1984

[Introduction to] Vengeance and Justice: Crime and Punishment in the 19th Century American South

Edward L. Ayers
University of Richmond, eayers@richmond.edu

Vengeance and Justice

Crime and Punishment in the 19th-Century American South

EDWARD L. AYERS

New York Oxford
OXFORD UNIVERSITY PRESS
1984

Introduction

Violence permeates the most potent and indelible images of the American South: eye-gouging free-for-alls at the rural courthouse; men of aristocratic mien and pretension solemnly dueling at ten paces; rebellious slaves writhing under the lash; chain gangs, bloodhounds, and grisly lynchings. These images can never be far from our conception of what made the South "the South," of what made that tortured region so often at odds with itself and with the rest of nineteenth-century America.

The causes of these cruelties and barbarities have long seemed common knowledge, common sense. Racism, the frontier, war, political conflict, and social dislocation seem more than sufficient to explain the South's tragic history of crime and punishment. Because these forces seem so obvious, in fact, no one has thought to take a look at how the patterns of Southern crime and punishment fit together, how they changed before and after the Civil War, how they differed within the subregions of the South, how they were resisted by Southerners of both races.

We have been blinded by our preconceptions. Southern crime and punishment were not the simple, almost elemental, phenomena they have long seemed. The nineteenth-century South, more than most societies, saw itself divided by conflicting interests, loyalties, economies, races, and classes. The patterns of crime and punishment reveal those patterns of conflict in subtle as well as obvious ways; the

incongruities, puzzles, and quandaries of the South are as important as the sometimes undeniable simplicities of the region.

Most of the South's conflicts and complexities grew out of the region's unique position in the nineteenth-century world. No other society experienced a history as the world's most powerful slave society within an Anglo-American civilization that saw itself as the antithesis of everything slavery embodied. Although white Southerners waged a war against the North in large part to preserve slavery, the South shared many ideals and dreams with the North, dreams it would not, could not renounce. White Southerners defined themselves in the same political language as other Americans; they believed, in fact, that the slave South alone preserved the freedom won by America's founding fathers. They spoke of the justice of slavery and the necessity for black subordination at the same time they extolled the South's heritage of freedom. The white South adhered to its version of republicanism before, during, and after the Civil War with a tenacity born of self-righteous conviction. The unstable compound of a political ideology based on equality mixed with a biracial society based on inequality helps account for much of the nature of Southern punishment in both the antebellum and postbellum periods.

On another level, much of Southern crime and punishment—including black theft, white lynching, and the convict lease system—can be understood only by looking at something besides political ideology that the South shared with the rest of America: involvement in the international market economy. The rewards and values of that economy beckoned the South before and after the Civil War, and many people in the region could not remain deaf to its siren call. But just as the past left the South a cursed inheritance of slavery, violence, and injustice, so the future that Southerners belatedly welcomed in the form of railroads and merchants helped breed new sources of theft, conflict, and bloodshed. Southerners of both races wore shackles not entirely of their own making, shackles that help explain their tragic history of crime and punishment.

I have tried to find out what kinds of crimes and punishments marked the different areas and eras of the South in order to offer an interpretation of nineteenth-century Southern justice that is coherent and yet faithful to the complexity of the region. The study explores the proportions of people prosecuted and imprisoned for various types of crimes, tries to find out who they were and how their punishments were arrived at, investigates the workings of prisons

and police forces, judges and juries, lynch mobs and moonshiners. I have defined crime broadly, as broadly as various groups of Southerners defined it: this account includes not only criminal cases tried in courts but also extrajudicial acts as disparate as duels, stealing by slaves, offenses of church members against their congregation, and the terrorism of the Ku Klux Klan. Each of these "crimes" led to widely varying consequences, of course, yet each mattered a great deal to large numbers of nineteenth-century Southerners. The formal courts are therefore only a partial—if crucial—element of the story this book attempts to tell.

So large and amorphous a subject does not lend itself to a simple linear organization. Part One establishes the major themes of the book as it examines in turn the most important cultural and structural components of crime and punishment in the slave South. Then Part Two, which begins with secession and ends with the turn of the century, shows how those components were transformed as Old South became New South. The histories of three specific communities—a city, a plantation county, and an upcountry county—are woven into the narrative to provide focus and a sense of scale. I have attempted, in other words, to combine relatively sweeping theoretical discussions with portrayals of the place of crime and punishment in everyday life. To ignore the broad questions about Southern uniqueness and identity, economy and state, that crime and punishment can illuminate would be to ignore something valuable. To ignore what the region's various transgressions and retributions can reveal of the emotions, struggles, and even triumphs Southerners experienced, however, would be an equal loss.