The Deep Historical Roots of White Southern Cultures of Justice

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Justice cannot be understood simply as an abstract set of ideas, such as "equality," devoid of its context in time and space. Rather, from the vantage point of social theory, justice is a set of social practices interwoven with material and discursive relations of power and culture. From this view, justice can never be freed from conceptions of the social order, from discourses that sustain, legitimize, and naturalize some views of equality and inequality and not others. Justice is, then, as much about cultural attitudes and ideologies that shape the taken-for-granted world of everyday life as it is about legal systems that ostensibly dispense rewards and punishments in nonarbitrary ways. The culture of justice pervades, for example, the interpretations and attitudes of judges and juries, law makers, the police and military, educators, and the media. More broadly, as Giddens (1984) has demonstrated, the taken-for-granted notions that underpin everyday life—including definitions of what is proper or not, normal or not, or important or not—are central to the socialization of individuals and the reproduction of local social relations. In this light, notions of justice pervade the private sphere as well as the public, the family as well as the school.

Why does the culture of justice and human rights in the South differ from other parts of the U.S.? The answer to this question must be found in the seeds of southern culture, especially among its dominant white population. The South's attitudes toward justice—what defines it, how it should be administered—have deep roots that extend deeply into the historical development of the region. There are, of course, many Souths, which exhibit considerable diversity over time and space (Boles 2003); it is, however, the dominant, hegemonic form widely accepted among traditional white southerners that stereotypically characterizes the culture and politics of this region.

To understand this issue, it is useful to invoke David Fischer's magisterial book *Albion's Seed* (1989), which traces in great detail the ways in which British immigrants in the sixteenth and seventeenth centuries colonized the east coast of what would eventually become the United States. Colonists who settled in the South—meaning originally the Chesapeake Bay region that would flower to become Virginia as well as the backcountry farther west—had different origins and outlooks than their counterparts in New England, Delaware, or elsewhere. The Puritans in New England, for example, hailed primarily from East Anglia, whereas the Quakers in Delaware originated in the north Midlands; the original southerners,

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in contrast, came largely from the south and west of England, while those in the backcountry of Appalachia originated largely from the border country between northern England, Scotland, and Northern Ireland. Fischer traces a variety of folkways that were carried from the Old World to the New, including speech, food, dress, names, family structures, gender roles, sexuality, marriage patterns, sports, architecture, and other phenomena, but for this brief commentary I will focus on his analysis of southern concepts of order, justice and punishment.

Politically, southerners were more conservative than their counterparts elsewhere from the beginning. Many Virginians, for example, were descendents of loyalists to King John in 1215, were Anglican Royalists in the English Civil War of the 1640s, and opposed the American independence movement a century later. This culture was "profoundly conservative in every sense—elitist, hierarchical, and strenuously hostile to social change. . . . Words such as 'innovation,' 'novelty,' and 'modern' were pejorative terms" (Fischer 1989, 258). Virginia's elite families created a society predicated on the manorial ownership of land, including primogeniture, thus importing two feudal traditions. In the backcountry, the Scotch-Irish settled on dispersed farms (Raitz 1984), giving rise to a tradition of individualist sovereignty in which the private realm dominated the public. Status was defined largely through the liberties one possessed (e.g., freedom to own land or vote), a conception that divorced liberty from equality.

Religion has long played a central role naturalizing inequality in the South. With relatively few immigrants from Catholic countries, the South has long been dominated by Protestantism. In the original British colonies, the Church of England was institutionalized as the official religion, while to a lesser extent Presbyterian reined among the Scotch-Irish (Hill 1983). Methodism grew in the eighteenth century, and Baptism exploded in the late nineteenth century to become the region's dominant religion. Despite their abiding interest in religion, the region also exhibited a hostility to organized churches. To this day, the South tends to be substantially more religious than the rest of the country.

Southern rates of literacy were always much lower than the north, and education was encouraged for the gentlemen of the elite but not the general population. In many respects, limited formal education, often through itinerant private rather than year-round public schools, reflected the culture of northern England and Northern Ireland. The South's long tradition of underfunding education thus has roots that came out of England. Hofstadter (1962) traces the South's widespread suspicion of scholastic intellectualism to a petulant egalitarianism that viewed academic "elites" with disdain, demeaning the need for "book learning" as unnecessary and anti-religious. The persistent tendency to generate an undereducated population has historically helped fuel tolerance for institutionalized injustice and reluctance to challenge accepted authority.

For the white southern elite, gentility and honor were of paramount importance. This sense was derived from English notions that were carried unadulterated into the South. Wyatt-Brown (2001, xi), for example, notes that honor was "the ethic which white southerners believed supported the other two pillars of their

society: white supremacy and Christian faith." Male honor was typically framed in terms of chivalric valor and virility and the quality of peer esteem was of great concern. In the general absence of publicly imposed justice, many people turned to the principle of *lex talionis*, the rule of retaliation and retributive justice. A feudal sense of blood kin played a major role in the organization of local loyalties and administration of justice. This form of justice was commonly accompanied by contempt for the weak and poor, and social inferiors were expected to display deference and obedience.

Not surprisingly, this system was profoundly patriarchal. Men were often highly predatory toward women, and husbands exercised great authority over their wives. Particularly outside of the South's cities, gender relations involved crystal clear distinctions between masculine and feminine roles, a dichotomy that continues to this day. In threatening bloodlines, adulterous women were punished more harshly than adulterous men. Whereas in colonial New England rape was a hanging crime, in the South it was punished less severely than petty theft.

The South, which embraced slavery with a particular passion, relied on even earlier traditions of English slavery that had existed in Mercia, Wessex, and Sussex since the nineth century (Fischer 1989, 241). H.C. Darby's (1973) famous Domesday geography of England showed that serfdom was exceptionally strong in this region. Similarly, share-cropping was invented in post-civil war England. Racialized slavery in many respects was an outgrowth of this social formation, adapted to the unique conditions of the New World. As Fischer (1989, 388) notes, "the South was not founded to create slavery; slavery was recruited to perpetuate the South." A critical outcome of slavery was that in the South, unlike the North, with its growing working class, racial superiority dwarfed class consciousness among the white population. The South's tradition of hostility to unions no doubt reflects this absence of class consciousness and the long standing racism that permeated southern culture, even after the civil rights movement of the 1950s and 1960s.

Discipline and punishment in the South often involved corporeal punishment, another British institution. Fischer argues that Southern tolerance of violence reflected the long history of the British border regions. In the South, the hierarchical social and symbolic order was closely tied to discipline of the body (cf. Foucault 1979); the defense of honor, for example, demanded demonstrations of physical courage (e.g., duels and feuds, which were common in northern Britain). Crimes against property were often punished more severely than crimes against people: in many counties, well into the nineteenth century, hog stealing was punishable by hanging, whereas the rape of young girls merited a small fine. Violence was considered a legitimate instrument of state policy. The death penalty was very common, in contrast to New England, where hanging and maiming were comparatively rare. Public hangings were a form of popular amusement, serving to remind dissidents of the price of challenging the social order as much as to discipline criminals (Giddens 1987). Punishment without due process was relatively common in many southern communities until the twentieth century (Montell 1986). In the late eighteenth century, vigilante movements became increas-

ingly prevalent, resting on the doctrine of "Lynch's law," named after Captain William Lynch of Virginia. Vigilante and mob justice became deeply racialized, as evident in the lynchings of blacks well into the twentieth century. Moreover, punishment was generally meted out unevenly by class, and it was typically the poor, minorities, and the illiterate who most commonly went to the gallows.

Is it going too far to insist that the South's culture of justice stretches this far back in time? I do not think so. Despite the centuries that have intervened since the original British settlers arrived—despite waves of subsequent immigration, technological change, market fluctuations, wars, rampant commodification and commercialization, urbanization and suburbanization—despite all of this, the medieval attitudes and cultures that permeated southern society remain remarkably stubborn and entrenched, still informing and underlying popular and formal attitudes toward crime, punishment, and justice. For example, many post-Reconstruction southern towns, famous for their xenophobia and violence in the nineteenth century, became equally Negrophobic, anti-Semitic, and obsessed with communism in the twentieth. Today, the South leads the nation in poverty, homicide rates, racial violence, gun ownership, illiteracy, poor schools, high school drop out rates, opposition to women's rights, and other characteristics that reflect its roots in medieval English culture. Fischer's work traces the impacts of the British folkways on the cultural geography of the contemporary U.S., including voting patterns and the white South's switch to the Republican Party, which exerts enormous political influence (albeit contested) in the area. Likewise, Phillips (2000) argues that the historical trajectory of Anglo-American politics goes far to explain contemporary patterns of political culture across the face of the country. Indeed, to this day, white southern culture frames the degree to which a substantial share of the region's white population accepts racism or inequality as natural, the extent to which they support politicians who blame the homeless for their plight, and a generalized lack of empathy if not outright hostility toward the poor, particularly minorities, as undeserving. Southerners are more likely to be very patriotic, militaristic, and accepting of authority than other parts of the U.S.

Jansson (2004) offers a trenchant critique of negative stereotypes of the South, criticizing the works of famous historian C. Vann Woodward, noting such discourses amount to an internal form of orientalism. He points out (p. 92) that "Negative representations of the region (which typically refer to white southerners) as racist, backward, intolerant, poor, and xenophobic reproduce a vision of the national identity as enlightened, progressive, tolerant, prosperous, and cosmopolitan." This view is assuredly correct in demythologizing the American myth of national innocence: the sins of the South are amply reproduced elsewhere. But the fact that intolerance, racism, etc. are found in other parts of the country is not to deny that they are exceptionally pronounced in the South. Pointing out this fact is not to demonize or unfairly stigmatize white southerners; it is an attempt to historicize their worldviews.

This attempt to link white southern conceptions of order and justice to their British origins is not to deny the long, rich tradition of struggles on behalf of social

justice in the region (Couto 1991), including most obviously the civil rights movement. Yet we must still ask ourselves why it is that struggles on behalf of social justice are typically steep uphill climbs in the face of the overwhelmingly conservative majority. The answer, it would appear, lies deep in the South's past, the particular constellation of cultural attributes that informed and shaped its institutions. Recognition of this fact is hardly grounds for pessimism; indeed, it is a precondition for its transformation.

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