Manfred Berg

Lynching and the Ambivalence of Modernity

In 1905, the sociologist James E. Cutler began his book, *Lynch-Law: An Investigation into the History of Lynching in the United States*, with the following introduction: “It has been said that our country’s national crime is lynching … The practice whereby mobs capture individuals suspected of crime … and execute them without any process of law … is to be found in no other country of a high degree of civilization.” Cutler’s proposition that lynching was a uniquely American phenomenon and signified a remnant of a barbaric past unworthy of a civilized nation enjoyed widespread support among the American public in the early twentieth century. For example, after a mob had lynched a black man for the alleged assault on a white girl in Vicksburg, Mississippi, in May 1919, white community leaders protested that the lawless act had made their town “the object of abuse and contempt of people in every section of the civilized world”. Historical scholarship has frequently echoed the notion of lynching as a custom fundamentally at odds with civilization and progress. In her study of a notorious lynching in Waco, Texas, in 1916, when a mob of possibly more than 10,000 people tortured and burned alive a black man charged with the rape and murder of a white woman, historian Patricia Bernstein freely confesses her bewilderment: “How could such a medieval barbarity possibly have taken place in our own nation … in front of many educated, middle-class people who enjoyed all the comforts of the modern age, including automobiles, ready-made clothing, telephones, and public libraries?”

The following essay counts among those recent studies that challenge the notion of lynching as an archaic, premodern tradition strangely lingering until the mid-twentieth century. Lynching as practiced in the United States during the late 1800s and early 1900s was to some degree generated by modernity, and it incorporated many modern features. Here I will stress one dimension of this broad argument: lynching as a response to the rise of the modern state and its claim to a “monopoly of legitimate violence”. While the term lynching is often used loosely to denote all kinds of violent outrages, its historical meaning has predominantly focused on extralegal punishment meted out by a group of people claiming to represent the will of the larger community and acting with an expectation of impunity. This essay will not deal with the question of whether lynching represented a “negative” American exceptionalism, because any meaningful answer would require substantial comparative work. Suffice it to say that that mob violence can be found in all societies and ritualized mob murder in many. Recent studies of lynching in global perspective have emphasized weak legal and political institutions in combination with popular distrust of the state and the criminal justice system as the most significant common denominators of popular justice around the world.

Still, Cutler and other critics at the time and later had a point when they noted that the frequency and the brutality of lynchings singled out the United States among the so-called civilized nations in the early twentieth century. Thus, while the essay avoids any essentialist assertion of American exceptionalism, I am interested in lynching and mob violence as a distinctive American manifestation of the ambivalence of modernity.

To be sure, there are good reasons that both contemporary writers and historians have frequently employed the dichotomy between barbarism and modernity.

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civilization to make sense of lynching. For starters, the elaborate rituals of cruelty which the mass mobs of the late nineteenth and early twentieth centuries staged to punish black men for alleged sexual crimes against white females inevitably conjured up images of bloodthirsty medieval crowds gaping at hapless men and women being burned at the stake or broken on the wheel. The revolting brutality of the 1916 lynching in Waco that Bernstein laments was by no means exceptional. Such “spectacle lynchings” in front of large crowds – usually involving torture, mutilation, burning alive, and dismemberment of the victim’s body – occurred until well into the 1930s, especially in the Jim Crow South. In 1899, for example, a newspaper report described the death of Sam Hose, a black farm worker from rural Georgia charged with the murder and rape of his white employers, in graphic detail that is hard to fathom: “Before the torch was applied to the pyre the negro was deprived of his ears, fingers and other portions of his anatomy. The Negro pleaded pitifully for his life while the mutilation was going on, but stood the ordeal of fire with surprising fortitude. Before the body was cool it was cut to pieces, the bones were crushed into small bits .... The Negro’s heart was cut into several pieces, as was his liver. Those unable to obtain these ghastly relics directly paid fortunate possessors extravagant sums for them.” Similar reports could be cited ad nauseam.

Understandably, many contemporary commentators sought to distance American civilization from the lynchers by rhetorically consigning them to a long-gone past. In 1937, for example, the Atlanta Constitution, a leading southern newspaper, stated its conviction “that the day is not far distant when the rope of the lyncer will be as strange in modern life as is the stake of the Salem witchburner”. Anti-lynching activists, as Silvan Niedermeier’s essay also explains, used the discourse of civilization to highlight mob violence as a national disgrace and did not shy away from putting their country on the spot before international audiences. When the black journalist and anti-lynching crusader Ida B. Wells toured Great Britain in 1893 and 1894, she publicly chastised lynching in the United States as a menace to human civilization all over the world. During the First World War, black newspapers routinely compared lynching to the war atrocities allegedly perpetrated by the German “Huns”, who at that time symbolized the nadir of civilization. In a similar vein, black civil rights leaders exploited the comparison with

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4 Quoted from the Charleston News and Courier, April 24, 1899, in: Christopher Waldrep (ed.), Lynching in America. A History in Documents (New York 2006) 147–48; on lynching as a mass spectacle, see Amy Wood, Lynching and Spectacle: Witnessing Racial Violence in America, 1890–1940 (Chapel Hill 2009). The National Association for the Advancement of Colored People listed 11 victims burned at the stakes for 1919 (total lynchings 63), 2 for 1925 (total 18), 1 for 1930 (total 25); see NAACP press releases with lynching figures for the respective years, in: Records of the National Association for the Advancement of Colored People, Library of Congress, Manuscript Division, Washington, DC, part I, series C, boxes 338, 339, 34 [hereafter NAACP I C box #].

Nazi Germany as a discursive weapon to expose American hypocrisy. In 1938, Roy Wilkins, assistant secretary of the National Association for the Advancement of Colored People (NAACP), bitterly commented on the double standard many Americans evidently applied in condemning Nazi violence against German Jews: “Until we stamp out the rope and the faggot ... we cannot make a good case against the cruelties of storm troopers.”6 The comparison with Nazism was not only a political embarrassment for the American government but carried deeper implications. If a modern civilized country like Germany could lapse back into barbarism, lynching might pose a similar threat to America.

Nevertheless, most anti-lynching campaigners and writers believed that modernization would ultimately eradicate lynching and that liberal elites had to support this process through economic reforms and tireless educational efforts. In his 1933 book The Tragedy of Lynching, the sociologist Arthur Raper voiced a widespread expectation when he wrote: “Mobs and lynchings eventually can be eliminated if the irresponsive and irresponsible population elements can be raised into a more abundant economic and cultural life.”7 At first glance, the proposition that urbanization, industrialization, the rise of the mass media, and improved public education would lead to the demise of lynching seems highly plausible. However, upon a closer look, the connection between lynching and modernity becomes more complicated. In light of the terrible history of the twentieth century, the notion that the advance of modernity would lead to a gradual decline of civil violence – not to mention international violence – has lost considerable credibility8. More

8 Arguably, the most comprehensive and sophisticated sociological theory of a long-term historical development leading to a reduction of interpersonal and international violence is Norbert Elias’s idea of a process of civilization. To be sure, Elias focused on Western Europe since the Middle Ages, he said nothing about lynching in North America, and he denied the teleological implications of his theory. Still, he insisted that the direction of the historical process was unmistakably aimed at the establishment of monopolies of violence both at the state and the international levels, see Norbert Elias, Über den Prozess der Zivilisation, 2 vols. (Frankfurt a. M. 1997, original 1939), esp. vol. 2, 449. For a comprehensive argument, based on Elias, that violence has continuously declined throughout history, see Steven Pinker, The Better Angels of Our Nature: The Decline of Violence in History and its Causes (London 2011).
important in relation to the topic of this essay, it does not square with the history of lynching in America. Rather, the historical record supports an alternative narrative of lynching as a response to the rise of a modern system of criminal justice and as a phenomenon that was thoroughly modern in many of its characteristics.

In American history, the idea that the extralegal violence that lynching represented would disappear with the advance of progress and civilization has been closely linked to the ideology of the frontier, with its famous claim that the process of continuous westward expansion shaped American character. The struggle for survival in an unforgiving wilderness supposedly transformed the settlers into sturdy and self-reliant pioneers who formed tightly knit communities based on the ideals of liberty, equality, and local self-government. Frederick Jackson Turner, the great historian of the American West, summed up a series of arguments that had developed since the 1850s when he suggested that vigilantism and punishment outside the law were examples of frontier culture in action. In dealing with crime, he wrote, “the frontiersman was impatient of restraints. He knew how to preserve order, even in the absence of legal authority. If there were cattle thieves, lynch-law was sudden and effective.” Turner articulated what can be called the frontier theory of lynching. In short, it held that lynching in America had its roots in conditions on the frontier and sprang from necessity rather than from a spirit of mob violence. With settlement advancing quicker than an effective judicial system, the people had no choice but to take the law into their own hands. Vigilantism, far from epitomizing lawlessness, represented legitimate communal self-defense and wholesome popular justice. In the view of its apologists, the reign of lynch-law appeared as a first step toward building a civil society and a necessary transitional phase of American history that gradually ceased with the advance of civilization and government. In fact, frontier vigilantes emphatically insisted that they followed the spirit of the law, if not the letter. As a vigilance committee in Sonora, California, phrased it in 1851: “We are not opposing ourselves to the courts of justice already organized. We are simply aiding them or doing work which they should do but which under the imperfect laws of the state, they are unable to accomplish.” However, recent scholarship has demolished the image of frontier justice administered by virtuous pioneer communities and painted a much more sordid picture that emphasizes racial and ethnic hostility as well as class conflict as the prime motives of lynchers. In particular, the notion that frontier vigilantes only acted where efficient government was nonexistent does not


square with the historical record, which contains numerous lynchings of criminal suspects who were already in custody.

Moreover, the environmental determinism according to which the quasi state of nature prevailing on the frontier would inevitably lead to lynching cannot explain why many frontier communities such as German and Scandinavian farmers in the Dakotas did not Lynch alleged criminals. Nor does the frontier theory account for the conspicuous fact that extralegal punishment was no major concern during the colonial era. After all, British North America was a frontier society with no effective system of law enforcement in the modern sense. In many areas, courts were few and far between, and there were hardly any jails available to lock up suspects. Still, studies of crime in colonial America have not uncovered evidence that the colonists reacted to the purported weakness of their criminal justice systems by taking the punishment of criminals into their own hands.

Of course North American colonists in the seventeenth and eighteenth centuries had their own concept of efficient criminal justice that had little to do with modern ideas of a state monopoly exercised by trained professionals. Basically, the punishment of crime was a responsibility of the entire community. All able-bodied men had the duty to assist in apprehending criminals; members of the local community served as magistrates and jurors. Trials were relatively short and simple, and sentences were carried out soon after the verdict. Executions, in particular, were elaborate public rituals of retribution and repentance which attracted large crowds and usually lasted for many hours. It would be misleading, however, to conceive of them as base popular entertainment. “Hangings were not macabre spectacles staged for a bloodthirsty crowd,” writes the historian Stuart Banner, but “a somber event, like a church service. Hanging day was a dramatic portrayal, in which everyone could participate, of the community’s desire to suppress wrongdoing.” Thus, the way the death penalty was administered satisfied the people’s sense of swift and harsh punishment for serious crime as well as their claim to an active role of the community, often including ordinary citizens performing the duty of the hangman.

Under such circumstances, there was no cause for the kind of extralegal punishment that would later become known as lynching. However, as the process of

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modernization during the nineteenth century transformed North America into an increasingly urban and industrial society, public executions ceased to be communal rituals but degenerated into rowdy affairs involving drunkenness and brawls. Some penal reformers even called for a wholesale abolition of the death penalty, while many more favored banning public executions and drastically reducing the number of capital crimes. Gradually, prison became the standard method of punishment for nearly all crimes short of murder. And although support for the death penalty remained high, and public executions continued in a few states into the twentieth century, the death penalty was increasingly monopolized by the state and deprived of its former character as popular justice14. Yet, the idea that the people have a right to participate in the administration of criminal justice persisted and became one of the most salient arguments in defense of lynching.

During the American Revolution, Colonel Charles Lynch of Bedford County, Virginia, presided over extralegal courts claiming to fight lawlessness in general and Loyalist conspiracies in particular. Although Lynch and his associates executed several of their prisoners, they mostly limited themselves to severe corporal castigation and indeed observed a minimum of procedural fairness15. It therefore seems somewhat unwarranted that Lynch’s name eventually became associated with the murderous mobs of the nineteenth and twentieth centuries. Still, the libertarian spirit of the revolutionary era made a momentous contribution to the American culture of legitimate popular violence. According to the historian Richard Maxwell Brown, “In the realm of ideas, the concept of popular sovereignty emerged as a powerful rationale for extralegal violence against those deemed to be enemies of the public good.”16

Nevertheless, until about 1830, incidents of lynch-law were rare and mostly limited to non-lethal punishment such as whipping and banishment from the community. In the 1830s mob violence and lynching began to soar. In September 1835, Niles’ Weekly Register, one of the most influential magazines in the United States lamented: “Society seems everywhere unhinged and the demon of ‘blood and slaughter’ has been let loose upon us … We have executions, and murders, and riots to the utmost limits of the union. The character of our countrymen seems suddenly changed, and thousands interpret the law in their own way.” Indeed, historical research has confirmed this picture. David Grimsted, a leading scholar of antebellum mob violence, has counted a staggering total of 147 riots for 1835, with 109 incidents occurring between July and October alone, making that year “the crest of rioting in the United States”. Contemporary observers also noted correctly that mob violence took a deadly turn during the 1830s. The 1835 riots

14 Banner, Death Penalty 88–168; on the persistence of public executions, see Wood, Lynching and Spectacle 19–44.
claimed at least seventy-one lives, and most victims died at the hands of mobs act-
ing with intent to kill17.

In the decades between the 1830s and the Civil War, mob violence and lynching
became an integral part of American life. This development mirrored the enor-
mous tensions created by rapid social change and political polarization. The ad-
vent of modern capitalism and mass democracy in the antebellum era, the his-
torian Paul Gilje argues, created a “cutthroat egalitarian atmosphere” which pitted
social classes as well as ethnic and religious groups against each other. In particu-
lar, mass immigration, coupled with urbanization, was a major wellspring of civil
violence. Most of the roughly four million immigrants who entered the United
States between 1840 and 1860 were Irish and Germans, two groups whom the
dominant Anglo-Protestants viewed as significantly different in their language,
culture, and religion and as unwelcome economic competitors. Not surprisingly,
mass immigration triggered a strong nativist backlash. Violent clashes between
immigrants and nativists as well as among the different immigrant populations be-
came a hallmark of antebellum urban life18.

The emergence of mass-circulation newspapers was another aspect of modern-
ization fostering the rise of collective violence. Improvements in printing technol-
ogy sharply reduced costs and sales prices and newspaper circulation skyrocketed.
A drastic change in reporting styles boosted the allure of the penny press. Sex and
crime stories featuring murder and rape whipped up emotions and could easily be
read as encouraging mob action19. The upsurge of mass newspapers also furthered
the rise of mass politics in the 1830s. The presidencies of Andrew Jackson and his
successor Martin Van Buren, encompassing the years from 1829 to 1841, marked
the transition from a fairly elitist political culture toward mass participation based
on universal white manhood suffrage. The Jacksonian Democrats and the Whigs
emerged as modern parties keenly competing for a mass following. Political rallies
tended to be rowdy and drunken affairs, and fists and bludgeons were often more
instrumental in settling political disputes than the power of the reasoned word.

The arrival of the “common man” in politics advanced a new understanding of
popular sovereignty that included the power of ordinary people to take the law
into their own hands. Indeed, antebellum apologists of lynching frequently cited
public approval and mass participation as incontestable evidence that the act itself
was justified. For example, in 1836, a judge in St. Louis, Missouri, incidentally but
fittingly named Luke Lawless, instructed a grand jury which was considering in-
dictments against lynchers who had burned a free black man before a large crowd.
If the deed represented the “mysterious, metaphysical, and almost electric

17 Niles’ Register quoted in: Cutler, Lynch-Law 104; David Grimsted, American Mobbing,
18 Paul A. Gilje, Rioting in America (Bloomington, Ind. 2005) 10, 60–143 passim. See also
Michael Feldberg, The Turbulent Era: Riot and Disorder in Jacksonian America (New York
1980); Roger Lane and John J. Turner, Riot, Rout, and Tumult: Readings in American Social
and Political Violence (Lanham 1983).
19 Waldrep, Many Faces 33.
phrenzy” of an “infuriated multitude”, the judge reasoned, “the case then transcends your jurisdiction – it is beyond the reach of human law”. In the antebellum defense of lynching, ancient ideas of the voice of the people being the “voice of God” merged with the dynamics of a budding mass democracy. Interestingly, some historians have explained the extraordinary levels of private violence in American history, including homicide and lynching, by arguing that “democracy came to America too early”, that is to say before the state was able to firmly establish a monopoly of force, as it had done in Europe, and before urban industrialism had advanced far enough to transform working-class culture in ways that marginalized the raucous artisan republicanism of the early 1800s. As a consequence, many Americans have remained sceptical toward the idea that the state should have a monopoly on the use of force, seeing it as a threat to their democratic rights20.

Arguably, the institution of slavery was not only the most polarizing issue in American politics before the Civil War, but also the single most important source of mob violence and lynch-law. Both in the free states of the North and in the slaveholding South, opponents of slavery became the target of rioters who detested abolition as a threat to white supremacy and sectional peace. However, while northern anti-abolition riots rarely resulted in fatalities, southerners lynched scores of suspected abolitionists and slaves. Critics of slavery were regarded as mortal enemies of the South who had to be stopped by “terror and death”, as South Carolina politician and planter John Henry Hammond warned in a letter to the New York Times. Although there were virtually no abolitionists in the South, rumors of abolitionist conspiracies to incite slave rebellions sparked numerous insurrection scares, with mobs making short work of alleged white abolitionists and supposedly plotting slaves, whose confessions were obtained under torture and were patently fictitious for the most part. Sober-minded southerners understood that the panics were little more than the products of hysteria and blood thirst. During an 1856 scare in Tennessee, which resulted in the extralegal execution of more than fifty slaves, a planter privately mused: “We are trying our best . . . to produce a Negro insurrection, without the slightest aid from the Negroes themselves.”21

The violent defense of slavery reflected a peculiar southern culture of honor and vengeance in which the concept of a state monopoly of legitimate force had little meaning22. For two centuries slavery had contributed to the weakness of govern-

21 Quotations in Grimsted, American Mobbing 22 (Hammond) 172 (Tennessee scare). Grimsted’s study is the most comprehensive account of mob violence and lynching related to slavery.
22 See the classic works by Bertram Wyatt-Brown, Southern Honor: Ethics and Behavior in the Old South (New York 1982); id., Honor and Violence in the Old South (New York 1986);
mental institutions by establishing a system of personalized violence that gave masters almost unlimited power over their human property. Then again, the slaveholders’ interest in their property provided some degree of protection for antebellum slaves against mob violence. With the abolition of slavery at the end of the Civil War this barrier collapsed. In fact, mob violence against freedpeople and white Unionists in the South claimed tens of thousands of lives during the Reconstruction era, although no reliable statistics exist. After the surrender of the Confederacy, many white southerners resorted to rioting, night riding, and lynching to fight the dreaded “Negro rule” that vindictive northerners had allegedly foisted upon them and that they believed posed a mortal danger to white civilization. Before the war, one Georgian later recalled nostalgically, whites had looked upon the black slave as “a gentle animal that they would take care of”, while after the war the feeling prevailed “that the negro is a sort of instinctive enemy of ours”. White southerners tenaciously clung to the belief, deeply ingrained after two centuries of racial slavery, that cruel violence was indispensible to discipline “black brutes” and that all white men had the right and the duty to administer physical violence against blacks with impunity.

Still, the violence during Reconstruction did not simply continue traditions established under slavery but was a response to the sweeping changes in the status of blacks. Arguably, the fact that between 1863 and 1870 roughly four million slaves were emancipated and made into U.S. citizens entitled to the equal protection of the laws and equal manhood suffrage amounted to the most dramatic social and political transformation in American history. Historians have rightly dubbed this the “Second American Revolution”, albeit one that remained tragically unfinished. Against this backdrop, race riots, lynching, and vigilante violence can be appropriately characterized as counterrevolutionary terrorism which played a key role in undermining northern resolve to protect black citizenship rights in the South.


Eugene Genovese, Roll Jordan Roll. The World Slaves Made (New York 1974) 33. Recent research has uncovered an amazing degree of due process slaves received in southern courts even when accused of raping a white woman, often as a result of the interventions of their masters; see Diane Summerville, Rape and Race in the Nineteenth Century South (Chapel Hill 2004) 19–41.


For an excellent discussion of the Civil War as a revolutionary transformation, James M. McPherson, Abraham Lincoln and the Second American Revolution (New York 1991) ch. 1–2, 7. Eric Foner, Reconstruction. America’s Unfinished Revolution (New York 1988), the classic modern account of the period, emphasizes the momentousness of black emancipation and citizenship as well as the powerful political and economic forces that thwarted black aspirations. Rable, But There Was No Peace 187–91.
Political terror against black and white leaders of the Republican Party emerged as a major objective of mobs and vigilante groups and temporarily overshadowed the traditional idea of lynching as communal punishment for heinous crimes. The Ku Klux Klan, which was founded in 1866 and became the most notorious of the various white supremacist vigilante groups, for all practical purposes represented the militant branch of the southern Democratic Party in its struggle to “redeem” the South from “Negro” domination. According to one estimate, between 1868 and 1871 alone, the Klan may have killed as many as 20,000 freedpeople. The history of Klan violence during Reconstruction also demonstrates the key significance of coercive government action in suppressing lynching and mob violence. When in 1870 and 1871 the U.S. Congress passed the so-called Enforcement Acts and federal occupation troops cracked down on the Klan, the terror calmed down considerably, at least for a while. Eventually, however, most northerners preferred sectional reconciliation over indefinite “bayonet rule” and agreed to leave the nagging “Negro question” to the white South. As a consequence, the Reconstruction experiment in interracial democracy, half-hearted as it was, was crushed and gradually replaced by a racist and repressive political and social order that lasted until the second half of the twentieth century. In the minds of many southern whites, the successful campaign for redemption reinforced the legitimacy of lynching and mob violence as legitimate communal self-defense.

Historians have often interpreted the era of the Civil War and Reconstruction as the birth of modern America. It is noteworthy that this process triggered unprecedented levels of mob violence and lynching. Even more remarkably, lynching continued for nearly three-quarters of a century after the end of Reconstruction, even though the United States emerged as the epitome of a modern industrial society during this period. According to the most conservative estimates, slightly fewer than 5,000 lynchings occurred in the United States between 1882, when critics started a systematic body count, and the end of the Second World War. Although recent scholarship has rightly paid attention to other regions and to non-black victims, especially Mexicans and Mexican-Americans, roughly 80 percent of all lynchings happened in the South, and more than 80 percent of all southern victims were African Americans. Judge Lynch died hard, especially in the South with its vicious and obsessive racism. Still, after the turn of the century, lynching declined steadily despite brief rebounds in the aftermath of the First World War and during the Great Depression. Throughout the 1890s, lynching accounted for an average yearly death toll between 100 and 200 victims, a figure that after 1900 dropped into the double-digits. Between 1936 and 1940, a total of thirty incidents were recorded, all of them in the Deep South. By mid-century, lynching as a public ritual had virtually ceased in the United States, although other forms of racial violence persisted.

27 For detailed lynching statistics, see Jessie Carney Smith and Carrell Peterson Horton
Echoing the discourse of contemporary anti-lynching campaigners, many historians have explained the decline of lynching by highlighting the efforts of civil rights activists and, more importantly, the social and economic modernization of American society overall and the South in particular. According to this perspective, industrialization and the migration of blacks to southern and northern cities weakened the semi-feudal plantation economy and the racial caste system of the Deep South. Rural electrification, better roads, the automobile, and the radio ended the isolation of southern communities and paved the way for reformers to be heard. In addition, the growing electoral clout of northern blacks put southern racial violence on the national agenda. The New Deal reforms of the 1930s not only accelerated the process of economic modernization but also demonstrated the new potential of federal power. As a consequence, southern elites became increasingly concerned that continued mob violence would damage the economic prospects of their region and provoke federal intervention. In his 1993 landmark study *Lynching in the New South*, Fitzhugh Brundage sums up the standard account: “During the decade [the 1930s], the combination of the continued efforts of antilynching activists and profound changes in the southern economy delivered the decisive blow to the tradition of mob violence.”

However, in recent years several scholars have emphasized that this modernization process did not entail incremental, progressive social change of the sort implied by the conventional model. Instead, the South, especially its small towns but its cities as well, experienced a fierce struggle “along that fault line where modernity and tradition collided”, as Amy Wood puts it. Wood also demonstrates that at the turn of the twentieth century lynching took on distinctly modern features, especially its relationship to other types of spectacles, including photography and cinema. Graphic photographic images of lynchings, for example, first became coveted consumer items, although later anti-lynching activists used them to embarrass the white South and discredit its claims to civilization. Other historians have focused on the rise of the modern state and its exclusive claim to suppress crime and punish criminals. In his 2004 book *Rough Justice*, Michael Pfeifer argues that the struggle over lynching was part of “a larger cultural war over the nature of criminal justice waged between rural and working-class supporters of


28 Brundage, Lynching in the New South 245. For a study that explains the rise and fall of lynching as a variable of economic factors, especially the price of cotton, see Tolnay and Beck, *Festival of Violence*. I have discussed the problems of the modernization model in more de- tail in my essay: Manfred Berg, Das Ende der Lynchjustiz im amerikanischen Süden, in: HZ 283 (2006) 583–616; for a shorter, English version, see Manfred Berg, Criminal Justice, Law Enforcement and the End of Lynching in the South, in: Criminal Justice in the United States and Germany: History, Modernization and Reform, Manfred Berg et al. (eds.) (Heidelberg 2006) 29–42. Obviously, the following account builds on the arguments I developed in these earlier publications.
‘rough justice’ and middle-class due-process advocates”. In staking their claim to mete out popular justice, lynch mobs protested against an “abstract, rational, detached, and antiseptic legal process”, seen as too cumbersome and lenient. According to Pfeifer this culture war lasted well into the mid-twentieth century, when the due-process reformers finally prevailed29.

In my own argument on the decline of lynching in the South, I also focus on the role of law enforcement and criminal justice in order to answer the question of what prompted ordinary people who had been raised in a culture of mob violence to change their ways. In particular, I argue that two factors account for the end of lynching, namely improved law enforcement against lynch mobs and the death penalty as the substitute intended to satisfy popular demands for harsh retributive justice. The available data on mob violence for the period from 1915 to 1941 suggest a clear trend toward more efficient and determined action against mobs on the part of southern sheriffs. Around 1920 the numbers of prevented lynchings began to exceed those of completed ones. In 1914, almost three times as many lynchings were completed than were prevented, while in 1936 only one out of ten threatened lynchings was actually carried out. Because most lynchings did not happen spontaneously but were preceded by periods of mounting tensions, sometimes lasting for days, sheriffs had several options to prevent a lynching, depending on the circumstances. If there was enough time, they could remove prisoners to another county or town for safekeeping. If it was too late for removal, they could augment the guards and arm their deputies adequately. In case the local forces were insufficient, the sheriff had to call the governor to send reinforcements. When push came to shove, sheriffs had to threaten the use of force and make good on that threat if necessary30.

It is difficult to assess why southern sheriffs, who had often tolerated or even supported mob violence, became more willing to prevent lynchings. Their own comments merely emphasized their oaths to uphold the law. It surely played a role that courageous officers were lauded by the national and regional press and received honorable citations and medals from anti-lynching activists or state governors. Some authors have also speculated that sheriffs responded to the pressures from local planters who were afraid that mob violence drove their cheap black labor force to the North. The decreasing size of mobs, itself a sign of the diminishing support for lynching, reduced the risk for law officers in confronting them. One aspect that is easily overlooked was the introduction of automobiles, which enabled the police to remove their prisoners much faster than in the age of horse

29 Wood, Lynching and Spectacle 14 passim. For a gruesome documentation of lynching photography, see James Allen et al., Without Sanctuary: Lynching Photography in America (Santa Fe 2000). Pfeifer, Rough Justice 2–3 passim.
30 My data are based on the ASWPL records, especially reels 2, 3, 4, which contain numerous statistics on and accounts of prevented lynchings. For details, see Berg, Ende der Lynchjustiz 603–7.
carriages. However, the lynchers also took advantage of modernity’s blessings, using their own cars to pursue the sheriffs\textsuperscript{31}.

The fact that police officers were no longer tolerating a free reign of the mob throughout the 1920s and 1930s must not be mistaken for a fundamental change in race relations. White southerners obviously had not given up their goal of racial control over the black population but had merely renounced the extreme and increasingly embarrassing instrument of lynching. Hence, the so-called substitute thesis holds that the death penalty successively replaced lynching in the early twentieth century. Admittedly, such an analysis creates controversy among historians, especially because until now, researchers have not established a statistically compelling correlation between the decline of lynching and the increase of legal executions in the regions where lynching had prevailed\textsuperscript{32}. Then again, the proportion of blacks among all legally executed persons in the United States rose from 48 percent in the 1930s to a staggering 60 percent in the 1940s. The linkage looks even more conspicuous, if we look at executions of convicted rapists, the offense most closely linked to the lynching discourse. Ninety percent of all persons executed in the United States for rape between 1930 and 1970 were African Americans\textsuperscript{33}.

Moreover, there is an abundance of evidence that the administration of the death penalty in the early twentieth-century South frequently amounted to nothing short of “legal lynchings”. In many cases, lynchings were averted because mobs surrendered their victims upon assurances of instant trials. The ensuing trials were dominated by the mob and bereft of even a modicum of fairness. Executions were sometimes carried out immediately upon the guilty verdict. In one Kentucky incident in 1906, it took less than an hour from the moment that the defendant entered the court room until he was cut off from the gallows. Also the South continued to hold public or semi-public executions well into the 1930s, although advocates of a “modern” system of criminal justice demanded that executions be carried out behind prison walls in a detached and scientific manner. Even the introduction of the electric chair did not immediately shut out popular voyeur-


ism. For example, after the electrocution of a black murderer in Mississippi in 1934, the body was placed on exhibition in the lobby of the jail\textsuperscript{34}.

The end of lynching, according to my research, was achieved by a combination of improved law enforcement and the expansion of the death penalty as a substitute for lynchings. To be sure, this development reflected modernization to the extent that the state asserted its claim to the monopoly of legitimate violence. But for African Americans, the main victims of lynching, this transition was highly ambivalent. Blacks were caught in a double bind: While weak legal institutions exposed them to lynchings, strict law enforcement and a system of criminal justice that aimed for greater efficiency hit them harder than any other social group – an instructive example of the ambivalence of “progress”. Arguably, the legacy of lynching lingers on in the present-day practice of capital punishment in America. The southern states, which historically had the highest frequency of lynchings, account for 80 to 90 percent of all legal executions, while African Americans and other minorities, the favored targets of lynch mobs, represent a majority among death row inmates\textsuperscript{35}.

In conclusion, the history of lynching in America exemplifies a fundamental ambivalence in the relationship between modernity and violence\textsuperscript{36}. While seemingly representing a vestige of a barbaric past, lynching must be understood as a phenomenon intertwined with modernity and infused with modern elements, one that developed in tension with the rise of the modern state. It reflected an unwillingness of many Americans to accept the idea that the authority to use force should be an exclusive prerogative of the government, because the people must have the right to defend their liberty against a tyrannical government. Notably, many apologists of lynching considered the American spirit of popular sovereignty and grass-roots democracy as their most compelling argument. To be sure, lynching appears to be a thing of the past, but the distrust of a state monopoly of legitimate violence – even if controlled by the rule of law, an independent judiciary, and the democratic process – remains deeply rooted in American culture. American laws give citizens virtually unrestricted access to firearms and support an extremely broad concept of legitimate self-defense\textsuperscript{37}. However, few Americans


are aware of – let alone willing to concede – the uneasy ideological proximity between their cherished rights to self-defense and the squalid history of lynching.

Summary

Um die Wende zum 20. Jahrhundert attackierten schwarze und weiße Bürgerrechtler in den USA die Lynchjustiz als „nationale Schande“, die Amerika von allen anderen zivilisierten Ländern unterscheide. Die These, das Lynchen sei das Relikt einer barbarischen Vergangenheit und einer modernen zivilisierten Nation unwürdig, war als Diskursstrategie legitim und erfolgreich, hat aber lange den Blick dafür verstellt, dass die Lynchjustiz als modernes Phänomen verstanden werden muss, nämlich als Reaktion breiter Bevölkerungsschichten auf die sukzessive Durchsetzung des staatlichen Monopols legitimer Gewalt und Bestrafung. Der Aufsatz interpretiert den Aufstieg und Niedergang der Lynchjustiz seit dem späten 18. Jahrhundert als einen Prozess, der die Spannungen und Ambivalenzen der amerikanischen Gesellschaft auf dem Weg in die Moderne widerspiegelt.