

Without Fear or Shame: Lynching, Capital Punishment and the Subculture of Violence in the American South

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Recent studies of lynching have focused on structural theories that have been tested with demographic, economic and electoral data without much explanatory success. This article suggests that lynching was largely a reflection of a facilitating subculture of violence within which these atrocities were situationally determined by cultural factors not reported in census and economic tabulations, or election returns. Lynching declined in the twentieth century, in part, as a result of segregation and disfranchisement policies, but mainly because state executioners replaced lynch mobs in carrying out the will of the white majority.

On Sunday afternoon, 23 April 1899, Sam Hose was lynched after church services in Palmetto, Georgia. Hose had admitted killing his employer in self-defence when the latter tried to shoot him during a dispute over wages. To that undisputed fact was added the totally fictitious rumour that Hose had also sexually assaulted the slain man's wife. The Atlanta Constitution offered a five-hundred dollar reward for Hose's capture, announcing that he would be burned alive. Bulletins were subsequently tacked up everywhere people gathered, announcing the place and date of the scheduled burning. Public interest was so aroused that special excursion trains were scheduled to carry curious spectators from Atlanta. Ladies clothed in their Sunday finery watched from carriages, gazing excitedly over the heads of men carrying small children on their shoulders as the ritual began.

Hose was led to a stake placed in the middle of a dirt road. There he was bound with chains. Yelps and cheers rose from the throng of some two thousand people as Hose's ears were sliced off and thrown to anxious onlookers. As he writhed in agony, fingers and toes were amputated before the screaming man's tongue was removed with a pair of pliers. Only then was the coal oil poured ceremoniously over his prostrate body. There was a loud cheer as he was set aflame. When the flames receded, the charred corpse was eviscerated, an enterprising Georgian removing internal organs to sell as souvenirs. Bones went for a quarter; slices of his heart and liver were cheaper at ten cents each. And

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there were buyers. All this was described in local newspapers. There were no arrests.¹

On Christmas Day 1920, Henry Lowry, a black farm worker from Nodena, Arkansas, asked his employer for wages owed to him. An argument followed, blows were exchanged, and Lowry was shot and wounded by the employer's son. Lowry, who was also armed, returned the fire killing the employer and one of his daughters who was standing next to him. Lowry fled to Texas where he was eventually arrested. Fearing for his life in Texas, he believed the Governor of Arkansas when he was promised protection and a fair hearing if he would waive his rights and return to that state for trial. At Sardis, Mississippi, a whiskey-soaked mob intercepted the train carrying Lowry and the two police officers sent to bring him back. The terrified man was pulled from the train as the two policemen watched helplessly or, perhaps, indifferently. With Lowry in hand, word was sent to concerned parties, in Arkansas and Tennessee, including newspapers, announcing the time and place of the forthcoming public burning. A reporter for the Memphis Press attended the event and described what he saw:

More than 500 persons stood by and looked on while the Negro was slowly burned to a crisp. A few women were scattered among the crowd of Arkansas planters, who directed the grewsome [sic] work of avenging the death of O. T. Craig and his daughter, Mrs C. P. Williamson.

Not once did the slayer beg for mercy despite the fact that he suffered one of the most horrible deaths imaginable. With the Negro chained to a log, members of the mob placed a small pile of leaves around his feet. Gasoline was then poured on the leaves, and the carrying out of the death sentence was under way.

Inch by inch the Negro was fairly cooked to death. Every few minutes fresh leaves were tossed on the funeral pyre until the blaze had passed the Negro's waist ... Even after the flesh had dropped away from his legs and the flames were leaping toward his face, Lowry retained consciousness. Not once did he whimper or beg for mercy. Once or twice he attempted to pick up the hot ashes in his hands and thrust them in his mouth in order to hasten death. Each time the ashes were kicked out of his reach by a member of the mob ...

As the flames were eating away his abdomen, a member of the mob stepped forward and saturated the body with gasoline. It was then only a few minutes until the Negro had been reduced to ashes ...

The only time Lowry spoke was when the mob dragged his wife and young daughter forward and forced them to watch him burning.²

¹ *New York Tribune*, 24 April 1899; National Association for the Advancement of Colored People, *Thirty Years of Lynching in the United States, 1889–1918* (New York: Negro Universities Press, 1969, first published in 1919), pp. 12–13; *Negro Yearbook, 1931–1932* (Tuskegee, Alabama: Tuskegee Institute and the Negro Yearbook Publishing Company, 1952).

² R. Roddy, 'Kill Negro by Inches', *Memphis Press*, 27 January 1921; W. White, *Rope and Faggot* (New York: Arno Press/New York Times, 1969, first published in 1929), pp. 23–4.

Scenes like these described in Southern newspapers were repeated at least 3,442 times from 1882, when the Tuskegee Institute first began to keep records, up to the 1950s. Another 1,294 whites were lynched during the same turbulent period of American history, most of them in the frontier West, but almost as many (48 per cent) in the South. But there could be no mistaking the racial and regional character of lynchings that began after emancipation and accelerated in the 1880s and 1890s. Although blacks accounted for approximately 10 per cent of the national population and approximately 38 per cent of the South's, 73 per cent of all lynching victims were black, and over 95 per cent of those were tortured and killed in the former slave states.³ That number represents only the documented cases where bodies and supporting evidence were located. By ignoring the extraordinarily violent period from the end of the Civil War up to the Ku Klux Klan carnage of the 1870s, the numbers grossly underestimate the actual bloodshed blacks endured.⁴

Before emancipation, lynching was primarily a frontier phenomenon that occurred when sheriffs, judges, juries and jails were far removed by space and time from wrongdoing and a demand for swift retribution. Slaves were rarely lynched, for slaveholders protected them as a valuable investment, just as they did their livestock. Thus until 1868, a majority of lynching victims were white men accused of crimes like murder and stealing livestock. A new era of lynching began in that year when the Ku Klux Klan killed at least 291 black males, and left countless other men, women and children physically and psychologically maimed by brutal beatings and sexual mutilations. Over the next three years, at least 118 more blacks were murdered by the Klan. No one is sure how many more blacks died between 1872 to 1881, for records are incomplete, but there were probably many.⁵

The lynching epidemic symbolized racial injustice. It illustrates, as well, the abuse of state authority and, for too long, federal indifference to it. As the twentieth century draws to a close, its consequences are still evident in American race relations.

³ These figures are based on the files of the Department of Records and Research, Tuskegee Institute, Tuskegee, Alabama. See H. A. Ploski and J. Williams, eds, *The Negro Almanac: A Reference Work on the Afro-American* (New York: Wiley, 1983), p. 347.

⁴ Figures sometimes vary slightly in other sources, often depending not on whether a death occurred, but whether a death was classified as a lynching or a simple homicide, or whether it occurred in one town or county or another. In view of the circumstances under which this information was obtained and reported, it is not surprising that some errors were made. But although discrepancies have been found in these data, overall trends, such as those reported in this research, remain unchanged. Moreover, few disagree that the documented cases understate the reality of what occurred. There is no way to know, for example, how many more black victims simply disappeared without a trace, their bodies weighted and thrown into rivers or left to decay in swamps and shallow graves. See R. M. Brown, *Strain of Violence: Historical Studies of American Violence and Vigilantism* (New York: Oxford University Press, 1975), pp. 323–6.

⁵ See, for example, *Joint Select Committee to Inquire into the Condition of Affairs in the Late Insurrectionary States, House Reports*, US House of Representatives, 42nd Congress, 2nd sess. (Washington, 1872), 13 vols. Hereafter cited as KKK Investigation, 1872.

STRUCTURAL THEORIES AND MEASURES

Social scientists since Cutler's pioneering study in 1907 have sought to explain this scourge of violence.⁶ Raper's work in 1933 introduced the use of demographic and socio-economic indicators as a means of doing that. His research, which is based only on lynchings in 1930, concluded that lynching was an angry response to difficult economic circumstances that produced frustration and aggravated competition between black and white labourers.⁷ Since then a number of studies have tested this 'frustration-aggression' hypothesis, using similar economic, demographic and electoral indices as indirect measures of frustration.

But without much success. The effects of economic indicators, for example, such as fluctuations in cotton prices, have produced no consistent or convincing explanation of lynching.⁸ Still other studies that have analysed variables such as labour demand and agricultural production cycles report only slight and virtually uninterpretable evidence of an economic basis of lynching.⁹ In similar fashion, demographic indicators have shed little light on the matter. There is little consistency in the results of studies, for example, that have examined Blalock's 'power threat' hypothesis, which suggests that lynchings increased when whites felt threatened by black population pressures and/or assertiveness.¹⁰ There is also little agreement among those studies that have used election results to examine the effects of political competition and lynching.¹¹ One is left

⁶ J. E. Cutler, *Lynch-Law: An Investigation into the History of Lynching in the United States* (New York: Longmans, Green, 1905).

⁷ A. Raper, *The Tragedy of Lynching* (Chapel Hill: University of North Carolina Press, 1933).

⁸ For support, see C. I. Hovland and R. R. Sears, 'Minor Studies of Aggression: Correlations of Economic Indices with Lynchings', *Journal of Psychology*, 9 (1940), 301-10; E. M. Beck and S. E. Tolnay, 'The Killing Fields of the Deep South: The Market for Cotton and the Lynching of Blacks, 1882-1930', *American Sociological Review*, 55 (1990), pp. xxx-xxx, at pp. 535-6. For challenges, see A. Mintz, 'A Re-examination of Correlations Between Lynchings and Economic Indices', *Journal of Abnormal Social Psychology*, 41 (1946), 154-60; J. S. Reed, G. E. Doss and J. S. Hurlbert, 'Too Good to be False: An Essay in the Folklore of Social Science', *Social Inquiry*, 57 (1946), 1-11; and S. Olzak, 'The Political Context of Competition: Lynching and Urban Racial Violence, 1882-1914', *Social Forces*, 69 (1990), 395-421.

⁹ J. Corzine, L. Corzine and J. Creech, 'The Tenant Labor Market and Lynching in the South: A Test of the Split Labor Market Theory', *Sociological Quarterly*, 58 (1988), 261-78; E. M. Beck and S. E. Tolnay, 'A Season for Violence: The Lynching of Blacks and Labor Demand in the Agricultural Production Cycle', *International Review of Social History*, 36 (1992), 1-24.

¹⁰ H. M. Blalock, *Toward a Theory of Minority Group Relations* (New York: Wiley, 1967). For support, see J. Reed, 'To Live-and-Die in Dixie: A Contribution to the Study of Southern Violence', *Political Science Quarterly*, 86 (1971), 429-43; for challenges, see J. Corzine, J. Creech and L. Corzine, 'Black Concentration and Lynchings in the South: Testing Blalock's Power-Threat Hypothesis', *Social Inquiry*, 61 (1983), 774-96; and S. E. Tolnay, E. M. Beck, and J. L. Massey, 'Black Lynchings: The Power Threat Hypothesis Revisited', *Social Forces*, 67 (1989), 605-22.

¹¹ Support for the electoral competition hypothesis can be found in J. M. Inverarity, 'Populism and Lynching in Louisiana, 1889-1896: A Test of Erikson's Theory of the Relationship Between

with the conclusion that indices based on economic, population and electoral characteristics have added little beyond speculation to our understanding of lynching.

Other studies have examined Durkheim's proposition that as legal mechanisms of social control gain acceptance in societies, the use of extra-legal means of control will decline.¹² Thus, as court-ordered executions increase, lynchings should decrease. But, here again, consistency is absent from the results of studies that have examined this hypothesis at the state level.¹³

Nor have attempts to discern and explain intra-regional patterns of lynching shown any consistent or interpretable patterns, for the differences between regions are slight, especially one imagines, to the blacks who lived in them. The difference, for example, between ninety-five lynchings over a five-year period in the 'Gulf Plain' and eighty-three lynchings during the same period in the 'Central Plateau'; or 196 lynchings in Georgia's 'cotton belt' compared to 176 in 'south' region probably provided little comfort for those blacks living in the 'safer' regions.¹⁴

Taken together, structural approaches and explanations based on them offer little more than speculation about the meaning of slight and contradictory statistical relationships that explain very little variance in a reign of terror that enveloped an entire region and continued for decades. That is so, I contend, because lynching was a peculiarly Southern phenomenon, a reflection of complex psychological and cultural factors not accurately measured with

(F'note continued)

Boundary Crises and Repressive Justice', *American Sociological Review*, 41 (1976), 262–80. For challenges, see I. M. Wasserman, 'Southern Violence and the Political Process', *American Sociological Review*, 42 (1977), 359–62; W. Pope and C. Ragin, 'Mechanical Solidarity, Repressive Justice, and Lynchings in Louisiana', *American Sociological Review*, 42 (1977), 363–9; and S. Soule, 'Populism and Black Lynching in Georgia, 1890–1900', *Social Forces*, 71 (1992), 431–49.

¹² E. Durkheim, 'The Evolution of Punishment', in S. Lukes and A. Scull, eds, *Durkheim and the Law* (New York: St Martin's, 1983; orig. 1901), chap. 4; see also M. Foucault, *Discipline and Punish: The Birth of the Prison* (New York: Vintage Books, 1979); D. Black, *The Behavior of Law* (New York: Academic Press, 1976); D. Black, 'Social Control as a Dependent Variable', in D. Black, ed, *Toward a Theory of Social Control* (New York: Academic Press, 1984), pp. 1–36.

¹³ For support, see in-depth historical studies by G. C. Wright, *Racial Violence in Kentucky, 1865–1940: Lynchings, Mob Rule, and Legal Lynchings* (Baton Rouge: Louisiana State University Press, 1990), pp. 12–13, 254–77; and N. R. McMillan, *Dark Journey: Black Mississippians in the Age of Jim Crow* (Urbana: University of Illinois Press, 1989), pp. 197–256. For challenges and qualifications, see C. D. Phillips, 'Social Structure and Social Control: Modeling the Discriminatory Execution of Blacks in Georgia and North Carolina, 1925–35', *Social Forces*, 65 (1986), 458–70; C. D. Phillips, 'Exploring Relations Among Forms of Social Control: The Lynching and Execution of Blacks in North Carolina, 1889–1918', *Law & Society Review*, 21 (1987), 361–74; and J. L. Massey and M. A. Myers, 'Patterns of Repressive Social Control in Post-Reconstruction Georgia, 1882–1935', *Social Forces*, 68 (1989), 477–83.

¹⁴ E. L. Ayers, *The Promise of the New South* (New York: Oxford University Press, 1992), pp. 156–8, 495–7; see also W. F. Brundage, *Lynching in the New South: Georgia and Virginia, 1880–1930* (Urbana: University of Illinois Press, 1993), pp. 107, 144.

economic, demographic and political indicators intended for other purposes. Such measures reveal nothing about the subjective meaning of lynchings and the motives behind them. They are too far removed from the rage and shifting situational dynamics, evident in the case literature, that defined the environment and circumstances of lynching.¹⁵ As a result, we are left wondering not only about the prevalence and incidence of lynching, but also about the sadism and extraordinary savagery that was evident in it, and about which structural theories are silent.¹⁶

THE SUBCULTURE OF VIOLENCE THEORY

After Henry Lowry was burned to death in 1920, the Arkansas sheriff in whose jurisdiction the atrocity occurred was asked why nothing had been done to stop it. 'Nearly every man, woman and child in our county wanted the Negro lynched,' he replied. 'When public sentiment is that way, there isn't much chance left for officers [to do anything about it].'¹⁷

'When public sentiment is that way,' as the sheriff said, and remains that way over time and across space as it did in the South, one may reasonably conclude that such actions and values are embedded in a regional culture of white supremacy. Evidence abounds that white supremacists used terror, making lynching a public spectacle, to exert absolute power over the region's black population. Lynching replaced whipping after emancipation as the public exhibition of raw primordial power of white over black. Both were part of Southern culture.

A history of previous violence remains the single best known predictor of future violence, whether in individuals, families or societies. A violent past not only predisposes one to violence, it is also likely that violence itself becomes a causal determinant of violence. Whether the basis for such behaviour is biological, learned or some combination of both, remains a subject of continuing research and debate.¹⁸

The South has always been one of the most violent regions of the United States, and remains so. Brawls, duels, assassinations and murder are familiar

¹⁵ See, for example, NAACP, *Thirty Years of Lynching*; I. Wells-Barnett, *On Lynchings* (Salem, NH: Ayer, 1991 [1892]); White, *Rope and Faggot*; J. R. McGovern, *Anatomy of a Lynching: The Killing of Claude Neal* (Baton Rouge: Louisiana State University Press, 1982); Wright, *Racial Violence in Kentucky*; and Brundage, *Lynching in the New South*.

¹⁶ See, for example, S. E. Tolnay and E. M. Beck, *A Festival of Violence: An Analysis of Southern Lynchings, 1882-1930* (Urbana: University of Illinois Press, 1995), esp. pp. 256-7.

¹⁷ Roddy, 'Kill Negro by Inches'; White, *Rope and Faggot*, pp. 23-5.

¹⁸ See, for example, E. O. Wilson, *On Human Nature* (Cambridge, Mass.: Harvard University Press, 1978), esp. chap. 5; J. Q. Wilson and R. J. Herrnstein, *Crime and Human Nature* (New York: Simon & Schuster, 1985), esp. chap. 2; M. Daly and M. Wilson, *Homicide* (New York: Aldine de Gruyter, 1988) and 'Homicide and Cultural Evolution', *Ethology and Sociobiology*, 10 (1989), 99-110; R. Wright, *The Moral Animal: Evolutionary Psychology and Everyday Life* (New York: Pantheon, 1994).

events in its history. Preceding it all was slavery. Nor can Southern violence be located in a particular social class. Violence was as much a part of the Southern landscape and culture as azalea festivals and bourbon whiskey; it knew no class distinctions except in its forms and weaponry. While yeoman farmers brawled with knives and gouged out one another's eyes, the landed gentry fought duels with matched pistols and attendants in-waiting. All had a place in Southern culture.¹⁹

The evidence is also compelling that there was always general agreement among whites, regardless of social class, on matters of race. That lower-class whites were often called upon as instruments of racial oppression after emancipation, just as they were called upon to fight a civil war before that, should not detract attention from the fact that they were eager participants; or, secondly, that their crimes went unpunished by those who controlled the criminal justice systems of the former slave states. The culture of white supremacy unified Southern whites and held class conflict among them in check, at least in part by condoning violence against blacks who became the scapegoat for the region's many problems.²⁰

Wolfgang and Ferracuti's theory of subcultural violence provides a useful explanation for the well-defined and extended pattern of racial violence in the South. The existence of a subculture presupposes a complex pattern of norms, attitudes and actions, the authors claim, that reflects 'a potent theme of violence current in the cluster of values that make up the life-style, the socialization process, [and] the interpersonal relationships of individuals living in similar conditions.'²¹

The essential attributes of violent subcultures are described in seven principal propositions that have informed my own research:

- (1) No subculture can be totally different from or totally in conflict with the society of which it is a part.

¹⁹ See, for example, S. Hackney, 'Southern Violence', *American Historical Review*, 74 (1969), 906–25; R. D. Gastil, 'Homicide and a Regional Culture of Violence', *American Sociological Review*, 36 (1971), 412–27; C. Loftin and R. H. Hill, 'Regional Subculture and Homicide: An Examination of the Gastil Hackney Thesis', *American Sociological Review*, 39 (1974), 714–24; W. G. Doerner, 'A Regional Analysis of Homicide Rates in the United States', *Criminology*, 13 (1975), 90–101; H. Whitt, J. Corzine and L. H. Corzine, 'Where is the South? A Preliminary Analysis of the Southern Subculture of Violence', in C. Block and R. Block, eds, *Trends, Risks, and Interventions in Lethal Violence: Proceedings of the Third Annual Spring Symposium of the Homicide Research Working Group* (Washington, DC: National Institute of Justice, 1995), pp. 127–48.

²⁰ W. E. Jordan, *White Over Black: American Attitudes Toward the Negro, 1550–1812* (Chapel Hill: University of North Carolina Press, 1968); G. M. Frederickson, *The Black Image in the White Mind: The Debate on Afro-American Character and Destiny, 1817–1914* (New York: Harper & Row, 1971); and J. Williamson, *The Crucible of Race* (New York: Oxford University Press, 1984); C. W. Eagles, *Outside Agitator* (Chapel Hill: University of North Carolina Press, 1993).

²¹ M. W. Wolfgang and F. Ferracuti, *The Subculture of Violence: Towards an Integrated Theory in Criminology* (London: Tavistock, 1967), pp. 140–1, 272–84.

- (2) To establish the existence of a subculture of violence does not require that the actors sharing this basic value element express violence in all situations.
- (3) The potential resort or willingness to resort to violence in a variety of situations emphasizes the penetrating and diffusive nature of this culture theme.
- (4) The subcultural ethos of violence may be shared by all ages in a subsociety, but this ethos is most prominent in a limited age group ranging from late adolescence to middle age.
- (5) The counter-norm is non-violence.
- (6) The development of favourable attitudes towards, and the use of, violence in this subculture involve learned behaviour and a process of differential learning, association or identification.
- (7) The use of violence in a subculture is not necessarily viewed as illicit conduct, and the users therefore do not have to deal with feelings of guilt about their aggression [or fear of punishment].

Thus the defining elements in a subculture of violence are high and enduring rates of personal violence that are condoned and facilitated by a widely-shared ethos.²²

These propositions describe a regional subculture that evolved out of centuries of racial antipathy between blacks and whites. In such a facilitating culture, racial violence was volatile and situationally determined. A case-by-case assessment of the motives behind these events suggests that lynchings could be, and were, triggered by countless and diverse provocations – real and imagined – in a region where the absolute level of racial tension was always high and white-on-black violence was always condoned as the primary means of maintaining the racial caste system.²³ It was the unpredictable distribution and recurrence of lynchings that terrified blacks. Blacks understood that lynchings could occur anywhere and at anytime. Abundant evidence reveals that fear informed the actions of every black man, woman and child throughout the South.²⁴

THE CULTURAL AND HISTORICAL EVIDENCE

The lynching epidemic described in Figure 1 cannot be understood without reference to a number of historical factors that are not reflected in the indices

²² Wolfgang and Ferracuti, *The Subculture of Violence*, pp. 158–61.

²³ On these points, see among others, W. J. Cash, *The Mind of the South* (New York: A. A. Knopf, 1941); Williamson, *The Crucible of Race*; Wright, *Racial Violence in Kentucky*; and Brundage, *Lynching in the New South*.

²⁴ See, for example, R. Wright, *Black Boy: A Record of Childhood and Youth* (New York: Harper & Row, 1966); W. E. B. Du Bois, *Dusk of Dawn* (New York: Schocken, 1968), p. 67; J. Dollard, *Caste and Class in a Southern Town* (Madison: University of Wisconsin Press, 1988 [1937]), p. 331; C. S. Johnson, *Growing Up in the Black Belt* (Washington, DC: American Council on Education, 1941), pp. 316–18; Wright, *Racial Violence in Kentucky*, p. 190.

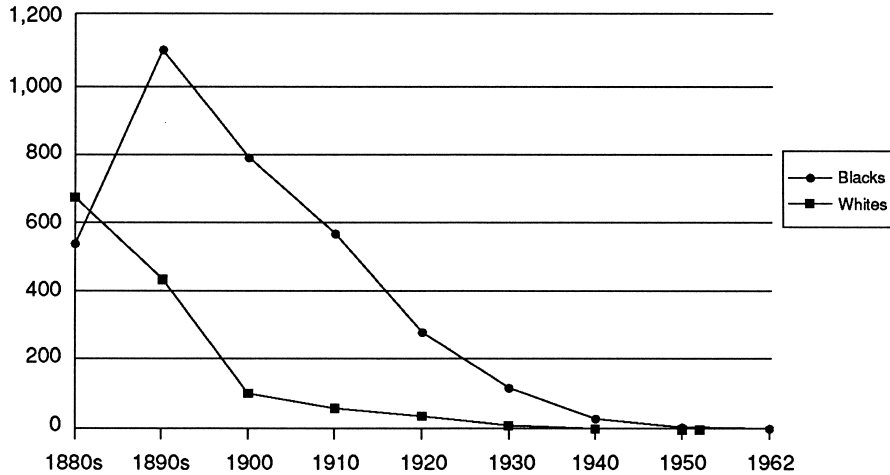


Fig. 1. Lynchings: blacks and whites in America, 1882–1962

Source: Department of Records and Research, Tuskegee Institute, Alabama.

commonly used to test structural theories. These factors include the withdrawal of federal troops and the restoration of states' rights in the South in 1877, the coming of age of a new, post-slavery generation of blacks and whites in the 1880s, and political and media climates that continually aroused racial anxiety and animosity as a means of unifying a white population starkly divided between rich and poor.

State Control

After the removal of federal troops and the restoration of states' rights in 1877, violence became more public, for without even the limited fear of federal prosecution, disguise and night-time raids were no longer necessary. Klan hoods and robes of the early 1870s, for example, were replaced with uniforms and badges in the 1880s, for there was no longer any need for concealment as the Klan's terrorist functions became institutionalized, condoned by state and local law enforcement. Lynching became a public spectacle, symbolizing the enforcement component of white supremacy and the Southern wing of the Democratic party. Since lynching enhanced the objectives of social control, and was not a punishable crime in the South, it flourished virtually unchecked by the law or community pressure.²⁵

²⁵ See, for example, US Congress, KKK Investigation, 1872; A. W. Trelease, *White Terror: The Ku Klux Klan Conspiracy and Southern Reconstruction* (New York: Harper & Row, 1971); R. M. Brown, *Strain of Violence: Historical Studies of American Violence and Vigilantism* (New York: Oxford University Press, 1975).

Politics

Political competition contributed to the epidemic, to be sure, but it cannot account for most of the carnage, or even its year-to-year fluctuations. The election year of 1892 was the worst since 1868 with 161 lynchings. But an electoral pattern of lynchings never developed, at least not one that can be linked consistently with the results of elections contested by Populist candidates challenging white Democratic solidarity. Nor were chronological patterns in lynching similar among the states. Bad years varied from state to state.²⁶ Rather it was the race-baiting hysteria that preceded, accompanied and continued after Populism disappeared that fuelled racial hatred. White primary elections, for example, in the absence of Populism contributed substantially to the hostile racial climate of the South. Without partisan issues to distinguish them, Democratic politicians manipulated racial fears, not only to win elections but also to divert attention from the real economic disparities that separated wealthy landholder/politicians from the poor whites whose votes they needed. But abundant historical evidence reveals race-baiting rhetoric followed neither the ebb and flow of the Populist vote nor the rhythms of the electoral calendar. Rather, it was a continuing theme during this period of Southern politics.²⁷

Generational Change

The sharp increase in lynchings in the 1880s and 1890s also reflected the coming of age of a new generation of black males and with them a new mood of defiance. A child born in 1865, for example, would have been eighteen in 1883. Born after emancipation, weaned on fear, and schooled in the mayhem of Klan violence, these black youngsters approached manhood treated as predators, beasts no white man needed a licence to hunt. Lost in this struggle for survival was the patience of slave elders, leaving behind only the residue of bitter memories and smouldering resentments. Disillusioned with a system of justice that jailed them for petty offences while whites guilty of the same crimes went free, they understood that the unfair sentences of judges were in reality simply the means used to meet the free South's growing demand for convict labour.²⁸ The failed promises of citizenship added depth to their indignation. To these young men,

²⁶ NAACP, *Thirty Years of Lynching*, p. 29, Appendix II, pp. 43–105.

²⁷ See, for example, P. Lewinson, *Race, Class, and Party: A History of Negro Suffrage and White Politics in the South* (New York: Grosset & Dunlap, 1959 [1932]); C. V. Woodward, *Tom Watson: Agrarian Rebel* (New York: Oxford University Press, 1970 [1938]); V. O. Key, *Southern Politics in State and Nation* (New York: Alfred A. Knopf, 1949); F. E. Simkins, *Pitchfork Ben Tillman* (Baton Rouge: Louisiana State University Press, 1967); W. Holmes, 'The Arkansas Cotton Pickers Strike of 1891 and the Demise of the Colored Farmers Alliance', *Arkansas Historical Quarterly*, 32 (1973), 107–19; J. M. Kousser, *The Shaping of Southern Politics: Suffrage Restriction and the Establishment of the One-Party South, 1880–1910* (New Haven, Conn.: Yale University Press, 1974); and Wright, *Racial Violence in Kentucky*.

²⁸ See, for example, B. McKelvey, 'A Half Century of Southern Penal Exploitation', *Social Forces*, 13 (1934–35), 112–23; C. R. Adamson, 'Punishment After Slavery: Southern State Penal Systems, 1865–1890'. *Social Problems*, 30 (1983), 555–69; E. L. Ayers, *Vengeance and Justice:*

badges and uniforms meant trouble – as surely as white hoods and robes had when they were children. Ample historical research and commentary documents that this new generation of blacks grew to hate policemen, just as their parents and grandparents had hated Klansmen and overseers.²⁹

A growing contempt for all whites was also evident among blacks, especially among these younger males. An article written in 1890 by a black student for the Fisk University newspaper attributed this new militance to ‘younger Negroes [who] are ignorant of the so-called instinctive fear of their fathers ... [who are] prone to brood in bitterness and suppressed rage over their wrongs, [and who are] more sensitive to injustice and quick to resent.’³⁰

Without ‘instinctive fear’ and denied ‘respect’, a response other than rage is difficult to imagine. That some would act on that emotion is predictable; that more did not is remarkable. It was during this period that the ‘outlaw’ emerged in black life and folklore, eventually replacing the ‘trickster’ of the slave period. Whereas the trickster relied on skill and cunning to prevail over whites, the outlaw drew upon physical courage and raw force. That subtle transformation changed the nature of black crime and race relations in the South.³¹

‘Negroes came to look upon courts as instruments of injustice and oppression,’ W. E. B. DuBois wrote in 1903,

and upon those convicted in them as martyrs and victims. When the real Negro criminal appeared, and instead of petty stealing and vagrancy we began to have highway robbery, burglary, murder, and rape, there was a curious effect on both sides of the color-line: the Negroes refused to believe the evidence of white witnesses or the fairness of white juries, so that the greatest deterrent to crime, the public opinion of one’s own social caste, was lost, and the criminal was looked upon as crucified rather than hanged ... To natural viciousness and vagrancy are being daily added motives of revolt and revenge which stir up all the latent savagery of both races.³²

(F’note continued)

Crime and Punishment in the 19th-Century South (New York: Oxford University Press, 1984), pp. 185–222.

²⁹ J. Bryce, ‘Thoughts on the Negro Problem’, *North American Review*, 153 (1891), 650–1; Wells-Barnett, *On Lynching*; W. F. Holmes, *The White Chief: James Kimble Vardaman* (Baton Rouge: Louisiana State University Press, 1970); K. Miller, *Race Adjustment* (New York: Arno Press, 1969 [1908]), p. 80; E. G. Murphy, *Problems in the Present South* (New York: Negro Universities Press, 1969 [1904]), p. 174; G. Myrdal, *An American Dilemma: The Negro Problem and American Democracy* (New York: Harper & Row, 1944), pp. 550–3; H. N. Rabinowitz, *Race Relations in the Urban South, 1865–1890* (Urbana: University of Illinois Press, 1980), pp. 335–7; Ayers, *Vengeance and Justice*, pp. 223–38.

³⁰ *Fisk Herald*, 7 October 1890; quoted in Rabinowitz, *Race Relations*, p. 337.

³¹ L. W. Levine, *Black Culture and Black Consciousness: Afro-American Folk Thought From Slavery to Freedom* (New York: Oxford University Press, 1977), pp. 410–20; H. C. Brearly, ‘The Pattern of Violence’, in W. T. Crouch, ed., *The Culture of the South* (Chapel Hill: University of North Carolina Press, 1935), pp. 690–1; M. N. Work, ‘Negro Criminality in the South’, *Annals*, 49 (1913), 74–9; G. S. Sisk, ‘Crime and Justice in the Alabama Black Belt, 1875–1917’, *MidAmerica*, 40 (1958), 106–13.

³² W. E. B. Du Bois, *The Souls of Black Folk* (New York: New American Library, 1969 [1903]), pp. 190–1, 201.

The restiveness of these young men and the threat they represented energized the unyielding commitment of whites to employ wanton violence to control and intimidate them. Southern whites were determined to do whatever was required to break what the *Atlanta Constitution*, in 1883, called the black population's new 'lawless loyalty to color'.³³

Perhaps the best evidence supporting this interpretation is the reasons reported by whites for each documented lynching. The overwhelming number of lynching victims were young, black males who challenged the racial status quo in word or deed. Like Sam Hose and Henry Lowry, many victims died because they resisted unfair treatment at the hands of whites. Consider the following. Seventy per cent of the blacks lynched between 1882 and the 1950s were accused of violent crimes against whites. Most were young men like, again, Sam Hose and Henry Lowry. Murder and felonious assault (45 per cent), usually in disputes over wages and debts, were the most common reasons given, followed by rape and attempted rape (25 per cent). The remaining 30 per cent of those lynched were accused of non-violent offences.³⁴ There is no evidence to support the contention that blacks were lynched, as so many Southerners claimed, because courts were too lenient. The rapid growth in black convict labour, alone, during this period contradicts that claim.³⁵

But if one were to believe the words of Southern politicians and newspaper editors of the lynching era, most of the young black men lynched died because they were rapists. Southerners always had been deeply curious about, if not obsessed with, the sexuality of blacks. Countless newspaper accounts, editorials, speeches and other printed matter confirm that nothing so stirred the fears and rage of Southern white males as the spectre of sexual contact between black men and white women.³⁶ The fact remains, however, that in a subculture of violence, blacks could be, and were, lynched for virtually any reason, real, imagined, or contrived. But the imagined and contrived reasons were almost always sexual.³⁷

³³ Quoted in Rabinowitz, *Race Relations in the Urban South*, p. 60.

³⁴ Idiosyncratic reasons such as insulting language or behaviour, expressing sympathy for a lynching victim, disputing a white man's word on even trivial matters, insisting on one's constitutional rights, threatening to sue, defending oneself against assault, or simply having the misfortune of straying into the path of mean, drunken, white men account for 25 per cent; another 5 per cent were lynched for stealing (Tuskegee Records in Ploski and Williams, *The Negro Almanac*, pp. 349–50).

³⁵ See, for example, McKelvey, 'A Half Century of Southern Penal Exploitation', pp. 112–23; F. M. Green, 'Some Aspects of the Convict Lease System in the Southern States', in F. M. Green, ed., *Essays in Southern History* (Westport, Conn.: Greenwood, 1949); and M. T. Carleton, *Politics and Punishment: The History of the Louisiana State Penal System* (Baton Rouge: Louisiana State University Press, 1971).

³⁶ See, for example, I. A. Newby, *Jim Crow's Defense: Anti-Negro Thought in America* (Baton Rouge: Louisiana State University Press, 1965), pp. 136–8; Jordan, *White Over Black*, pp. 137–84; G. M. Frederickson, *The Black Image in the White Mind: The Debate on Afro-American Character and Destiny, 1817–1914* (New York: Harper & Row, 1971), pp. 272–82.

³⁷ See, among others, Wells-Barnett, *On Lynching*; Cash, *The Mind of the South*; Jordan, *White Over Black*; Frederickson, *The Black Image*; and Williamson, *The Crucible of Race*.

Public Support

Historical research bearing on public opinion and actual behaviour in the South reveals cultural dimensions of lynching that conform in remarkable detail to the Wolfgang and Ferracuti propositions. Newspaper accounts over the years in question reveal that thousands of whites participated directly as mob members; many more ordinary men and women, from all walks of life, witnessed these events as spectators, often with children in hand. But millions more simply said and did nothing, yet there was no way not to be aware of a reign of terror of this magnitude. These conclusions are buttressed by a wide variety of indisputable facts: the support and outright advocacy of the practice expressed by Southern political leaders; the wide publicity associated with many of these events; the huge crowds that often attended; the tepid response of the clergy to such outrages; the manner in which newspapers responded indifferently or favourably, not only to the atrocities themselves, but to the terror and victimization of the entire black community; and, finally, lynching continued across generations, often including as many as three generations of white males in a single murder, as often as not, relatives.³⁸

Moreover, unlike lynchings on the Western frontier, ritualized torture and the desecration of corpses were common in the South.³⁹ There was also money to be made by preserving these grisly events in photographs; body parts remained popular with those seeking more tangible memories. Lynchings even made their way into the advertising market, as when a recording of one was used to market Thomas Edison's 'talking machine' at county fairs in 1896. As this evidence suggests, the perversity was profound, and there was surprisingly little public condemnation from any quarter.⁴⁰ These circumstances in the former slave states account for the figures presented in Table 1.

As staggering as these figures are, by far the most compelling evidence supporting the subculture of violence theory is another fact that has not been addressed in structural approaches: fewer than 1 per cent of the lynchings before 1940 were ever followed by a conviction of those responsible.⁴¹ Thus,

³⁸ See, for example, Johnson, *Growing Up in the Black Belt*; NAACP, *Thirty Years of Lynching*; White, *Rope and Faggot*; Williamson, *The Crucible of Race*; and McGovern, *Anatomy of a Lynching*.

³⁹ Such practices were rare in the West – except in warfare between Indians and whites. Most lynching victims in the West were white males. As frontier settlements advanced and territorial governments were established in the West, the need for lynching receded with the frontier past. Consequently, the number of white lynching victims declined steadily after peaking at 270 lynchings over two years in 1884 and 1885. By the turn of the century the number of whites lynched annually had dropped to single digits except for episodes in 1903, 1909 and 1915, when a total of forty-one whites died with nooses around their necks. Swiftmess rather than ritualistic torture was the defining quality of this practice on the Western frontier. The white villains of the 'Wild West' were rarely tortured and almost always hanged. See Cutler, *Lynch Law*; NAACP, *Thirty Years of Lynching*, pp. 30, 38; Brown, *Strain of Violence*, pp. 21–2, 214–18.

⁴⁰ See, for example, Ayers, *The Promise*, p. 159; also, Wells-Barnett, *On Lynching*; White, *Rope and Faggot*; McMillan, *Dark Journey*; and Wright, *Racial Violence in Kentucky*.

⁴¹ J. H. Chadbourn, *Lynching and the Law* (Chapel Hill: University of North Carolina Press, 1933), pp. 13–14; White, *Rope and Faggot*, pp. 224–5; McGovern, *Anatomy of a Lynching*, p. 11.

TABLE 1 *Lynching by Race in the Former Slave States, 1882–1962*

State	Average percentage of blacks in population	Non-black victims	black victims	Total victims	Percentage of victims who were black
Alabama	39%	49	299	348	86%
Arkansas	26%	58	226	284	80%
Florida	34%	25	257	282	91%
Georgia	40%	39	491	530	93%
Kentucky	11%	63	142	205	69%
Louisiana	41%	56	335	391	86%
Maryland	18%	2	27	29	93%
Mississippi	52%	40	538	578	93%
Missouri	6%	53	69	122	57%
N. Carolina	30%	15	85	100	85%
S. Carolina	50%	4	156	160	98%
Tennessee	20%	47	204	251	81%
Texas	17%	191	352	493	71%
Virginia	30%	17	83	100	83%
Total	29%	609	3,264	3,873	84%

Source: Department of Records and Research, Tuskegee Institute, Alabama.

in a region that had condoned and facilitated racial violence for centuries, there was neither shame for wrongdoing nor fear of prosecution. Those circumstances constitute a familiar formula for human atrocities wherever they occur.

Decline

As Figure 1 reveals, lynching in the South declined steadily in the twentieth century, primarily because community leaders in the South recognized that continued mob violence threatened racial chaos and economic calamity. Thus, segregation, disfranchisement and capital punishment became the means used to establish stability and respectability in a region confronted not only with the spectre of mob rule, but also withering national and international condemnation. In this sense, however, only the *form* of violence changed in response to these new policies.

Lynching began to attract increasing national criticism at the turn of the century. People outside the South were shocked by stories and photographs that appeared in national newspapers and widely distributed pamphlets describing the frequency and appalling savagery of these ritualized murders. After its formation in 1909, the National Association for the Advancement of Colored People began a concerted campaign to expose the horrors of Southern race relations. The image conveyed of a violent and uncivilized region became a

growing source of dismay to influential Southerners anxious to attract outside investment to stimulate a struggling economy. Southern concerns about the practice also deepened with the growing threat of Federal anti-lynching legislation.⁴² Additionally, a widening flow of blacks out of the South after 1915 during the boll weevil infestation contributed, as well, to anxieties about the region's economic future; for without cheap labour the Southern agricultural economy was doomed.⁴³ Thus, a counter-norm of non-violence was born as Southern political leaders and newspaper editors began to condemn lynching as they rarely had before. With that in mind, policies to limit mob violence and to redirect racial animosities were first tentatively advanced during the most frightening years of the epidemic.⁴⁴

Segregation

With Southern Democrats firmly in control of state and local governments by the 1880s, important changes began to occur as legislatures moved to consolidate the gains made over blacks through the time-honoured methods of violence and economic coercion. By that time, white fears of black militancy, especially in cities with expanding black districts, had reached a level requiring political action. Separating the races, restricting contact between volatile populations of black and white males in situations where violence was likely to occur, seemed an expedient way to do it. Democratic leaders in every Southern state sought to establish by statute a rigorously enforced caste system with that objective in mind. In 1891, for example, Texas Governor James S. Hogg explained his support for stringent segregation laws this way: 'Insolence on the one side, and intolerance on the other, unnecessarily exhibited by the disturbing elements of both races have borne this fruit.'⁴⁵ As unyielding Jim Crow laws gradually took effect after the US Supreme Court's 'separate but equal' decision in *Plessy v. Ferguson* in 1896,⁴⁶ a decline in lynching soon began as if to confirm the logic of Hogg and other segregationists.

⁴² Even those Southerners who were opposed to lynching, such as the Association of Southern Women for the Prevention of Lynching, still insisted that it was a problem for the states themselves to resolve. The thought of Federal intervention, it seems, was more reprehensible than mob violence. See G. B. Tindall, *The Emergence of the New South* (Baton Rouge: Louisiana State University Press, 1967), pp. 175–83; and H. Sitkoff, *A New Deal for Blacks: The Emergence of Civil Rights as a National Issue* (New York: Oxford University Press, 1978), pp. 274–5.

⁴³ N. Fligstein, *Going North: Migration of Blacks and Whites from the South, 1900–1915* (New York: Academic Press, 1981), pp. 120–36.

⁴⁴ Alexander, 'Better Race Relations'; Tindall, *The Emergence of the New South*, pp. 179–83; Frederickson, *The Black Image*, pp. 272–5; Brundage, *Lynching in the New South*, pp. 208–44.

⁴⁵ Rabinowitz, *Race Relations*, pp. 338–9; C. A. Lofgren, *The Plessy Case* (New York: Oxford University Press, 1987), pp. 25–7.

⁴⁶ *Plessy v. Ferguson* 163 US 537 (1896).

Disfranchisement

At the same time that segregation laws were being drafted, the solution to Populism's threatened breach in white political solidarity, and the violence that accompanied it, was disfranchisement. Disfranchisement came in waves of legislation beginning in 1888. By 1910, grandfather clauses, multiple ballot boxes, poll taxes, literacy tests and 'understanding' clauses had eliminated all but a negligible percentage of black voters throughout the South. Those few who continued to vote cast ballots in meaningless general elections whose outcomes had already been determined in the Democratic white-only primary elections that had preceded them.⁴⁷

Disfranchisement reduced mob violence by eliminating the threat of political equality which Southern whites saw as the precursor to social and sexual equality.⁴⁸ That threat had been the reason for much bloodshed in the region since 1870 when the Fifteenth Amendment giving black males the vote was ratified. After the Supreme Court upheld the state of Mississippi's racially-biased voting requirements in its *Williams v. Mississippi* decision in 1898,⁴⁹ lynching followed the precipitous decline in black voting across the South. In this sense, segregation and disfranchisement were intended to control not only blacks, but whites as well, by restricting social contact as well as political competition. The purpose – and, in time, the effect – of this counter-norm of non-violence was to establish some semblance of stability in a region threatened by racial chaos.⁵⁰

Capital Punishment

But even this counter-norm of non-violence was constrained by the violent subculture, for perhaps the most important reason that lynching declined is that it was replaced by a more palatable form of violence. For the first time, court-ordered executions supplanted lynching in the former slave states. Along with segregation and disfranchisement, such 'legal lynchings', as they were described by Southerners themselves, became the third legal component in the movement to limit mob violence while still maintaining white dominance.⁵¹ There was no longer any need for lynching, Southern leaders insisted; almost the same degree of control and intimidation could still be exerted over blacks

⁴⁷ Kousser, *The Shaping of Southern Politics*, pp. 72–82.

⁴⁸ C. H. Smith, 'Have American Negroes Too Much Liberty?' *Forum* 16 (1893), 176–81; Frederickson, *The Black Image*, p. 273; Williamson, *The Crucible of Race*, pp. 130–5, 314–15.

⁴⁹ *Williams v. Mississippi* 170 US 213 (1898).

⁵⁰ V. P. DeSantis, *Republicans Face the Southern Question: The New Departure Years, 1877–1897* (Baltimore: Johns Hopkins University Press, 1959), pp. 205–6; Kousser, *The Shaping of Southern Politics*, pp. 20–1, 29–31, 238–47, 263; C. V. Woodward, *Origins of the New South: 1877–1913* (Baton Rouge: Louisiana State University Press, 1971 [1951]), pp. 321–49; Brundage, *Lynching in the New South*, pp. 208–44.

⁵¹ See, for example, McMillan, *Dark Journey*, pp. 206–23.

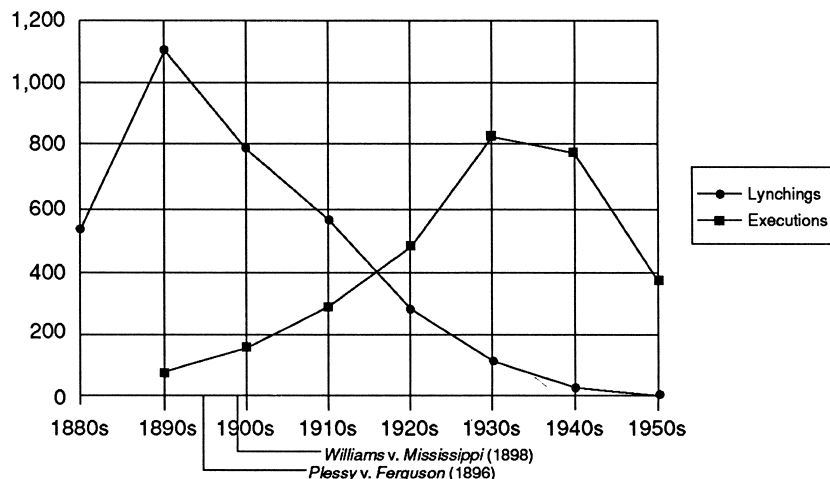


Fig. 2. Lynchings and execution of blacks in America, 1880–1959

Sources: Bureaus of the Census, *Historical Statistics of the United States: Colonial Times to 1970* (Washington, DC: US Government Printing Office, 1972), Series H1155-1167, 1168-1170; Bureau of Justice Statistics, *Historical Corrections Statistics in the United States, 1850–1984* (Washington, DC: US Government Printing Office, 1987), Tables 2-1, 2-2; Bureau of Justice Statistics, *Correctional Populations in the United States, 1930–1988*, Tables 7.26; *Statistical Abstract of the United States* (Washington, DC: US Government Printing Office, 1989), p. 187.

with capital punishment. After swift and superficial trials before white judges and juries, the outcomes would never be in doubt. Newspapers like the *Atlanta Constitution* that had once defended lynching, for the first time endorsed anti-lynching legislation. Let the law and the courts handle black criminals, community leaders urged in editorials and speeches. Thus as the South moved hesitantly into the twentieth century, legal lynchings gradually became the preferred alternative to mob violence.⁵² But, in fact, the two worked in tandem for nearly three decades. Together, they took a heavy toll of black lives.

The decline of lynching and the eagerness with which it was replaced by primarily Southern judges imposing the death penalty on black defendants is revealed in Figure 2. Lynchings peaked in the 1890s with over 1,100 victims in that decade. Then, although numbers continued to be remarkably high, lynchings declined steadily in each subsequent decade. At the same time, capital punishment began a steep ascent as state executioners replaced lynch mobs. The trend is evident as well at the state level. In Kentucky, for example, 76 per cent of the black lynchings occurred before 1900, whereas 65 per cent of the executions occurred after that date.⁵³

⁵² Tindall, *The Emergence of the New South*, pp. 173–80; Williamson, *The Crucible*, p. 335; Wright, *Racial Violence in Kentucky*, pp. 12–13.

⁵³ Wright, *Racial Violence in Kentucky*, pp. 311–31. These are my calculations based on Wright's Appendices A and B.

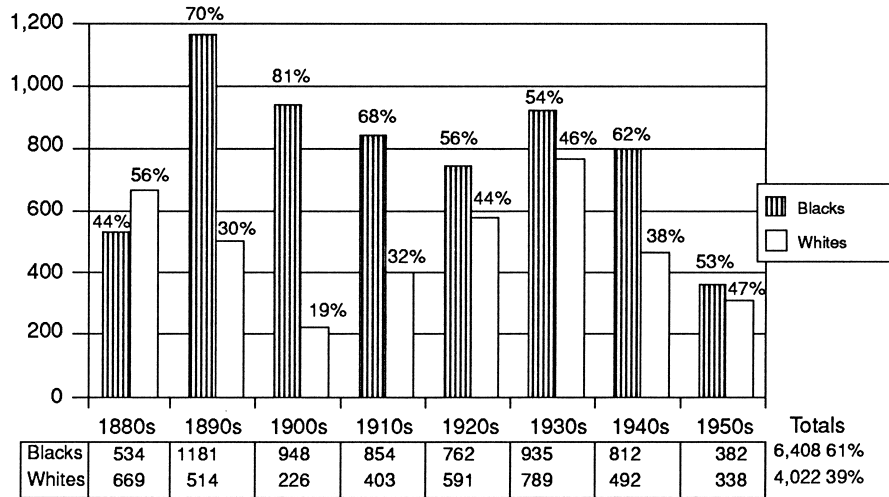


Fig. 3. Combined lynchings and executions by race in America, 1882–1959

Sources: Department of Records and Research, Tuskegee Institute, Alabama; *Historical Statistics of the United States* (Washington, DC: US Department of Commerce, 1970), p. 422.

In the 1920s, executions of blacks exceeded lynchings for the first time. Numerous studies have confirmed in meticulous detail the regional pattern of racial discrimination in death penalty cases that has been observed as long as records have been kept.⁵⁴ Southern and border states, for example, had the most extensive capital statutes, often stipulating the death penalty even for robbery and burglary. Rape, unsurprisingly, meant certain death for a black if the victim was white. In contrast, no white has ever been executed for raping a black woman.⁵⁵

But a real sense of the predacious course of white supremacy emerges when deaths by capital punishment are combined with those of lynching. Figure 3 reveals, for the first time, the grim harvest of decades of mob violence and capital sentencing. Despite the fact that blacks represented approximately 10 per cent of the national population during this period they account for large majorities of those lynched and executed in every decade except the 1880s. Even in that decade, however, 44 per cent of those who died in this manner were black. In the first decade of the twentieth century they accounted for a staggering 81 per cent. From the 1880s up to the 1950s, 6,408 blacks were put to death by these means as compared to 4,022 whites. An average of 801 blacks were killed per decade by state executioners and white lynch mobs. Put differently, this means

⁵⁴ See, for example, *McCleskey v. Kemp* 481 US 279, 107 S. Ct. 1756 (1987), especially the dissent of Justice William J. Brennan Jr.

⁵⁵ W. J. Bowers, *Executions in America* (Lexington, Mass.: D. C. Heath, 1974), pp. 55–7, 191–3; H. A. Bedau, *The Death Penalty in America* (New York: Oxford University Press, 1982), p. 32.

TABLE 2 *State Executions by Race in the Former Slave States*

State	Period of record*	Non-black	Black	Total	Percentage black
Alabama	1927–65	27	126	153	82%
Arkansas	1913–64	43	129	172	75%
Florida	1924–79	64	134	198	67%
Georgia	1924–64	83	339	422	80%
Kentucky	1911–62	77	94	171	56%
Louisiana	1957–61	1	10	11	91%
Maryland	1923–61	17	62	79	78%
Mississippi	1955–64	7	24	31	77%
Missouri	1938–65	14	25	39	64%
N. Carolina	1901–61	75	287	362	79%
S. Carolina	1912–62	41	200	241	83%
Tennessee	1909–60	43	91	134	68%
Texas	1924–82	124	238	362	66%
Virginia	1908–82	34	204	238	86%
Total		650	1,963	2,613	75%

*These are the only years when state records were kept. The figures do not reflect unknown numbers of executions that were imposed by local authorities. Records on the latter, when they were kept, are scattered throughout a myriad of county, prison and newspaper files that have yet to be examined. See 'Espy's Explanation of the Undated Procedure' in W. S. Bowers, *Legal Homicide: Death as Punishment in America, 1864–1982* (Boston: Northeastern University Press, 1984), pp. 396–7; also Appendix A, pp. 399–523, for the data upon which these calculations are based.

that an average of eighty-three blacks died by one of these methods each year for nearly eighty years. The comparable averages for whites during the same period are 502 per decade and fifty-two per year.

By the end of the 1930s, the death penalty, like lynching, already had a peculiarly Southern stamp. Also like lynchings, black sentencings and executions did not follow patterns set by demographic changes, economic cycles and electoral calendars. Although periods of record are incomplete, vary by state, and underrepresent the reality of what occurred, the available evidence presented in Table 2, still leaves little doubt that the former slave states that had lynched thousands of blacks began to accomplish the same objective with capital punishment. Although the black population in the South dropped from 33 per cent to 22 per cent during the period from 1910 to 1950, 75 per cent of all persons put to death by its states' executioners were black.⁵⁶

⁵⁶ Archivist M. Watt Espy Jr has compiled the most comprehensive listing of executions under state authority from 1864 to 1982. My own calculations in Table 2 are drawn from this source. Records of executions carried out under local authority are much more difficult to obtain and verify. Periods of record vary when executions were carried out by the states, and there is no complete record

The race of the victim determined a defendant's fate. An analysis of more than 11,000 executions in the United States revealed that in only two were white men executed for murdering a black.⁵⁷ Another study of some 15,000 executions from Colonial times to the present revealed that whites were executed for killing blacks in only twenty-nine cases. Of those cases, most involved defendants who had also killed whites; the remainder had killed slaves owned by someone else.⁵⁸ It was not until 18 February 1936 in Raleigh, North Carolina, that a white man was executed for the sole reason of murdering a black in the South.⁵⁹

Like first the whipping and then the lynching that followed it, capital punishment for blacks had little to do with retributive justice. Blacks who killed whites were almost certain to receive death sentences, while both whites and blacks who killed blacks were much more likely to be treated leniently.⁶⁰ The capriciousness of capital sentencing supports a familiar tenet – established centuries before and confirmed by recent research – that, be they defendants or victims, in Southern courts the lives of whites are worth more than the lives of blacks.⁶¹

CONCLUSIONS

'You don't understand how we feel down here,' a white Mississippian explained in 1908. 'When there is a row, we feel like killing a nigger whether he has done

(Footnote continued)

of executions carried out under local authority. See 'Teeters and Zibulka's Description of the Original Inventory' and 'Espy's Explanation of the Updating Procedure', in W. J. Bowers (with G. L. Pierce and J. F. McDevitt), *Legal Homicide: Death As Punishment in America, 1864–1982* (Boston, Mass.: Northeastern University Press, 1984), Appendix A, pp. 395–7.

⁵⁷ M. W. Espy Jr, 'The Death Penalty in America: What the Record Shows', *Christianity and Crisis*, 23 (1980), 191–5; Bedau, *The Death Penalty*, pp. 188–9.

⁵⁸ M. L. Radelet and M. Mello, 'Executing Those Who Kill Blacks: An Unusual Case Study', *Mercer Law Review*, 37 (1986), 911–25.

⁵⁹ M. L. Radelet and G. L. Pierce, 'Race and Prosecutorial Discretion in Homicide Cases', *Law & Society Review*, 19 (1985), 587–621; M. L. Radelet and M. Vandiver, 'Race and Capital Punishment: An Overview of the Issues', *Crime and Social Justice*, 25 (1986), 94–113; M. E. Wolfgang, 'Racial Discrimination in the Death Sentence for Rape', in W. J. Bowers, ed., *Executions in America* (Lexington, Mass.: D. C. Heath 1982 [1974]), pp. 109–20.

⁶⁰ See, for example, W. J. Bowers, 'The Pervasiveness of Arbitrariness and Discrimination Under Post-Furman Capital Statutes', *Journal of Law and Criminology*, 74 (1983), 1067–100; R. Paternoster, 'Prosecutorial Discretion in Requesting the Death Penalty: A Case of Victim-Based Racial Discrimination', *Law & Society Review*, 18 (1983), 437–78; D. C. Baldus, C. Pulaski and G. Woodworth, 'Comparative Review of Death Sentences: An Empirical Study of the Georgia Experience', *Journal of Criminal Law & Criminology*, 74 (1983), 661–753; W. J. Bowers and G. L. Pierce, 'Racial Discrimination and Criminal Homicide under Post-Furman Capital Statutes', in H. A. Bedau, ed., *The Death Penalty in America* (New York: Oxford University Press, 1982); G. Kleck, 'Racial Discrimination in Criminal Sentencing: A Critical Evaluation of the Evidence with Additional Evidence on the Death Penalty', *American Sociological Review*, 46 (1981), 783–805.

⁶¹ *National Prison Statistics*, p. 18; Bowers and Pierce, 'Racial Discrimination', p. 215; Bowers, *Executions in America*, p. 191.

anything or not.’⁶² And this young man knew that he could get away with it. Without shame or the fear of prosecution, a subculture of racial violence flourished in the South for generations. Only its forms changed with the times and the status of its black victims. By ignoring American culture and Southern history, structural explanations of lynching have the effect of sanitizing the epidemic, as though its perpetrators were as mere droplets in some sort of Hegelian deluge of forces over which they had no more control than their victims.

The evidence on Southern lynching and capital sentencing provide persuasive support for each of the seven propositions in Wolfgang and Ferracuti’s subculture of violence theory: the diverse situational nature of these events; the extensive community involvement that cuts across age, gender, social class and religion; the socialization that is reflected in the extended generational transmission of the supporting ethos; and the absence of shame and fear that fuelled this epidemic. But perhaps the most convincing support for the theory rests on two facts: the almost complete impunity with which such atrocities occurred; and, secondly, that lynching’s decline was hastened by a pernicious system of court-ordered executions that served the same purpose. While history has shown that racism in America is not limited to the South, it has found its most savage and enduring expression there.

Culture is shaped, in part, by the tools used to sustain it. After decades of indifference to the plight of its black citizens, the Federal government succeeded in altering the white supremacist culture of the South, and the vestiges of that culture elsewhere, by removing the tools used to perpetuate it. Although the process still continues, the certainty that racial crimes will be punished has greatly reduced their occurrence. Fear of Federal prosecution and conviction, not moral principles as Gunnar Myrdal imagined in 1944,⁶³ were the new elements introduced in the 1950s that, over the next several decades, gradually constrained and altered the South’s violent subculture of white supremacy.⁶⁴ But the threat remains.

Human behaviour cannot be understood outside of the cultural and historical contexts within which it occurs. The complex web of relationships within those contexts – and the different meanings people attach to them – define culture as well as reveal motives. To understand violence between individuals, investigators must analyse the relationship between the victim and the offender within, usually, a social-psychological context. In like fashion, to understand the violence between races, one must take into account culture and history. Too often we have not.

⁶² A. B. Hart, ‘The Outcome of the Southern Race Question’, *North American Review*, 188 (1908), p. 56; quoted in Williamson, *The Crucible of Race*, p. 187.

⁶³ G. Myrdal, *An American Dilemma: The Negro Problem in American Democracy* (New York: Harper & Brothers, 1944).

⁶⁴ On this point, see D. King, *Separate and Unequal: Blacks and the United States Federal Government* (New York: Oxford University Press, 1995).