



## The Meanings of Lynching, A Word that Crossed the World

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**Abstract:** This article aims to clarify the definition of "lynching". Despite a century of victims, a univocal consensus on how we can define this practice today has not been reached yet in the U.S. This lexical semantics problem affected thousands of African Americans by losing their lives on American soil between the nineteenth and twentieth centuries. Indeed, due to the lack of a commonly shared legal definition of "lynching", many appeals to justice failed. This linguistic issue is still the subject of a controversial socio-cultural debate. In the absence of a collective definition, the practice continues not to be considered a federal crime today. By exploring the definitions of "lynching" proposed over the years, including the courtrooms, this article aims at understanding whether the racial component is also applicable to foreign cases, or whether it may well be a peculiarity of the United States, possibly of colonial derivation.

**Keywords:** Lynching, racial violence, Jesse Washington, Lynch law, lynchamento

### I. INTRODUCTION

The origin of the word "lynching" has not been determined yet with certainty. Many argue that this term derives from the family name of Charles Lynch, a Virginia peace judge, who was indemnified in 1782 by an act of the Assembly of Virginia for having illegally fined and jailed some citizens. However, according to Albert Matthews (1904), no evidence links the etymology of the word "lynching" to the surname of Judge Lynch and his acts. Some hypothesized instead that the term derives from the name of Lynch's Creek in South Carolina, a place known in 1768, as a gathering venue of the so-called "regulators", a group of men whose goal was to "fill in the gap" of a regular administration of criminal justice. Perceiving justice as lacking in Carolina, they acted as substitutes for it while committing numerous acts of violence against those suspected.

Both strands of thought could be valid because, according to the Oxford English Dictionary, the first appearances of the term "Lynch's law" dates back to 1811, 1817, and then 1819, mainly referring to events occurred at the end of the 1700s.

While this law would hit any criminal indiscriminately, an event occurred in the second half of the nineteenth century that forever changed the history of the United States of America: the XIII Amendment in 1865. With the abolition of slavery, whites experienced grave mourning for their white nationalism - the mourning of their omnipotence.

Under a solid white supremacist ideology, despite successive amendments, blacks continued to be targeted by the white human cruelty in continuity with previous centuries of colonialism (Pfeifer, 2011). Thus, the lynching of African Americans has been translated into a self-help social device aimed at maintaining the previous hierarchies of race and power control to restore the post-XIII Amendment social situation to its previous condition.

During this period, the increasingly brutal violence consolidated into the practice of lynching, and the racial component played a key role. Although people were conscious of this practice, a legal definition of the violent social phenomenon that characterized almost a century of American history was never approved.

Through the historical-legal exploration of the term, it is possible to observe how the lynchings were an implicit part of the social actions that regulated the interaction between African Americans and whites. During the period of Jim Crow laws, it represented an insurmountable barrier for the social affirmation of ex-slaves between the nineteenth and twentieth centuries.

### II. THEORETICAL FRAMEWORK

The definition of the term "lynching" changed over the years, referring to a vastness of behaviors, ranging from clandestine ones, such as hangings, to ritualized performances - usually in the presence of big crowds

(Carrigan, 2017). Hanging was the most often used method, which can be considered a genuine act of murder, but there are also cases of stoning, beatings, and death caused by firearms (Pfeifer, 2011; Rushdy, 2012).

In the past, there were many difficulties in defining what lynching was. Several scholars have sought answers in the history of the United States and, more recently, in other European countries. Undoubtedly, any dissertation on the subject brings emotional involvement, common to the various episodes of mass murder.

In the attempt to end the numerous lynchings in the United States, the promoters of federal anti-lynching legislation proposed over 100 bills in Congress between 1882 and 1951, appealing to the federal government support it was considered the only solution to avoid the individual state authorities decide how to intervene. Unfortunately, all attempts have failed in the lack of agreement on the meaning of the word "lynching". Observing why these federal bills were systematically rejected during the years when African Americans were lynched, it is possible to relate the definition issue to the power relation between the individual states and the federal government.

The first real support came in 1891, thanks to President Harrison, who followed the scandal of the lynching of eleven Italians in New Orleans, which occurred in March of the same year. The Italian government demanded explanations since three of the eleven victims were formally Italian citizens. The United States then replied that what happened was not under federal jurisdiction, as these crimes belonged to the individual states due to the nature of the federal system. This case created an international antecedent in the relationship between the history of lynching and human rights in the United States, urging the need for a clarification of such crime. Furthermore, during the same period, lynchings of African Americans occurred more frequently across all the states (Rushdy, 2012). Therefore, a protection intervention was needed to support aliens - all citizens deserved the same rights.

Because of these events, again in 1894, with the sustain of President Harrison, some petitions to investigate lynching cases were sent to both houses of Congress. Despite this and other subsequent attempts, the situation did not change. Cases of lynching continued to occur more often, reaping a considerable number of African American victims.

One of the cases that most shocked public opinion and reaffirmed the need for a definition of lynching and an anti-lynching law was Jesse Washington's murder in 1916. He was a 17-year-old, mentally disabled African American who worked as a laborer in Texas. He was accused of raping and then killing his employer's wife. The case supposedly took place in Robinson. After interrogation with the McLennan County Sheriff, the young teenager signed a confession to plead guilty. He was then charged with murder in Waco (Texas), considered one of the most modern and progressive cities, in 1916. However, despite the boy's young age, the court sentenced him to death. In full excitement for the sentence, a crowd of around two thousand people forcefully dragged Jesse Washington in front of the Town Hall, where real torture took place, intentionally made it last as long as possible (Berg, 2011, p.104). The teenager was unable to move due to a chain tied to the neck. He suffered castration, mutilation of the fingers and genitals, and burns on the body. All this was what the poor 17-year-old young boy suffered in front of the eyes of many people who came from other cities to assist and to participate in the event (SoRelle, 1983). Once the murder was carried out, the charred body was shown around the town as if it were a trophy. Some of its parts were sold as souvenirs of the episode. Moreover, photos of the event quickly became postcards that were sold in Waco. Nobody was arrested for what occurred (Berg, 2011).

Following the media resonance that this case had, NAACP hired activist Elisabeth Freeman to investigate the incident. After several days, she managed to find out who directed the crowd, although she was told not to reveal their identities (Hale, 1998). In compliance with the recommendations received, her report on the lynching of Jesse Washington was enough to start an effective denunciation campaign involving all the United States. It was argued that a change in public opinion aroused more success than legislative actions (Bernstein, 2005), which unfortunately were slow in coming.

Two years were needed before a new bill proposal aimed at protecting all United States citizens from lynching to consider it a violation of the State's protection. It happened in 1918, thanks to Representative Leonidas C. Dyer of Missouri. He intended to make lynching recognized as a federal crime with a clear definition of what this atrocity was. The Dyer Anti-Lynching Bill passed the U.S. House of Representatives on January 26, 1922, but the Southern Democrats blocked its path at the Senate thanks to their majority vote. It was necessary to wait until 1937 and then 1940 before other bills passed the House of Representatives. In any case, all three attempts failed in their aim.

It was in 1940 that, after the last rejection of the bill, the Tuskegee Institute, the National Association for the Advancement of Colored People (NAACP), the Association of Southern Women for the Prevention of Lynching (ASWPL), and the International Labor Defense (I.L.D.) decided to gather in Alabama

to finally find common ground on a globally accepted definition of the word "lynching". The need also stemmed from the southern newspapers that expressed themselves towards this violent practice, defined as a common community response to counteract those who committed crimes that violated the beliefs and values of a good neighborhood (Waldrep, 2000). However, newspapers and statistics reported that more African Americans were victims of violence. In this, many anti-lynching activists saw a clear desire on the part of white supremacists to restore the previous hierarchies of race and power control before the promulgation of the XIII Amendment.

Following up the meeting of the most important and influential associations for the promotion and protection of the civil rights of African Americans, the term "lynching" did not reach a shared definition. As quoted in "War of Words: The Controversy over the Definition of Lynching, 1899-1940" by Christopher Waldrep (2000, p. 97), according to the Tuskegee Institute, it follows: "[...] an activity in which persons not officers of the law, in open defiance of the law, administer punishment by death to an individual for an alleged offense or to an individual with whom some offense has been associated."

However, this definition excluded all murders committed by law enforcement officers with the same characteristics and methods as those that the Tuskegee Institute wanted to include in the meaning of the word. It became the subject of an intense debate with the NAACP, which developed a more inclusive definition after numerous other discussions (Waldrep, 2000). It follows that to be able to speak of lynching, there must be at least one dead body. Furthermore, the violence must be performed without a death sentence legally issued by a court.

Particular importance was given to the perpetrators of the lynching: they always had to be a group of people. If otherwise, any murder of a white against a black would fall within the term. This last point was the subject of conflict, as there was no agreement on the meaning of the word "group". This meaning remained undefined, leading to assume that even three people could be defined as "a small group" and carry out a lynching (Waldrep, 2000).

The lack of shared common meanings unfolds the absence of an anti-lynching law. Despite an initial agreement, with time and the decline of cases, the words "lynching" and "group" could be once again freely interpreted even from the press.

### III. THE INTERNATIONAL DEBATE

Many scholars agree today that the word "lynching" seems to be of American origins, circumscribing it within a specific phenomenon that has seen African Americans the most affected victims. However, if the practice of lynching is understood as "extralegal group assault and/or murder motivated by social control concerns" (Pfeifer, 2017, p. 1), its meaning has such a greater extent to involve the whole world and not just the United States.

In the mid-nineteenth century, the British press reported violent incidents under the term "lynching", but when Ida B. Wells - an African American social activist and journalist - began her campaign against what was happening in the U.S., the meaning of the word changed on the island (Pfeifer, 2017). Acknowledging the different historical circumstances regarding the abolition of slavery and its legacy in North America, Great Britain changed their reported claims toward lynching and reframed the episodes of violence.

Lynching became then a peculiarity only of the American territories, rooted in the historical-race condition of the country and the abolition of slavery. African Americans were seen as "not a human being in the same sense as the white man" (Carrigan & Waldrep, 2013, p. 176), far from the conception of the British press.

Coinciding with what African Americans underwent, the word "lynching" was transliterated by elite Russians into "samosud", which is a similar act of violence carried out by the folks of the rural population in the late imperial period (Pfeifer, 2017). Through this form of violence, it was believed that social stability could be maintained in the villages by capturing and sentencing on the spot the delinquents as a means of intimidation to prevent the same type of crime.

The racial component that characterized lynchings in the U.S. continued to perpetuate itself in the East part of the world. Ritualized punishments (*charivaris* in Russian) were much more severe if carried out on a foreigner and not on a fellow countryman (Pfeifer, 2017), just as American lynchings were harsher if carried out on an African American than on a non-supremacist white. Quoting an article published by *The Jurist* on August 7, 1905, it is possible to observe how the meaning of "lynching" entered into the Russian dictionary and how that same violence was associated with the American one:

Almost daily the telegraph brings news about cases of vigilante justice against thieves, robbers, hooligans, and other criminal elements. . . . One might think that Russia has been brought temporarily to the American prairie and that Lynch law has been granted citizenship by us.

It is possible to observe what happened in Brazil through the Russian case. According to Chazkel, the Brazilian context after the abolition of slavery - which took place twenty-three years after that of the United States - presents transnational links, including tragic episodes of violence that marked the history of North America (Chazkel, 2017). Racial oppression in Brazil occurred in conjunction with the fall of the monarchy, a historical moment in which it was necessary to reassess the concept of citizenship as many Afro-descendants had been legally considered as non-persons. Chazkel, therefore, considers that the incidents of lynching that took place in that same period in the United States aroused the interest of Brazilian citizens in questioning their situation in their country, claiming that the "acute anxieties about the rule of law" ( Pfeifer, 2017, p. 6) provoked violence, and supposedly thought to attempt to return to the previous monarchic regime at the expense of a new Republic. It is in this scenario that the Brazilian Portuguese language absorbed the "Lynch law", translating it into "a lei de Lynch," and consequently, "lynching" became "lynchamento". It was used by the Brazilian press as a widely known term, given the resonance media coverage it had in the country before that time.

The term evolved over the years, hand in hand with the new meanings that associations for promoting civil rights in the United States proposed in their appeals to justice. It usually meant "typically (but not always) a white mob assaulted a black victim" (Chazkel, 2017, p. 68), and the acts of violence of the vigilantes were included in the definition. Not only were the victims lynched with the excuse of maintaining social order, but they were also a symbol of racial oppression.

In this specific geographical area, lynching also acquired a sort of social need, soon becoming "not just a tactic used in a race war; it was a private solution to either an excess, an insufficiency, or a misdirection of state power" (Chazkel, 2017, p. 78) since the fragility of the state sovereignty of the new Republic was widely visible in the first century of the government's independence as it appeared to be no longer able to respond to the needs of the population that instead the monarchy was well safeguarding. For these reasons, the "lynchamento" referred more "to the differential access to legal protections and equal justice at home" (Chazkel, 2017, p. 80) even if skin color remained the preferred target of the crowd.

However, it is widely documented (Carrigan & Waldrep, 2013; Pfeifer, 2011; Waldrep, 2000) that the word lynching found widespread use when Americans were abroad to fight wars, bringing this violent act and its implication. It was studied by Fumiko Sakashita (2013), looking at the African American soldiers' presence in Japan in 1919. Acknowledging the colored presence, the press and many politicians accused of hypocrisy the United States for rallying non-white people - considering them as "men of honor" abroad, while lynched in their country (Carrigan & Waldrep, 2013).

This debate contributed to the awakening of Afro-Americans condition when back in North America, realizing that the racial hypocrisy characterized the United States. Therefore, once returned to their homeland, many African American soldiers were equally subject to forms of racial discrimination despite their glorious past as veterans who fought for the common good.

As a direct consequence, the African Americans' "Double V" campaign, with the motto "V for Victory Abroad and V for Victory at Home", was born with the aim of being considered important African American citizens, not only in times of need (such as during the war) but also in everyday life (Sakashita, 2013). This is why many ex-soldiers joined the NAACP ranks to gain full recognition of their civil rights as citizens with equal rights as whites.

#### IV. THE CURRENT PROBLEM OF MEANINGS

In 2005, the Senate eventually adopted a resolution that was a form of apology to the victims of lynchings that took place over a century ago. It contained a relevant statement saying it was the federal responsibility to defend people from lynchings. Despite being unanimously approved by the Senate on December 19, 2018, the "Justice for Victims of Lynching Act" - unfortunately -was never applied because it was not validated by the House before the 115th Congress ended on January 3, 2019. A new proposal followed through "The Emmett Till Antilynching Act" (January 3, 2019), which the Senate did not approve. Senator Rand Paul sided against the terminology used, stating: "This bill would cheapen the meaning of lynching by defining it so broadly as to include a minor bruise or abrasion" (Barrett and Foran, 2020) ending with a revision of the proposal. Compared to the former versions proposed, lynching is now newly defined based on the Congressional Bills - 116<sup>th</sup> Congress:

Lynching was a pernicious and pervasive tool that was used to interfere with multiple aspects of life— including the exercise of Federally protected rights, as enumerated in section 245 of title 18, United States Code, housing rights, as enumerated in section 901 of the Civil Rights Act of 1968 (42 U.S.C. 3631), and the free exercise of religion, as enumerated in section 247 of title 18, United States Code. Interference with these rights was often effectuated by multiple offenders and groups, rather than isolated individuals.



Therefore, prohibiting conspiracies to violate each of these rights recognizes the history of lynching in the United States and serves to prohibit its use in the future.

Furthermore, the terms of the sentence for those who still commit this crime also change:

Whoever conspires with another person to violate section 245, 247, or 249 of this title or section 901 of the Civil Rights Act of 1968 (42 U.S.C. 3631) shall be punished in the same manner as a completed violation of such section, except that if the maximum term of imprisonment for such completed violation is less than 10 years, the person may be imprisoned for not more than 10 years.

However, the debate around the meaning of the word lynching has not found yet a united answer that puts all parties in agreement despite the recognition of at least 4,742 victims between 1882 and 1968 (with an African American majority) and the words of the Senate in 2017 which condemned: "[...] hate crime and any other form of racism, religious or ethnic bias, discrimination, incitement to violence, or animus targeting a minority in the United States" (H. Res. 257, 2017) which has been considered the lynching.

Because of this epistemological issue and the conceptual debate that this term brings with itself, not all States negatively defined the phenomenon that claimed African American victims day after day. So much so that the legal definitions of the term that were proposed were manifold within the United States and therefore not completely clear abroad.

As noted, the very origins of the term are still uncertain today due to the historical uncertainty linked to the root of the act itself. The lynching, understood as necessary in a situation of legal uncertainty in which the country was unable to guarantee its citizens' safety, no longer finds remarkable consensus from scholars of the subject.

Observing the historiography of the issue, the racial component that conveyed this violence is central. Although the United States Senate declared in 2017 that all forms of racism must be condemned, including the lynching of African Americans (and other minorities), which has been widely documented since the end of the 19th century, lynching today is still not considered a federal crime.

## V. CONCLUDING REMARKS

Violence against white workers, public officials, or women and children was seen as a serious affront to the hierarchy of domination that organized the relational system of racial groups in the South of the United States. Such crimes brought with them an offense to the whole community, a disgrace for whites, and a constant threat to society's safety. The anger and the resentment that these crimes moved were decidedly more intense and widespread than those provoked by common crimes and criminals. The authors of these atrocities aroused the crowd to respond to the offense by affirming their direct domination and taking pleasure in expressing their violent drives without the mediation of the institutions. The proponents of lynching wanted to exercise sovereignty equal to that of the "people," acting directly and personally, realizing an act of revenge for their victimized family members, and at the same time affirming the "white honor" by demonstrating the collective strength that characterizes them. The crime committed by a black man, and therefore belonging to a lower class, was seen by the whites as a challenge to their values and, as such, required firm opposition.

The history of African Americans' lynching was obscured in relative oblivion for a long time, at least until the 1990s (Pfeifer, 2014). Although the lynching era was a significant part of American and African American history, the indifference in the scholar world was due to the racist nationalist consensus within the historical profession. It prevented most white historians from understanding the violent dimensions of white supremacy (Carrigan, 2008; Pfeifer, 2014).

A real historiographical turn occurred in the final decades of the 20th century, when southern scholars rediscovered lynching violence, excavating its nexus with race, gender, sexuality, and social class (Mitchell, 2011; Zangrado, 1980). Examining hundreds of lynching cases, historians have now discovered a complex pattern of fixed and evolving behaviors and attitudes in which mob violence served as the critical function of racial oppression in the South across the postbellum period (Smångs, 2016; Tolnay & Beck, 1995). This is why the lynching was utilized to terrorize African Americans, Hispanos, and Native Americans who, in many cases, did not commit crimes but were the victims of the will to reestablish the racial hierarchies of the colonial time.

Lynching is a mandatory topic to explore to understand the background of state formation, criminal justice, social morals, and the idea of rights (Pfeifer, 2014). As Pfeifer (2014) states, although the subject of lynching is now widely investigated by U.S. historians, the pivotal concentration should be drawn to the role of the State in lynchings and the role of lynchings in developing concepts of "civil" and "human" rights through resistance to violence.

To fully understand the phenomenon, at least the scientific community must agree on what lynching is. Hopefully, a definition that everybody will agree on will come with the administration of President Biden

and with the legal recognition of this violence as a "hate federal crime".

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