The story of the evolution of lynching and criminal justice in the United States is in many ways a tragic one. This book chronicles Americans' predilection for violent and often cruel solutions to what they viewed as the social problem of crime. It depicts white Americans' obsession with the physical maintenance of racial hierarchy, a tendency without regional boundaries nor limited to the targeting of a single racial or ethnic group. It also describes the roots of the contemporary institution of capital punishment. The arbitrary and racist application of the death penalty today is not surprising when we learn that the modern death penalty originated in a compromise between proponents of rough justice and middle-class advocates of due process. Rough-justice enthusiasts, who were committed to the symbolic reinforcement of white supremacy through collective punishment, had never accepted the value of abstract principles of justice. Most middle-class supporters of legal process also subscribed to a racially hierarchical vision of American society. Many bourgeois whites abandoned their commitment to neutral legal process, beyond adherence to the forms of law, when criminal cases involved ethnic- or racial-minority defendants.

Lynching was more deeply entrenched in the South than elsewhere, and it persisted longer there. But as in the Northeast, Midwest, and West, one perspective on law and criminal justice—stressing the performance by the community of physical retribution on the serious offender—gave way to another, which emphasized the economic and moral efficacy of having the state exact regularized and sanitized punishment. That the Northeast made this transition easily by the mid-nineteenth century, the Midwest made it with a little difficulty by the late nineteenth century, the West made it with some difficulty by the early twentieth century, and the South made it with much difficulty by World War II highlights the cultural and legal legacy of slavery as well as the relationship of the country's regions to the middle-class cultural formation wrought by capitalist transformation.