

Pascoe ends her book with a very short chapter on the legacy of *Loving v. Virginia* (1967), the Supreme Court decision that declared miscegenation laws unconstitutional. *Loving's* legacy, according to Pascoe, is somewhat mixed. A growing multiracial movement celebrates the decision, and proponents of same-sex marriage invoke the decision, analogizing restrictions on interracial marriages with restrictions on same-sex marriage. But she warns that political descendants of miscegenation proponents also invoke *Loving* to challenge the remedial use of racial categories. Her point about the reconstituting of color blindness by racial conservatives is made fleetingly, unlike the more developed preceding chapters. This is an important but minor point for a book that is looking backward, so her brief treatment seems appropriate.

What Comes Naturally is an insightful and satisfying book. Pascoe's conclusion, recounting the fight to repeal miscegenation provisions in the constitutions of Alabama and South Carolina at the end of the twentieth century, speaks volumes about the persistence of miscegenation's hold on this country in the postracial era. While public acceptance of interracial marriage has increased significantly, these unions still constitute only 5.4 percent of all marriages in the United States today (p. 295). Old misconceptions and biases die hard.

Cases Cited

Brown v. Board of Education of Topeka, 347 U.S. 483 (1954).
Loving v. Virginia, 388 U.S. 1 (1967).

* * *

Southern Horrors: Women and the Politics of Rape and Lynching. By Crystal N. Feimster. Cambridge, MA: Harvard University Press, 2009. 314 pp. \$35.00 cloth.

Reviewed by Christopher Waldrep, San Francisco State University

On the dark side of feminism we find Rebecca Latimer Felton; she is in some ways the essence of lynch law, demanding a thousand lynchings a week if necessary "to protect woman's dearest possession from the ravenous human beasts" (Waldrep 2006:143–4). White men justified their racial violence on the kind of vicious thinking Felton articulated. If Charles Dickens had written about American lynching he would surely have created a new Madame Defarge, and her name would be Rebecca Felton.

On her first page of *Southern Horrors: Women and the Politics of Rape and Lynching*, Crystal Feimster carefully elides the word

“biography,” for surely this is no biography, to tell us she writes a *history* of two feminists, Felton and Ida B. Wells. It is the erratic Felton who holds our attention. In this narrative Felton appears more sympathetically than in any other work of scholarship. Wells is her foil.

Felton learned politics by managing her husband’s political campaigns. Her work might have prepared her contemporaries somewhat, if not for what happened, then at least for the political drive itself, the ambition that dictated the positions she took, the speeches she made, the determination for achievement. At first she seemed less racist than we might expect. In lobbying the Georgia legislature to raise the age of consent from 10 to 18, Felton aimed to rescue black women and girls from white men’s lusts. In 1894, Felton blamed whiskey more than race for rape. “A sober man, black or white, will not rashly enter into crime,” Feimster quotes Felton as saying (p. 83). Felton did highlight black men’s sexual violence, Feimster acknowledges, but “she was not willing to concede that white men did not rape or that lynching was a necessary means of protection” (p. 83). On this point Feimster brings in Wells, quoting her diary, where she wrote in 1887 that in the case of rape, “one is strongly tempted to say his killing was justified” (p. 87).

Feimster insists on putting Felton’s most famous moment, her call for lynching a thousand a week, in context. The context is political ambition. In 1897, when Felton made her thousand-a-week speech, middle-class white women had begun moving out of their households and into the public world; their rhetoric focused on suffrage, prison reform, and temperance, but their deeper ambition demanded access to politics. They did not reject male chivalry; quite the contrary, they wanted protection: white supremacy, they said, entitled them to security against black aggression. Feimster details how Felton criticized white men for their corrupt politics and subordination of women. “With due respect to your politics,” Feimster quotes Felton as saying, “I say that when you take the negro into your embrace on election day to control his vote, so long will lynchings prevail . . .” (p. 127). So according to Feimster, Felton blamed white men along with black men for the need to lynch.

Soon Felton abandoned her criticism of white men. Feimster describes this as “opportunistic” and calls Felton “intoxicated by public attention and accolades” (p. 133). Now Felton focused solely on defending white womanhood against black rapists, dropping her campaign to protect black and white women. Feimster calculates that Felton’s shift worked perfectly, winning her more attention and influence. In 1886, a newspaper editor had ignored a petition from a group of women calling on the legislature to raise

the age of consent; in 1899 he sought white women's opinions about race.

Feimster describes Felton as changing course again by 1920. This time she moved away from seeing black men as the primary threat to white women. Feimster speculates that this must have resulted from the race riots in 1919, the upsurge of Ku Klux Klan violence, and increased lynching in Georgia. Instead of calling on white men for protection, Felton harnessed her energies on female suffrage. She now denounced lynching and received letters from thankful blacks for her "astonishing turnaround" (p. 204).

Feimster has little to say about Wells that has not been said elsewhere. She reminds us that Wells became co-owner of *Free Speech*, a black newspaper in Memphis. She began developing her reputation as an opponent of lynching in 1892, when her friend Thomas Moss, along with Calvin McDowell and Henry Stewart, perished at the hands of a Memphis mob. Moss, McDowell, and Stewart co-owned the People's Cooperative Grocery, and their success, taking black customers from a white competitor, led to the friction that incited the mob. Wells realized that white mobbing was about economics and not criminality. In particular, she went after the "rape myth," the false story spread by whites that black males' animalistic sexuality justified lynching. She urged blacks to arm themselves. Her energetic efforts against lynching led to her exile in New York. It was no longer safe for her to live in Memphis. In New York she joined the staff of T. Thomas Fortune's newspaper, *New York Age*. Feimster's information about Wells will be very familiar to any serious student of American race relations.

Feimster deserves praise for bringing together two fascinating feminists, one white and one black. The comparison is indeed instructive. Perhaps the disappointments are only minor, but they are troubling. Feimster writes that "the radical wing of the Republican Congress" seized control of Reconstruction in 1866 (p. 45). That misunderstanding of Reconstruction goes back to William Archibald Dunning (1857–1922), well known as the founder of the Dunning School of Reconstruction at Columbia University. Dunning influenced generations of historians with his pro-Southern view of Reconstruction (Dunning 1897, 1907). In 1988, another Columbia historian, Eric Foner, explicitly repudiated the old Dunning view, with a history of Reconstruction more sympathetic to blacks (Foner 1988). He depicted them as authors of their own destiny, active agents on their own behalf. Similarly, Feimster naively recounts the so-called Compromise of 1877, ignoring recent questions asking whether asking whether northern politicians really did formally compromise with the South to end Reconstruction, and federal protection of civil rights, in 1877. When talking about lynching she recounts precise statistics and

ratios, oblivious to scholarship questioning such positivism. Certain elements of this narrative seem oddly out of date or out of touch with current scholarship. This excellent book could easily have been better.

Nonetheless, *Southern Horrors* offers useful insights into feminism and a provocative look at Rebecca Felton, the Madame Defarge of American lynching.

References

- Dunning, William A. (1897) *Essays on the Civil War and Reconstruction*. New York: Macmillan.
- (1907) *Reconstruction, Political and Economic, 1865–1877*. New York: Harper and Brothers.
- Foner, Eric (1988) *Reconstruction: America's Unfinished Revolution, 1863–1877*. New York: Harper and Row.
- Waldrep, Christopher, ed. (2006) *Lynching in America: A History in Documents*. New York: New York Univ. Press.

* * *

The Fifth Freedom: Law, Politics and Civil Rights in the United States, 1941–1972. By Anthony S. Chen. Princeton, NJ, and Oxford: Princeton University Press, 2009. 395 pp. \$65.00 cloth; \$24.95 paper.

Reviewed by Robin Stryker, University of Arizona

The title of Anthony Chen's *The Fifth Freedom: Law, Politics and Civil Rights in the United States*, stems from President Franklin D. Roosevelt's framing of World War II as a defense of four freedoms: freedom of speech and religion, and freedom from want and fear. Presenting the civil rights movement as a quest for the "fifth freedom," Chen offers a novel take on the emergence of color-conscious affirmative action policies, including numerical goals and timetables. In doing so, Chen contributes substantially to law and society scholarship, as well as to sociology, political science, and history. He improves scholars' understanding of American civil rights politics, of how interests and institutions interact, and of how path dependencies exert profound influence on politics and legislative lawmaking. Chen's book is a must-read for civil rights scholars and for all those interested in the politics of legal change.

Prior scholarship traces affirmative action policies to a radicalized civil rights lobby, shifts in partisan politics and political culture, and decentralized, fragmented political institutions. Chen agrees that a complete causal story encompasses these factors, but he documents meticulously how and why they are insufficient.