judgments to suit his own purposes. The result is a tightly focused study that is thoughtful, nuanced, and

demanding in the best sense of the word. In sum, *Rough Justice* is an important contribution that provokes deep thinking about crime and punishment, violence and regionalism in American history.

Michael Pfeifer contributes to the scholarly discourse on lynching in three distinct but complementary areas. More than any other work on the subject, *Rough Justice* advances a comparative approach to lynching as a dimension of popular violence in American history. His comparisons follow a regional trajectory, focusing on seven states in three regions (West, Midwest, and South). Furthermore, Pfeifer's regionalism is an implicit challenge to the common association of lynching with a tradition of popular violence rooted in a distinctive Southern culture. Finally, Pfeifer sets his discussion of lynching within a larger consideration of the formal (read legal) administration of justice. On this last and perhaps most challenging point, Pfeifer writes persuasively, "To dismiss the relationship between lynching, law and the death penalty is to ignore a debate that constantly ignited fin-de-siecle midwesterners, westerners, and southerners as well as lynching's first historians" (p. 8).

Rough Justice is an outgrowth and elaboration of Pfeifer's doctoral dissertation at the University of Iowa (1998), and there is evidence of that beginning throughout the narrative. The research into primary sources is impressive and the secondary literature is up-to-date. (Readers might wish to consult Pfeifer's website, which stores a vast amount of information on lynching.) Only infrequently does social science jargon interrupt the flow of the manuscript. For example, I am still pondering the precise meaning of "masculinist perspective" in his discussion of gender and the lynch mob (p. 62).

On the comparative dimensions of *Rough Justice*, Pfeifer is broad in his thinking but surprisingly limited in his scope. Broad in the sense that he analyzes incidents and patterns in diverse states, and limited in the sense that he is very selective in the states and incidents brought under analysis. The states in question are Iowa, Wisconsin, Wyoming, Washington, California, Louisiana, and New York, or more precisely "the region beyond the Alleghenies" (p. 63). Pfeifer ascribes different patterns and motivations to mob behavior in these states, and different attitudes towards the criminal justice system. To the author's credit, Pfeifer's analysis is respectful of the complex motivations that could stir local mobs to action. Class interest is an overriding feature of his analysis, but race, ethnicity and gender are important social factors taken into consideration. One of the great virtues of this study is its awareness of similarities and differences between racial and nonracial lynchings, and the underlying ideologies at work.

The strength of any comparative history is measured by how representative the case studies are in illuminating similarities and differences across time and space. On this point, I think Pfeifer could have extended his reach to be more inclusive of other incidents that fall within his regional categories. It is reasonable to question his selectivity, even if one still can appreciate the demanding analysis he puts forth. He could have been less dismissive of eastern episodes, and he could have looked more deeply into western and midwestern patterns. Pfeifer's apparent selectivity does not undermine his comparative interest, but it does shift the balance in favor of the other two contributions: the debate about Southern distinctiveness and the analysis of attitudes towards crime and punishment, especially the death penalty.

Implicitly, *Rough Justice* makes a strong argument for understanding lynching as more than a Southern phenomenon, more that is than the product of a distinct regional culture that flourished in the post-Civil War era.

While the overwhelming number of lynchings occurred in the South, a significant number, perhaps 15 or 20 percent, did not. Pfeifer's evidence compels a broader perspective than most historians and students of the subject have allowed. Without belaboring the point, the large number of lynchings (racial and nonracial) beyond the American South were not aberrations, and they cannot be explained by the mere migration of southern attitudes to other regions. Instead, as Michael Pfeifer demonstrates, the roots of lynching lie deeper in the popular psyche, if that is the word, and they relate to the deep-seated political and cultural changes at work in American life. On this point, while Michael Pfeifer repeatedly acknowledges the influence of scholars like W. Fitzhugh Brundage, Stuart Tolnay and E. M. Beck, one senses the abiding influence of Richard Maxwell Brown's older studies, especially *Strains of Violence* (1975), in his approach to crime and justice issues.

And herein is what I think is the most original feature of *Rough Justice*, namely placing the discussion of lynching within the larger context of shifting attitudes toward criminal justice in the United States. Popular sovereignty, an abiding rural localism, and fixed attitudes toward "social enemies" (p. 12) all played a part in a pattern of revolt against legal formalisms rooted in nineteenth-century culture that survived well into the twentieth century. What Pfeifer writes of Wyoming stands for the other states under review: "The complaints of the rough-justice camp were rooted in a rural cultural perspective unsympathetic to the deliberative nature of due process law and to the legal reforms promoted by a rising middle class ... of city-dwellers. The net effect was a ... cultural war waged between rough-justice and due process camps" (p. 29). This "cultural conflict over criminal justice" (p. 96) and capital punishment demonstrated deep divisions among the citizenry. Ideological differences, contrasting social experiences and, indeed, I would say, very particular notions of the meaning of democracy lay beneath the cultural debate over citizens' rights and communal punishment.

Popular versus bureaucratic approaches to punishment (extralegal and legal violence, if you will); entrenched rural workers at odds with a rising urban middle class; and a spirit of localism run up against enlightened legal reform interests—all amount to a colossal clash of perspectives over law enforcement. Pfeifer is by no means one-dimensional in his approach, and his analysis is rich and deep, but in a very clever way he has resurrected the "modernization" debate in American history. One might also go so far as to say that this is a story of

regional cultural hegemony in the emergence of a more integrated national society.

Northeastern legalists serve as the agents of progress in bequeathing a more progressive approach to due process reform, in effect remaking the terms of capital punishment. Historically, Pfeifer states, northeasterners preferred “crime-control measures that fell short of extralegal killing” (p. 123). What began east of the Alleghenies in the early nineteenth century, we are told, eventually triumphed west of the mountains with the collapse of localism and the end of an “embarrassing fin-de-siecle revolt against due process” (p. 122). A middle class and the “integrative forces of the market” (p. 123) transformed the criminal justice system in America, forging a new standard on issues of crime and punishment.

I find Pfeifer’s analysis compelling, even when I do not agree with particular points he raises. In some respects his selectivity limits the impact of his argument. And, where he would stress popular or rough justice as a “revolt” against legal formalisms, I would choose the word “resistance” as if to suggest deep-seated attitudes that are somehow imbedded in our political and social fabric. This is more than mere semantics, but I think we are not that far apart. I especially appreciate the manner

in which he has cautioned against viewing lynching as a distinctive Southern phenomenon.

This book makes you think, not only about lynching and extralegal violence in American history, but about larger debates over the death penalty. What Pfeifer has done is to shift the discussion of lynching and race to a broader field of play: popular violence and cultural attitudes toward the law. In some respects this is reminiscent of earlier works, but with a more sophisticated approach to the subject. In so doing, as discerning readers will note, he encourages a reconsideration of race and regionalism in contemporary America. This is particularly evident in his concluding remarks about the contentious debate over a death penalty moratorium in states like Illinois and Maryland.

This book deserves a wide readership. Social and legal historians, students of race and violence in America, and those interested in crime and punishment will benefit from its bold analysis of lynching and the revolt against due process. *Rough Justice* blends regional analysis with well-formed views on popular violence and criminal justice, demonstrating how the past continues to speak to the present aspect of American life.

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