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A cura di Giovanni Battista CORVINO

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13/ RECENSIONE: Danielle F. JUNG, Dara Kay COHEN, *Lynching and Local Justice. Legitimacy and Accountability in Weak States*, Cambridge, Cambridge University Press, 2022, 75 pp.

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The book *Lynching and Local Justice, Legitimacy and Accountability in Weak States* written by Danielle F. Jung and Dara Kay Cohen – respectively Political Science and Public Policy’s scholars – and published by the Cambridge University Press in 2020, is part of the *Cambridge Elements in Political Economy’s* series, which draws on political science, economics and economic history to investigate new facets of political economy, a rapidly growing field of study.

The book aims at understanding through a new theory why lynching still can occur in the twenty-first century, its relationship with state governance, and how this type of violence impacts the state's legitimacy.

The meaning of the term «lynching» is still not internationally shared yet¹. Nevertheless, the *modus operandi* of this form of extreme violence that marked U.S. history in the 19th century, is well known and implemented worldwide².

Danielle F. Jung and Dara Kay Cohen argue in the book the failure of the states in asserting their authority in their territory. This favors forms of rough justice³ and consequently mob violence⁴, where organized groups of people, such as vigilantes⁵, gain broad social support. To

¹ See WALDREP, Christopher, «War of Words: The Controversy over the Definition of Lynching, 1899-1940», in *The Journal of Southern History*, 66, 1/2000, pp. 75-100; CORVINO, Giovanni B., «The Meanings of Lynching, A Word that Crossed the World», in *Elementary Education Online*, 20, 5/2021, pp. 3292-3297.

² See PFEIFER, Michael J. (ed.), *Global Lynching and Collective Violence*, vol. 1, *Asia, Africa, and the Middle East*, Champaign, University of Illinois Press, 2017; PFEIFER, Michael J., (ed.), *Global Lynching and Collective Violence*, vol. 2, *The Americas and Europe*, Champaign, University of Illinois Press, 2017.

³ PFEIFER, Michael J., *The Roots of Rough Justice: Origins of American Lynching*, Champaign, University of Illinois Press, 2011.

⁴ BECK, Elwood. M. «South Polls: Judge Lynch Denied: Combating Mob Violence in the American South, 1877-1950», in *Southern Cultures*, 21, 2/2015, pp. 117-139.

⁵ HOWARD, Walter T., «Vigilante Justice and National Reaction: The 1937 Tallahassee Double Lynching», in *The Florida Historical Quarterly*, 67, 1/1988, pp. 32-51.

prove their arguments, Jung and Cohen have revealed the grim pictures of vigilantism and lynching, an international problem even in the last two decades.

In order to be able to support their theories, they dedicated the first chapter, *Introduction: Local Justice, Legitimacy, and Accountability* to define what they mean by «vigilantism», «lynching», «legitimacy and governance», and what are the consequences of this form of extrajudicial justice⁶.

Their definition of lynching is based on that proposed by Berg and Wendt in *Globalizing Lynching History: Vigilantism and Extralegal Punishment from an International Perspective*, in which this violence is proposed as: «[...] a form of extralegal punishment, usually entailing death or severe physical harm, perpetrated by groups claiming to represent the will of the large community»⁷. The collective character of the act is preserved, but greater emphasis is placed on the violence premeditation in which there is a direct reference to the death penalty taking up the thought of Jacobs and Schuetze⁸. Therefore, Jung and Cohen define lynching as: «lethal, extralegal group violence, perpetrated by ordinary people, intended to punish offenses to the community; or, more succinctly, community-based capital punishment sometimes called the “popular death penalty”»⁹. For the rest of the terminology covered, the authors of the book embrace definitions widely shared by the academic community, such as Bateson's definition of vigilantism¹⁰, in which lynching is considered a subcategory of vigilantism and the latter is: «the extralegal prevention, investigation, or punishment of offenses»¹¹ carried out by any citizen as often as preferred.

In Chapter 2, *Toward a Theory of Local Governance, Legitimacy, and Lynching*, Jung and Cohen question the state of emergency linked to lynching, by exploring state authority and governance and the theoretical foundations of the state itself. Not limiting themselves only to a theoretical study, they lay the conceptual foundations necessary for understanding the following chapters. The role of non-state actors, who turn out to be governance providers, is then discussed because they appear to be suppliers of an administration more accepted by the population. For this reason, many groups of citizens organize themselves into vigilante groups intending to guarantee high levels of security even in areas less protected by the police and far from government-provided security services. The real heart of the chapter lies in the reasoning they investigated, linking: «governance output to its consequences on perceptions of actors' legitimacy, and finally

⁶ JUNG, Danielle F., COHEN, Dara Kay, *Lynching and Local Justice. Legitimacy and Accountability in Weak States*, Cambridge, Cambridge University Press, 2022, pp. 4-10.

⁷ BERG, Manfred, WENDT, Simon, *Introduction: Lynching from an International Perspective*, in BERG, Manfred, WENDT, Simon, (eds.), *Globalizing Lynching History: Vigilantism and Extralegal Punishment from an International Perspective* (eds.), New York, Palgrave Macmillan, 2011, pp. 1-18, cit. at p. 5.

⁸ JACOBS, Carolien, SCHUETZE, Christy, «“Justice with Our Own Hands”: Lynching, Poverty, Witchcraft, and the State in Mozambique», in BERG, Manfred, WENDT, Simon (eds.), *Globalizing Lynching History: Vigilantism and Extralegal Punishment from an International Perspective*, New York, Palgrave Macmillan, 2011, pp. 225-241.

⁹ JUNG, Danielle F., COHEN, Dara Kay, *Lynching and Local Justice*, cit., p. 5.

¹⁰ BATESON, Regina, «The Politics of Vigilantism», in *Comparative Political Studies*, 54, 6/2021, pp. 923-955.

¹¹ JUNG, Danielle F., COHEN, Dara Kay, *Lynching and Local Justice*, cit., p. 4.

tie perceptions of legitimacy to support for lynching»¹², which is more explained in the following sections of the book. This is a genuinely significant area of investigation for a complete understanding of extralegal violence that still finds ample scope in the world today.

In Chapter 3, *Lynching Around the World: Cross-National Evidence*, the authors observed that 46 countries had a high rate of lynching and mob violence between 1976 – 2013. Through a transnational reading of the phenomenon and investigating the situation in Haiti and South Africa, thanks to an original cross-national dataset, they assume that lynching is a constant trend in many areas of the world. Their assumption is also supported by the extraordinary research using the annual State Department reports from 1976 to 2013 from several countries. What emerged supports their opinion and presents an alarming fact: «102 countries had at least one mention»¹³. Unfortunately, the United States was not added in this research as their data is not part of that provided by the State Department on human rights practices, but it is well documented by many newspapers that there have been episodes of mob violence even after the 1970s.

The geographic-temporal analysis allows us to quickly notice how lynching increased in some countries during the 21st century, such as Guatemala, the Philippines, South Africa and Haiti¹⁴.

In order to support what was observed in the previous sections, in Chapter 4, Jung and Cohen carry out a detailed analysis of the Haitian case, investigating the Port-au-Prince episodes of lynching using original survey and focus group data collected in 2017 and 2019. Therefore, the authors asked to which extent lynching was supported. They consciously decided not to ask if any of the research participants had ever participated in one of those episodes as there could have been biases, such as social desirability¹⁵, which would have prejudiced the responses received. By exploring the degree of support for this particular form of summary justice, the research conducted on 1066 adults in Port-au-Prince found that if the charge is murder, lynching is approved by 44% of the participants. Interestingly, the approval rating of lynching increases by five percentage points among respondents if they have to say what they think of a thief¹⁶. Thanks to their research, Jung and Cohen can assume:

In line with our theory, we find that both the providers and quality of governance predict perceptions of the providers' legitimacy, and can in turn explain when lynching is viewed as acceptable. Specifically, we demonstrate that support for lynching is most likely in one of three conditions: when the states fails to provide services, when gangs provide some (but not

¹² *Ibidem*, p. 18.

¹³ *Ibidem*, p. 33, fig. 3.1.

¹⁴ *Ibidem*, p. 36, fig. 3.3.

¹⁵ BÖRGER, Tobias, «Social Desirability», in *Social Desirability and Environmental Valuation*, Frankfurt Am Main-Berlin-Bern-Bruxelles-New York-Oxford-Wien, Peter Lang AG, 2012, pp. 53-121.

¹⁶ JUNG, Danielle F., COHEN, Dara K., *Lynching and Local Justice*, cit., p. 55.

all) services, or when no actor provides services and neighbors must rely on each other in a self-help system¹⁷.

Finally, Chapter 5 explored the best policies to reduce the lynching cases curve.

As noted by Rushdy, the phenomenon of lynching in the United States between the nineteenth and twentieth centuries was arrested by an improvement in the criminal justice system linked to the pressure exerted by the leading associations to advance African American civil rights¹⁸. Furthermore, to satisfy the population's demand for capital punishment, the death penalty obtained social consensus and a wide range of actions¹⁹. According to Berg and Wendt²⁰, it is the state that plays a key role. If it can assert its authority over the monopoly of violence and make the population accept it, the judicial system will no longer be considered weak or corrupted. Therefore, it will be believed capable of punishing criminals with a penalty that meets the popular expectations. According to the authors of *Lynching and Local Justice, Legitimacy and Accountability in Weak States*:

[...] states must create and reliably provide community accountability and justice in settings where the rightful rule of the state is fundamentally degraded. Shifting away from lynching may be possible through both increasing provision of services and the consistent application of an unbiased justice system²¹.

Cases of lynching are on the rise in several countries, particularly in Latin America, a geographic area where many of the points observed by Jung and Cohen can be found. It follows that to curb the number of deaths – think of a case every two days in Brazil in 2016²², or the over two hundred episodes in Venezuela in 2017²³ – policymakers should ask greater attention to the perception that the population has about the legitimacy of the state. This is because if the results

¹⁷ JUNG, Danielle F., COHEN, Dara K., *Lynching and Local Justice*, cit., p. 17.

¹⁸ RUSHDY, Ashraf H. A. *The End of American Lynching*, New Brunswick, Rutgers University Press, 2012.

¹⁹ KOTCH, Seth, *The General Sense of Justice: Lynching and the Death Penalty, 1880-1950*, in ID., *Lethal State. A History of the Death Penalty in North Carolina*, Chapel Hill, University of North Carolina Press, 2019, pp. 23-56; MESSNER, Steven F. et al., «Distrust of Government, the Vigilante Tradition, and Support for Capital Punishment», in *Law & Society Review*, 40, 3/2006, pp. 559-590; PFEIFER, Michael J., «Final Thoughts on the State of the Field of Lynching Scholarship», in *The Journal of American History*, 101, 3/2014, pp. 859-860.

²⁰ BERG, Manfred, WENDT, Simon, *Introduction: Lynching from an International Perspective*, in BERG, Manfred, WENDT, Simon (eds.), *Globalizing Lynching History: Vigilantism and Extralegal Punishment from an International Perspective*, New York, Palgrave Macmillan, 2011, pp. 1-18.

²¹ JUNG, Danielle F., COHEN, Dara K., *Lynching and Local Justice*, cit., p. 84.

²² DE OLIVEIRA, Cleuci, «Brazil Grapples with Lynch Mob Epidemic: 'A Good Criminal is a Dead Criminal'», in *The Guardian*, December 6, 2016, URL: < www.theguardian.com/world/2016/dec/06/brazil-lynch-mobs-vigilante-justice-fortaleza > [consulted on 15th March 2022].

²³ OBSERVATORIO VENEZOLANO DE CONFLICTIVIDAD SOCIAL, «Linchamientos e intentos de linchamiento en Venezuela 2017», November 22, 2017, URL: < <https://www.observatoriodeconflictos.org.ve/derechos-humanos/200-casos-de-linchamientos-e-intentos-en-venezuela-en-2017> > [consulted on 15th March 2022].

that emerged from Jung and Cohen's investigation are correct, and therefore: «lynching is closely linked to the degradation of legitimacy»²⁴, the first interventions should come from the state itself, so that citizens do not resort to forms of extralegal justice and do not organize themselves into (or support) action groups as in the case of vigilantes.

²⁴ JUNG, Danielle F., COHEN, Dara K., *Lynching and Local Justice*, cit., p. 87.

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