

ESSAY

## Lynching in the New South and *The Roots of Rough Justice*: From Southern Exceptionalism to a Transnational History of American Lynching

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**Keywords:** lynching; New South; transnational history; American exceptionalism

In this brief essay I engage two books that have been widely praised as landmark contributions to the study of lynching in America and which have profoundly influenced my own scholarship. While both works have specifically addressed the history of racist violence against African Americans, my focus will be on how the authors have conceptualized the phenomenon of lynching and thereby helped to shape the field of lynching studies at large.

At first glance, W. Fitzhugh Brundage's *Lynching in the New South* and Michael J. Pfeifer's *Roots of Rough Justice* do not seem to have much in common.<sup>1</sup> To begin with, their temporal and regional lenses are markedly different. Fitzhugh Brundage deals with what he describes as "the most southern and virulently racist phase in the history of mob violence in the United States," namely the years between 1880 and 1930, when "segregation, sharecropping, white political hegemony, and, by no means least of all, lynching came to define the region." By comparing Georgia and Virginia, the two southern states with the highest and the lowest incidences of lynching, respectively, Brundage challenged the notion that southern mob violence was simply an extreme manifestation of white supremacy and he probed the structural factors that determined the frequency and persistence of lynching. In contrast, *Roots of Rough Justice* goes back in time as far as the late seventeenth century to examine "the antecedents of American lynching in an early modern Anglo-American legal heritage." Pfeifer's main focus is on lynching in antebellum America, but he carries his narrative forward to the Civil War and Reconstruction and includes the entire territory of the United States in his analysis. While the victimization of African Americans takes center stage in *Lynching in the New South*, Pfeifer also looks at mob murders of Euro-Americans, Native Americans, and Mexicans. Finally, the two books were published nearly twenty years apart from each other and need to be read with their respective historiographical contexts in mind. Still, I believe that bringing them into a conversation with each other may highlight some of the key controversies in the field: perhaps most importantly, the debates about the origins and the demise of lynching as well as the question of whether lynching should best be studied from local, regional, national, or even transnational perspectives.

When *Lynching in the New South* appeared in 1993, most reviewers, including leading students of American mob violence, heaped enthusiastic praise on the book for its

innovative approach, analytical rigor, and methodological sophistication. George C. Rable called it “a model of thorough research, careful description, and deep thinking.” Leonard Dinnerstein and I.A. Newby agreed that it was “the finest study we now have of lynching in the New South” (Newby), while Robert P. Ingalls commended its author for introducing “a new level of analysis.”<sup>2</sup> Indeed, in light of today’s rich scholarship in the field, it is easy to forget that Fitzhugh Brundage began his research when, as the author noted, the study of mob violence had just moved “beyond its infancy.”<sup>3</sup> Aside from a few case studies on individual lynchings, only one author, George C. Wright, so far had written a book-length study that covers mob violence in an entire state over an extended time period.<sup>4</sup> Against this backdrop, *Lynching in the New South* represented a major step forward. Brundage proposed an immensely useful typology of mobs and he systematically focused on economic, political, and demographic structures to account for the differences between Virginia and Georgia during the heyday of southern lynching. In addition to explaining variations over space and time, he set out to answer two other key questions, namely to what extent lynching signified a social ritual and what causes account for its decline.<sup>5</sup>

It was in the context of this latter question that I first consulted *Lynching in the New South*. While working on the NAACP’s struggle for Black voting rights, I touched upon the Association’s unsuccessful campaigns to pass a federal anti-lynching bill.<sup>6</sup> Unlike other major civil rights achievements, such as securing the vote and abolishing segregation, the end of lynching was not connected to momentous laws, court rulings, or presidential decrees. No conspicuous event or political decision could be credited with turning the tide against mob violence. Rather, lynching as a public spectacle incrementally disappeared between the two world wars. But why did lynching stop? The answers I found in the literature struck me as unsatisfactory. To his credit, Fitzhugh Brundage pays much attention to the activities of Black and white anti-lynching groups in Virginia and Georgia, and he ponders the motivations of southern politicians to condemn lawlessness and—on occasion—to take action against mobs. Yet, as one critical reviewer observed, he does not demonstrate a causal connection between the efforts of anti-lynching campaigners and the demise of mob violence. Apparently, Brundage was aware of this problem when he wrote that “the decline of lynching [in Georgia] during the 1920s and 1930s reflects the effectiveness of antilynching activists” but instantly cautioned his readers: “Even without the activities of antilynching activists, mob violence would have diminished across the twentieth century.” In his conclusions, the author then attributes the demise of lynching to “a combination of the continued efforts of antilynching activists and profound changes in the southern economy.”<sup>7</sup>

Sure enough, the end of lynching in the South was part of a broader process of economic, social, and cultural modernization. But how did the forces of modernization affect social action on the ground? What prompted people who had been raised in a culture of mob violence to change their ways? In my own research on the decline of lynching, I focus on the long and protracted process of how government institutions enforced their claim to a monopoly of legitimate violence, including their exclusive authority to suppress crime and punish criminals.<sup>8</sup> In short, I argue that improved law enforcement against lynch mobs and the expansion of the official death penalty are the key variables that explain why mob violence declined in the first half of the twentieth century. Moreover, these two factors were closely linked since many attempted lynchings that were prevented by local police officers resulted in speedy trials and executions that have aptly been dubbed “legal lynchings.” While the role of local sheriffs in suppressing mobs is uncontested, albeit insufficiently researched, historians disagree if and to what

extent the death penalty replaced lynchings. Brundage dismissed the so-called substitution argument because after the abolition of public executions, “state-inflicted capital punishment could no longer serve as a surrogate ritual for lynching.” But of course, persuading “the people” to relinquish the ritual of spectacle killings, including both lynchings and legal public executions, was part and parcel of what Michael Pfeifer calls “a larger cultural war over the nature of criminal justice.” In this struggle, which lasted longest in the South, the enhanced and racially lopsided infliction of the death penalty emerged as “a compromise between proponents of rough justice and middle-class advocates of due process,” according to Pfeifer.<sup>9</sup> For African Americans, the main victims of lynching, the effects of this transition toward a “modern” system of criminal justice proved highly ambivalent. While weak legal institutions failed to protect them against mob violence, “efficient” law enforcement affected them more severely than any other racial or ethnic group.

In light of the uncontested facts that in the late nineteenth and early twentieth centuries the vast majority of lynchings occurred in the South and that the vast majority of victims were African Americans, it is unsurprising that historians have long concentrated their research on racist mob violence in the Jim Crow South. Although he acknowledged that lynching was not unique to the South, Fitzhugh Brundage emphasized its peculiar southern character as an instrument of racial control, which he distinguished from western frontier vigilantism.<sup>10</sup> In contrast, Michael Pfeifer, in his widely acclaimed book *Rough Justice: Lynching and American Society 1874–1947*, undertook a cross-regional comparison that encompassed the Deep South, the Midwest, and the Far West, as well as the North East. He insisted that lynching was the appropriate term to characterize mob violence outside the South too and he stressed the intricate relationship between lynching and competing visions of law all over the United States. Although Pfeifer praised *Lynching in the New South* as a “pathbreaking, superbly contextualized study,” careful readers of *Rough Justice* will notice that the thrust of his argument was to transcend the confines of the Mason-Dixon Line.<sup>11</sup>

Although a remarkably short book of less than one hundred pages of main text, Pfeifer’s 2011 *Roots of Rough Justice* is, as one perceptive reviewer pointed out, not merely a prequel to his earlier work but an “attempt to retool or refocus the discussion of lynching.”<sup>12</sup> Most conspicuously, *Roots of Rough Justice* is sharply critical of what the author calls “an exercise in, and an argument for, American exceptionalism, most particularly, the exceptionalism of the American South.” Instead, Pfeifer contends, “that the origins of American lynching in the nineteenth century can only be understood in national, and indeed transnational, terms.”<sup>13</sup> To uncover the origins of the cultural war over criminal justice described in *Rough Justice*, he argues that it is necessary to go back to the British Atlantic in the seventeenth and eighteenth centuries when migrants from England, Scotland, and Ulster brought traditions of collective extralegal punishment to North America and participated in regulator movements in the backcountry of the South, which then set the stage for antebellum vigilantism.<sup>14</sup> In the nineteenth century, moreover, the transnational roots of mob violence were reinforced by Irish Catholic immigrants who transferred their opposition to British laws to the rule of Yankee Republicans in the Northern United States and quickly adapted to the racist climate in America by lynching Blacks.<sup>15</sup> As in *Rough Justice*, Pfeifer devotes considerable attention to mob violence in the Midwest and Far West, including incidents of collective murders of Native Americans and Mexicans during the antebellum era. Yet his book received special praise for the chapter on slavery. While older histories of lynching, among them *Lynching in the New South*, had assumed that the lynching of slaves “occurred only in exceptional

circumstances” because masters had a financial interest in protecting their property, Pfeifer produced a new inventory of mob executions of both free Blacks and slaves that suggests that mob violence against slaves was not unusual. Clearly, there is a need for more empirical research in this area.<sup>16</sup>

As several reviewers observed, *Roots of Rough Justice* is not an exhaustive synthesis of lynching and mob violence from the colonial era to the Civil War and Reconstruction but a book that makes strong claims and thus invites debate and controversy.<sup>17</sup> On the conceptual side, Pfeifer pointedly buttresses his previous argument that the history of lynching in America must be understood as a culture war that pitted communal notions of swift and harsh retributive justice against emerging ideas of due process. The dynamics depicted in *Rough Justice*, he insists, did not begin after the Civil War but stretch back to the late colonial era. The author also maintains the intimate relationship between the histories of capital punishment and lynching; perhaps with deliberate provocation he concludes: “Thus, as lynching came from the early modern death penalty, the modern death penalty came from lynching.”<sup>18</sup> It is noteworthy that Pfeifer’s account of the lynching of slaves and free Blacks in the antebellum era emphasizes that these incidents were usually preceded by accusations of crimes, such as murder and rape, and triggered by “frustration over the deliberative and unpredictable nature of legal process.”<sup>19</sup> Ideas of rough popular justice combined with racial and class hierarchies, then, link mob violence against slaves to the vigilantism of the Western frontier. For historians who insist on a categorical distinction between mob killings as racial terrorism and lynching as extralegal punishment for crimes his findings present a challenge.

Pfeifer’s call for studying American lynching from a transnational perspective ties in with the new historiographical orthodoxy but has not persuaded those historians who see little use in “historical and transnational universalism” and insist that “historical specificity,” rooted in local and regional conditions, must enjoy precedence. “Every human society has practiced some form of lynching,” writes Ashraf Rushdy, but in order to understand what makes the history of American lynching distinctive, he argues, scholars need to consider American traditions, myths, and institutions, most importantly slavery, which, the author contends, produced the cultural values that have sustained lynching throughout American history.<sup>20</sup> But of course slavery was not a distinctive American institution, and, logically, the concept of distinctiveness implies comparisons. Historians who emphasize the specificity of American or, for that matter, southern lynchings will therefore benefit from looking beyond the borders of the United States, if only to hone their arguments. Likewise, historians who advocate researching transnational connections and making broad international comparisons need to demonstrate that these approaches actually produce useful insights for the study of regional and national cases. Indeed, my own critique of *Roots of Rough Justice* is that Pfeifer does not devote enough attention to the transcultural transfers that, he claims, planted the seeds of lynching into North American soil from the colonial era onward. The pertinent chapter is very short and tells readers little about the traditions of communal justice on the British Isles and about the people who brought them to America. Clearly, there is much room for future research. I also would have liked to learn more about how the suppression of popular disturbances in early nineteenth-century England contributed to establishing a state monopoly of violence in contrast to the localized concepts of criminal justice in the United States. This argument is central in my view and deserves more attention than a footnote. As much as I second Pfeifer’s argument that lynching reflects the weakness of the state’s claim to a monopoly of legitimate force, a more detailed and explicit comparison would have added considerable plausibility to his narrative.<sup>21</sup>

That much said, the scholarship on lynching and vigilantism as transnational and global phenomena that has appeared in recent years is impressive. For example, Sarah Silkey has explored the transatlantic connections of Black anti-lynching activism in the early twentieth century. William D. Carrigan and Clive Webb have demonstrated how the lynching of Mexicans and Italian immigrants, respectively, affected U.S. foreign relations and America's international image. The contributions to two edited collections have also deepened our understanding of the transnational dimensions of American lynching, including the worldwide spread and rhetorical appropriation of the American term.<sup>22</sup> In addition, Michael Pfeifer recently edited two volumes with case studies from all over the world covering a time span from the Middle Ages to the present.<sup>23</sup> Although not explicitly comparative, these studies offer historians of American lynching much food for thought.

The same is true for two books that challenge the historiographical consensus among American historians according to which lynching in Jim Crow South must be understood first and foremost as an instrument of racial control. In his comparison of Apartheid South Africa and the American South, Ivan Evans finds that racial lynching was virtually absent in South Africa because both state authorities and the white minority had a much stronger commitment to formal law than southern whites in the United States. As racist laws and a strong state guaranteed white supremacy, lynching as a means of racial control appeared unnecessary. In *Lynching: American Mob Murder in Global Perspective*, Robert W. Thurston compares lynching in the American South with similar forms of violence in Asia, Latin America, and Africa. Lynching scholars, he argues, have exaggerated the role of race, which has played a minor role in mob violence worldwide. Instead, Thurston holds that lynching primarily results from political instability and a social climate of fear and insecurity. Once the white South had established a new racial order based on segregation and disfranchisement, lynching gradually declined. Michael Pfeifer rightly points out that Thurston unnecessarily downplays the significance of race and racism, but it is interesting to note that Thurston's plea for taking seriously the self-perception of lynchers as avengers of crime echoes Pfeifer's own concept of rough justice.<sup>24</sup>

Studies on Latin America, in particular, reinforce the role of crime, weak and corrupt law enforcement, and unfettered class rule as key reasons why many people, especially the poor, view lynching as legitimate self-defense. Slum dwellers and isolated villagers complain that the police make little effort to protect them against predatory gangs while the rich hire private security squads that often kill with impunity. Similar to developments in the United States, surging crime rates, and public obsession with crime have prompted Latin Americans to demand tougher laws, even if they come at the expense of due process rights.<sup>25</sup> A comprehensive study that includes comparisons as well as transcultural flows between Latin America and the United States, in my view, could make an important contribution to the field.

Twenty-five years ago, Fitzhugh Brundage wrote in his introduction to *Lynching in the New South* that "when viewed in a comparative perspective, the exceptional history of lynching in the United States becomes apparent."<sup>26</sup> I am curious whether he still subscribes to that statement. Obviously, ideas of American exceptionalism have become widely discredited. This includes the "negative exceptionalism" of lynch law that anti-lynching activists around the turn of the twentieth century argued made the United States—and especially the American South—unique and undermined white Americans' claim to be respectable members of the "civilized world." Exceptionalism, however, is an unfortunate term that is not conducive to a productive conversation between the two great books I tried to engage in this essay. By exploring the particular conditions and structures that sustained lynching in the New South, Brundage did not make an essentialist argument but emphasized its distinctiveness. Taking national and transnational approaches in search of the

roots of rough justice, Michael Pfeifer did not make a case for submerging the southern experience in ahistorical universalism but for understanding lynching in the South and in the United States as part of the human experience.<sup>27</sup> Only in combination, do we get the full story.

## Notes

- 1 W. Fitzhugh Brundage, *Lynching in the New South: Georgia and Virginia, 1880–1930* (Urbana: University of Illinois Press, 1993); Michael J. Pfeifer, *The Roots of Rough Justice: Origins of American Lynching* (Urbana: University of Illinois Press, 2011).
- 2 See the reviews by George C. Rable, *Journal of American History* 81:4 (1995): 1749; Leonard Dinnerstein, *Florida Historical Quarterly* 73:2 (1994): 251–52; I.A. Newby, *Register of the Kentucky Historical Society*, 92:1 (1994): 99–101; Robert P. Ingalls, *American Historical Review* 99:5 (1994): 1758–59.
- 3 Brundage, *Lynching in the New South*, 8.
- 4 George C. Wright, *Racial Violence in Kentucky, 1865–1940: Lynchings Mob Rule, and ‘Legal Lynchings’* (Baton Rouge: Louisiana State University Press, 1990); for individual case studies, see esp. James R. McGovern, *Anatomy of a Lynching: The Killing of Claude Neal* (Baton Rouge: Louisiana State University Press, 1982); Howard Smead, *Blood Justice: The Lynching of Mack Charles Parker* (New York: Oxford University Press, 1986).
- 5 Brundage, *Lynching in the New South*, 16.
- 6 See Manfred Berg, *The Ticket to Freedom: The NAACP and the Struggle for Black Political Integration* (Gainesville: The University of Florida Press, 2005), 51–52, 65–68, 124–25, 130; on the NAACP’s lobbying efforts, see Robert L. Zangrando, *The NAACP Crusade against Lynching, 1909–1950* (Philadelphia: Temple University Press, 1980).
- 7 Brundage, *Lynching in the New South*, 209, 245; cf. the review by Michal R. Belknap, *Law and History Review* 13:1 (1995): 154–56.
- 8 I have developed my argument in the following publications: Manfred Berg, “Das Ende der Lynchjustiz im amerikanischen Süden,” *Historische Zeitschrift* 283:3 (2006): 583–616; “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*, eds. Manfred Berg et al. (Heidelberg: Universitätsverlag Winter 2006): 29–42; *Popular Justice: A History of Lynching in America* (Chicago: Ivan R. Dee, 2011), 144–64; “Lynching and the Ambivalence of Modernity” in *Fractured Modernity: America Confronts Modern Times 1890s to 1940s*, eds. Thomas Welskopp and Alan Lessoff (München: Oldenbourg Verlag, 2012), 151–68.
- 9 For a forceful argument that “the state took over the role of the mob,” see Wright, *Racial Violence in Kentucky*, 213, chapters 7 and 8; cf. Brundage, *Lynching in the New South*, 256; Michael J. Pfeifer, *Rough Justice: Lynching and American Society, 1874–1947* (Urbana: University of Illinois Press, 2004), 2–3, 122–47, 149. Historians of lynching will be familiar with the controversy whether there is a statistical correlation between lynchings and the death penalty. Stewart E. Tolnay and E.M. Beck, *A Festival of Violence: An Analysis of Southern Lynchings, 1882–1930* (Urbana: University of Illinois Press, 1995), 98–111, claim there is none at all but then, oddly, concede that “it is still possible that the two types of lethal punishment were connected in the minds of the members of some southern lynch mobs” (111). Arguably, historians who have studied the discourse on lynching will agree that that the alleged weakness and leniency of the criminal justice was the most important defense of lynching both in the South and in the United States at large. Margaret Vandiver pays more attention to this discursive connection. As to the substitution hypothesis, she did not find consistent patterns; see *Lethal Punishment: Lynchings and Legal Executions in the South* (New Brunswick, NJ: Rutgers University Press, 2006), 176.
- 10 Brundage, *Lynching in the New South*, 3, 14; see also his “Introduction” in *Under Sentence of Death. Lynching in the South*, ed. W. Fitzhugh Brundage (Chapel Hill: University of North Carolina Press, 1998), 3–4.
- 11 Pfeifer, *Rough Justice*, 5–7; see also his more recent critique of regional parochialism, “Introduction,” in *Lynching Beyond Dixie: American Mob Violence Outside the South*, ed. Michael J. Pfeifer (Urbana: University of Illinois Press, 2013), 2–3.
- 12 See the review by Ken Gonzales-Day, *Journal of American History* 98:3 (2011): 842.
- 13 Pfeifer, *Roots of Rough Justice*, 3.
- 14 Pfeifer, *Roots of Rough Justice*, 14 and passim.

15 Pfeifer, *Roots of Rough Justice*, 68–81; see also Michael J. Pfeifer. “The Northern United States and the Genesis of Racial Lynching: The Lynching of African Americans in the Civil War Era,” *Journal of American History* 97:3 (2010): 621–35.

16 Pfeifer, *Roots of Rough Justice*, 32–46; see the reviews by Christopher Waldrep, *The Historian* 74:2 (2012): 367–68; and Amy Wood, *Pacific Historical Review* 82:3 (2013): 446–47; Brundage, *Lynching in the New South*, 5–6. It should be noted that historians have by no means ignored the key importance of slavery for the history of lynching and mob violence; see, e.g., David Grimsted, *American Mobbing, 1828–1861: Toward Civil War* (New York: Oxford University Press, 1998), Part II, 85–178. Grimsted counts more than 400 slaves who were killed by mobs during insurrection scares, Grimsted, *American Mobbing, 1828–1861*, 135. This is a category that Pfeifer deliberately excluded from his list.

17 See the reviews by Bruce E. Baker, *American Historical Review* 116:5 (2011): 1476–77; and Richard Nation, *Indiana Magazine of History* 108:3 (2012): 290–91.

18 Pfeifer, *Roots of Rough Justice*, 3–5, 89 and passim.

19 Pfeifer, *Roots of Rough Justice*, 39–44 (quote).

20 Cf. Amy Woods review of *Roots of Rough Justice*, *Pacific Historical Review* 82:3 (2013): 446–47; for a similar critique of Pfeifer’s call for national and international studies; see Michael Ayers Trotti, “The Multiple States and Fields of Lynching Scholarship,” *Journal of American History* 101:3 (2014): 852–53; Ashraf H. A. Rushdy, *American Lynching* (New Haven, CT: Yale University Press, 2012), IX–XIII.

21 Pfeifer, *Roots of Rough Justice*, 5, 7–11, 111–12 fn. 22; see Berg, *Popular Justice*, X, 194–95 and passim.

22 Sarah Silkey, *Black Woman Reformer: Ida B. Wells, Lynching, and Transatlantic Activism* (Athens: Georgia University Press, 2015); William D. Carrigan and Clive Webb, *Forgotten Dead: Mob Violence against Mexicans in the United States, 1848–1928* (New York: Oxford University Press, 2013), esp. chapter 4; Clive Webb, “The Lynching of Sicilian Immigrants in the American South, 1886–1910,” *American Nineteenth Century History* 3:1 (2002): 45–76, esp. 63–68; William D. Carrigan and Christopher Waldrep, eds. *Swift to Wrath: Lynching in Global Historical Perspective* (Charlottesville: University of Virginia Press, 2013); see also several contributions in Manfred Berg and Simon Wendt, eds., *Globalizing Lynching History: Vigilantism and Extralegal Punishment from an International Perspective* (New York: Palgrave Macmillan, 2011).

23 Michael J. Pfeifer, *Global Lynching and Collective Violence: Asia, Africa, and the Middle East: Volume 1; The Americas and Europe: Volume 2* (Urbana: University of Illinois Press, 2017).

24 Ivan Evans, *Cultures of Violence: Lynching and Racial Killing in South Africa and the American South* (Manchester: Manchester University Press, 2009), esp. 15–22; for a similar argument, see Christopher Saunders, “Lynching: The South African Case,” Berg and Wendt, *Globalizing Lynching History*, 87–100; Robert Thurston, *Lynching: American Mob Murder in Global Perspective* (Burlington, VT: Ashgate, 2011), esp. 3–11, 39–42, 405–407; Pfeifer, Introduction, *Global Lynching and Collective Violence: Volume 1*, 9–10, fn. 2.

25 See, e.g., Angelina S. Godoy, *Popular Injustice: Violence, Community, and Law in Latin America* (Stanford, CA: Stanford University Press, 2006); Godoy, “When ‘Justice’ Is Criminal: Lynchings in Contemporary Latin America,” *Theory and Society* 33:6 (2006): 621–51; Daniel M. Goldstein, *The Spectacular City: Violence and Performance in Urban Bolivia* (Durham, NC: Duke University Press, 2004); Timothy Clark, “Lynching in Another America: Race, Class, and Gender in Brazil” in *Globalizing Lynching History*, 187–205.

26 Brundage, *Lynching in the New South*, 3.

27 See Pfeifer, *Roots of Rough Justice*, 4.

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**Cite this article:** Manfred Berg, “Lynching in the New South and The Roots of Rough Justice: From Southern Exceptionalism to a Transnational History of American Lynching,” *The Journal of the Gilded Age and Progressive Era* 20, 136–142. <https://doi.org/10.1017/S1537781420000560>