In the United States, the practice of hanging and burning effigies to express political positions dates back to the American Revolution, when the country already had an established network of newspapers and a well-developed sense of the public sphere. Many newspapers supported the revolution, rapidly spreading news of protests against the Stamp Act—the law introduced by the British government imposing taxes on imports to the colonies—and the effigy performances featured within them. As a result, the hanging and burning of effigies became an important imaginative trope in the narrative of the revolution, and, subsequently, an accepted form of protest in partisan politics up to the present day, evidenced by frequent sightings of effigies of George W. Bush, Barack Obama, and Donald Trump over the past two decades. As such, the US provides a unique case study to examine how this ephemeral political practice developed. Taking one country over an extended period as laboratory, this chapter looks into the traditions underlying effigy protests, changes over time as well as their use in political conflicts.

I trace the roots of this form of protest back to two traditional effigy practices appropriated and adapted by the American revolutionaries: common practices of popular justice and the carnivalesque festivities of Pope Day celebrations imported by colonists from Great Britain. Developing further from revolutionary protests, effigy protests were re-enacted and acquired their own iconography in the political culture of the US. In reviewing this form of protest’s establishment within different conflicts and power matrices, it becomes clear that it is
at times adapted to competing causes when it comes to partisan politics, labor issues, court cases, foreign leaders in times of war, and civil rights. This chapter combines two perspectives: anthropology, to track the practice in cultural traditions; and history, to reconstruct the practice’s articulations over time and show its function with respect to power and competing notions of justice. The careful consideration of the politics of each event and analysis of the effects on the communities reveals how effigy protests exemplify a core conflict in liberal democracies: popular sovereignty vs. individual civil rights.
On August 14, 1765, an effigy of newly-appointed Massachusetts stamp master Andrew Oliver was found hanging from a tree in the center of Boston. The stamp masters were tasked with collecting the newly-levied taxes on imports to the colonies by selling embossed revenue stamps—hence the Stamp Act. Over the course of the day, a crowd assembled around the tree and grew to about 3,000. Agitators against the Stamp Act, the “Sons of Liberty,” entertained the crowd with speeches and theatrical acts preventing the sheriff from cutting the Oliver effigy down, until the end of the day when they did so themselves. They nailed the effigy to a plank and marched the effigy to the newly-built Stamp Office in the harbor. The mob leveled the office in thirty minutes, took the timber, and went to Oliver’s house where they sawed off the effigy’s head. They continued to an open area at Fort Hill, built a bonfire with office timber and set the effigy ablaze. Afterwards, they went back to ransack Oliver’s house and tear down his fences.\(^1\) The mob kept looking for Oliver until around midnight, when they quieted down and dispersed. The next day Oliver resigned as stamp master. This was the first open protest against the Stamp Act that ultimately led to the American Revolution. The tree came to be known as the liberty tree.\(^2\) The protest was reported in detail by the

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2 A couple of years later, during the Revolutionary War, the British army cut down the tree and sold it for firewood.
colonies’ newspapers, rapidly spreading the fire of burning effigies.

The 1765 effigy burning in Boston—and the many that followed—was not invented during the anti-Stamp Act protests. The form was appropriated for political purposes from practices of popular justice, called “rough music,” described in chapter 2. In the US, rough music could become rather violent as it also included the demolition of property, tarring and feathering, being carried on a pole, and other physical abuse. Parading, ridiculing, and executing a perpetrator’s effigy belonged to the less violent symbolic forms, but was nevertheless threatening. Beyond ostracizing the targeted individual, these practices affect the larger community, coercing its members to abide by the rules. Rough music as the assertion of common law and upholding of communal values is usually driven by a populist, conservative position, which holds the established order and the interests of the dominant group in the community above the interests or rights of an individual, any other group, or system of law. It is usually employed to enforce traditional values and prevent change in the social order. In the protests against the Stamp Act, activists appropriated these conservative practices in order to change the political status quo.

Some cases of political effigy performances in the US still include the musical element that gave rough music

While the mob persecuted the informers, the radical leaders turned their attention to the importing merchants. Their names were posted in the newspapers, and prospective customers were warned away from their stores by effigies placed in front of the doorways. But before further persecution could be carried out, the ire of the mob was again aroused by the customs officials, and through them against the soldiers.

5 See chapter 2, “Double Bodies.”
6 “Tarring and feathering” was considered an American invention, “a modern method of punishment.” Longley, “Mob Activities,” 112.
The year 1770 produced the first fatality of the struggle between the factions. . . . Some boys had erected an effigy before the shop door of an importing merchant, Theophilus Lillie. Lillie’s friend, Ebenezer Richardson, a former customs employee, attempted to destroy the effigy. The crowd hooted and hustled him, covering him with dirt. He retreated into his house, where more words and missiles were exchanged. Finally, Richardson, in a rage, fired a gun from his window, killing one Snyder, a boy, wounding a youth, Gore, and piercing the clothing of a man named Patterson.7

The attack was first made upon the Marlborough merchant, Henry Barnes. On June 10, the mob, led by a youth who had been trained in the Boston affairs, destroying his carriage, and three the cushions into a brook. Later they robbed his wagons for goods, tarred and feathered his horse, and turned it loose on the streets carrying on its back an effigy of its owner made from his wagon cover.8

The most famous of all Boston’s pre-war mobs was, of course, the Boston Tea Party. But it was not, as is sometimes assumed, an isolated or unusual phenomenon. It was but the greatest of many such expressions of mob violence, and was organised by the same radicals who had resisted the Stamp Act. . . . The Tea mob was carefully disguised. Some were dressed as Narragansett Indians with copper-coloured countenances and clothed in blankets. Others merely covered their faces with smut, and looked more like devils from the bottomless pit than men.9

1770_00_00_USA-MA: merchant Lillie

1771_06_10_USA-MA: merchant Barnes

revolutionary mob practices: 1773_12_16_Boston, USA

its name. An article from September 14, 1861 in the New York newspaper The Weekly Sun reads: “Hon. Nathan Bristol, ex-Senator, . . . , well known for his secession proclivities, was waited on last night and treated with a serenade. The music consisted of a horse fiddle, tin pans etc. He was burned in effigy, and afterwards buried in the graveyard.”10

7 Longley, “Mob Activities,” 117.
8 Longley, “Mob Activities,” 119.
9 Longley, “Mob Activities,” 121.
10 “Another Candidate for Fort Lafayette,” Weekly Sun (New York), September 14, 1861.
Less explicitly referencing the traditions of rough music—of shaming an individual—was a more recent event in the 2008 US elections. In reaction to the display of a Sarah Palin effigy as a Halloween decoration on a house in California, Palin sympathizers picketed in front of the house and unfurled big banners to obstruct the view. They set up an effigy of the effigy-maker with the inscription “Chad, how does it feel?” on a truck outside the property to shame him, giving him the uncomfortable experience of being hanged in effigy.
Pope Day Appropriation

Some 1760’s Stamp Act protests were complex theatrical performances that resembled the traditional British holiday involving bonfires and the burning of effigies known as Guy Fawkes Day celebrated on the 5th of November. The practice dates back to 1605, when a group of Catholic conspirators tried to blow up the parliament in London and kill King James I. Key conspirator Guy Fawkes was captured next to the gunpowder barrels smuggled into the cellars under the building, and was executed together with his co-conspirators. One year later, Parliament declared a national holiday to celebrate the King’s miraculous rescue with parades and bonfires, an event still celebrated today in the United Kingdom and some of its former colonies. In New England, it was known under the name Pope Day and celebrated with processions featuring floats with elaborate pictorial programs and animated effigies of the pope, the devil, and other enemies of the crown, which were burned at the end of the procession.¹¹

These raucous celebrations were full of grotesque imagery, carnivalesque reversal of order, and mocking performances,¹² regularly used to foment anti-Catholic sentiments in times of social and political conflicts. Mostly attended by the lower classes, they often turned riotous and violent, providing an opportunity to express discontent

¹² I discuss effigy protests in relation to Mikhail Bakhtin’s concept of the carnivalesque in chapter 8, “Violence and Laughter.”
An imposing pageant was carried along with the procession. It consisted of a figure, or figures, upon a platform, or stage, mounted upon wheels, and drawn by horses. On the front part of the stage a lantern was elevated some six or eight feet, constructed with transparent paper, upon which were inscriptions, suited to the occasion; usually significant of some obnoxious political characters of the day. The Pretender, on a gibbet, stood next the lantern, and in the centre of the platform stood the Pope, grotesquely attired, exhibiting a corresponding corpulency. In the rear stood a devil, with a superabundance of tail, with a trident in one hand, and a dark lantern in the other. Under the platform were placed boys, or persons of small size, who, with rods which extended up through the figures, caused them to perform certain motions with their heads—as making them face to the right or left, according to circumstances, or rise up as though to look into chamber windows.  

As the procession passed one of the shops, John Mein, who had rendered himself obnoxious to the radicals by his publications, and who had become involved in an altercation with some of them, fired a pistol into the crowd and wounded a soldier of the 47th regiment. A warrant was issued for Mein’s arrest, but he could not be found. The following week, Pope Day was turned into a persecution of Mein, in an effort to drive him from the province. His effigy replaced that of the Pope in the usual parade. A label of the effigy announced, “Mean is the man, M—n is his name.”

13 Samuel Drake, *The history and antiquities of Boston: from its settlement in 1630 to the year 1770* (Boston: Luther Stevens, 1856), 662.  

112
up of the Pope Day performance continued to be used in political demonstrations, as we see in 1780 on the occasion of the burning in effigy of traitor Benedict Arnold, a general in the Continental American Army who defected to the British.

The burning of Benedict Arnold’s effigy followed the scenario of Pope Day pageants, with effigies of Arnold and the devil paraded on a horse-cart. The float presented a detailed visual narrative: Arnold’s effigy holds a mask and reveals his double face beneath, the devil carries a purse with money offered to Arnold in one hand and raises his pitchfork, ready to take Arnold to hell. The pictorial program emphasizes the crime of treason and Arnold’s duplicity. The dishonorable crime of treason was punished with an equally dishonorable display of his effigy. The performance combined entertainment, political statement, and ritual. Anthropologist Catherine Bell explains that political rituals construct power by “depict[ing] a group of people as a coherent and ordered community based on shared values and goals” and demonstrating the legitimacy of that order through the participation in the ritual.22

The revolutionaries appropriated the established ritual of Pope Day pageants as well as rituals of formal justice to demonstrate the newly established power relations; that is, the burning of Arnold’s effigy was a display of the emerging political order.


22 Catherine Bell, Ritual: Perspectives and Dimensions (Oxford: Oxford University Press, 1997), 129.
Between Affirmation and Contestation

Traditional effigy practices from popular justice and Pope Day celebrations were appropriated for political protests. The performance of popular justice was a semi-staged outburst of communal disapproval—improvised, fluid and prone to violent excesses, and used to coerce individuals or minority groups in the community by the threat of violence. The effigy performances of Pope Day were elaborate entertainments for the attending public geared toward celebrating communal values and identity. While these practices differed in style and formations of power, their scenarios were similar. This allowed for the mixing of both forms, combining threatening political opponents with celebrating community in various degrees. But even in some much later examples, their distinctive semantic emphases—on either coercion or community celebration—are clearly expressed, as I will show later in this chapter.

Stamp Act protest victims included tax collectors, British officials, American merchants who refused to boycott English goods, and other British Loyalists. The mob paraded their effigies, often congregating in front of the targeted’s house. The effigies were ridiculed, beaten, hanged, and eventually burned, but the violence was often not limited to the representations. The targets of the mob’s wrath were threatened and assaulted. Some victims were paraded through the streets in person, carried on poles, and dumped at the edge of town. Some were tarred and

23 These specific rough music practices were called “riding the stang” and “riding out of town.”
feathered, maltreated, their property demolished, and their houses burnt down. In the early years of the American Revolution, numerous effigies were hanged and burned, causing loyalists to flee or accept change.

With the start of the Revolutionary War for independence in 1776, as the political struggle was moved to the battlefield and corpses started piling up, the effigy burnings seem to have decreased. After the war, the practice was revived, as in 1794, when Chief Justice John Jay was hanged and burned in effigy as a traitor all over New England for negotiating an unfavorable treaty over trade and shipping rights with Great Britain. During the revolution, the mob was instrumental in challenging British rule, and in the long century afterwards, groups from all corners of society mobilized their supporters to display their political clout.

Collective action and manifestations in the streets continued to shape public life in the young US. Parades and demonstrations were important communication tools in the public sphere. From the revolutionary beginnings in anti-loyalist riots and charivari folk practices, parades developed in a number of styles that reflected the social, economic, and political position of the social groups that participated. In post-revolution Philadelphia, between

1790 and 1860, the elaborate and well-funded parades of the official militias, which were recruited from the wealthy section of society, were countered and mocked by burlesque marches of the working class. “Respectability” of the powerful establishment set the standard of conduct against which the “rowdiness” of the growing group of disenfranchised workers was contrasted, those who tried to gain influence by organizing collective action. Historian Albrecht Koschnik confirms that “crowd action—with its associated tactics and ritual, such as effigy processions and bonfires—was a legitimate institution.” The burning of effigies as a theatrical performance to publicly press on political issues had become an established form in US politics.

An analysis of the *New York Times* online archive shows that many different kinds of conflict took to the streets, and the use of effigy protests were not tied to one side of the political spectrum. Political issues on all levels—local, state, and national—were disputed with effigy protests throughout US history. Sometimes demonstrations were organized by one or another party to denounce opponents. At other times constituents would hang and burn their representatives as traitors for supporting the “wrong” cause. While these performances often led to outbursts in the press affiliated with the targeted party, they usually did not hurt the career of the depicted. They had become an accepted

30 Koschnik, “Political Conflict,” 212.
31 See appendix 3 analysis of the *New York Times* online archive.
form of expressing political positions. Some conflicts addressed with effigy protests stand out: labor issues, since the mid-nineteenth century; military conflicts with foreign countries; controversial rulings in criminal trials; and the abolition of slavery, later desegregation and civil rights. All were especially relevant to the societal development and the political identity in the US as described in the following paragraphs.

John P. St. John was burned in effigy here tonight, and such wild scenes were enacted as never before were witnessed in Topeka. Fully 3000 men and boys watched the image of St. John go up in flames from a telegraph pole in front of the Western Union telegraph office. Capt. P.H. Conrey made a short speech, declaring St. John had violated every trust and confidence of the people of Kansas, and that the State should be cleared of his name. (Memphis Daily Appeal, TN, 7 Nov 1884)

At Rockwood, Tenn., State Senator D. R. Nelson and Representative I. A. Dail were burned in effigy by the citizens, who were angry at some vote of the legislators. Images were fastened to a mule and a parade was made, after which a hanging and burning took place. (New York Times, 7 Apr 1889)

The Buffalo Courier very truly says: “Our political history discloses the curious fact, that no individual has been burnt in effigy in this country for any act he may have committed as a public man, who’s popularity has not been materially increased by the operation.” The Courier continues: “Burning in effigy has been a common affair since the organisation of the government. In 1776, George Washington, Patrick Henry, and John Hancock were burnt in effigy, because he advocated the rights of the people and opposed the property qualification of voters. In 1812, James Madison was burned in effigy, because he advocated the war with England, which secured to American seamen their rights. In 1836, Andrew Jackson was burnt in effigy, because he crushed the famous swindling called the “United States Bank,” and beat the British at New Orleans in 1814. In 1846, George M. Dallas was burned in effigy, because he voted for the people’s tariff, which is now in operation, and which did not make the grass grow in the middle of the streets of our cities, as many of the croakers predicted it would. (Nashville Union and American, TN, 28 Apr 1854)
From the 1860s until the 1980s, striking workers hanged effigies in their desperate struggle for basic rights, a living wage, and better working conditions. Effigies appeared, for instance, during the coal miners’ strike of 1867 in Illinois, the longshoremen strike of 1887 in New Jersey, the iron workers’ strike of 1892 in Pennsylvania, the railway strike of 1903 in Chicago, the strike at General Motors in Chicago in 1936, and the strike at an auto parts factory in Elwood, Indiana in 1977. Sometimes these effigies depicted company presidents and managers, but more often, strikebreakers that the bosses brought in to break the workers’ bargaining power. These effigy performances functioned in the tradition of popular justice, shaming, threatening, and ostracizing the individuals who did not support the workers’ collective action.
At the land clearing demonstration recently, after stumps had been pulled, blasted and piled in one huge pile, the effigy of the kaiser was burned. His head consisted of a pumpkin, his helmet a tin pan, the spike of his helmet a nail covered with tinfoil, his mustache, a frayed piece of rope: the iron cross, two railroad spikes fastened together, his badges, numerous pieces of tin; and his sword a piece of lath, was designed and constructed by Lawrence Livingston. The effigy was elevated to the top of the pile and fastened there, with the sword pointing directly upwards. In a very few minutes the roaring flames reached the kaiser. The most spectacular feature was when the right arm, holding the sword, dropped in a most lifelike manner, the sword falling into the flames. (caption)
The hanging and burning of foreign leaders in effigy took off during World War I with effigies of German Kaiser Wilhelm II. A photograph and description of his effigy burning on an October Sunday in 1917 in Rhinelander, WI was printed in the Milwaukee Journal. The photograph is barely legible: a big pile of something and a figure resembling an astronaut bearing a sign reading: “Der Kaiser.” The description in the article on the other hand is very vivid, naming the effigy’s designer and describing it and its demise in great detail.

The event is rather festive, taking the communal clearing of a piece of land and the availability of a huge pile of wood that needed to be burned as an occasion to burn an effigy. The care and dedication with which the effigy is made and the lifelike gesture at the end of its burning make it a satisfying and successful performance. Notwithstanding the festive spirit, the German name of the town hints at underlying dilemmas in German-American communities. Far from unified in their political positions, they were under pressure to demonstrate their loyalty to their fellow citizens in the US, and burning the effigy was one way to do so.

Wilhelm II was hanged, beaten, and burned in effigy throughout the US during WWI, but most often at
the end of the war, on Armistice Day in November 1918. This pattern repeated itself during WWII with the effigies of German Chancellor Adolf Hitler and Japanese Emperor Hirohito. The first events at which Hitler was paraded in effigy were the Labor Day parades of 1933 and 1935 in New York, organized by the Communist Party and the workers’ unions. The effigies appeared as props on floats in a bid to mobilize the people and create awareness of the threatening emergence of an enemy, when most in the US deemed the rise of the National Socialist German Workers’ Party a European issue.

Some Hitler effigies were employed to promote paper and scrap metal collection, additional material resources needed to take on the enemy. The parody of the voodoo-like “hexing party” on a January night in 1941 seemed aimed rather at mobilizing the mental forces necessary to stand up to the enemy. Most Hitler effigies, though, appeared only after the capitulation of Nazi Germany and the suicide of its leader in 1945. On May 8 at Victory Day parties all over the US, communities celebrated the end of the war by hanging effigies of Hitler and in August, Hirohito. These performances were not staged to protest against the existing order at home, nor was the communication with the enemy of importance. The participants denounced, ridiculed, and degraded the distant enemy, but never posed an actual threat to the foreign leaders. As quasi-ritual political demonstrations, they were not a direct claim to power. Staged at a distance in relation to an outside other, they were not divisive but rather unifying and affirmative. The participants were in
celebratory and carnivalesque mood, using caricature and parody to deal with the existential threat of the war with liberating laughter. The demonstrations mentioned here function as cathartic performances acknowledging sacrifice, while celebrating renewal after the end of the war. They again share affinity with traditional calendrical rituals that mark and advance the cycle of death and rebirth of nature and society.

Effigy protests against foreign leaders were staged throughout the twentieth century in the US. In 1960, Cuban exiles displaced by revolution at home, beat an effigy of Fidel Castro in Miami. That same year, US citizens hanged an effigy of Soviet Union leader Nikita Khrushchev on the occasion of his visit to the United Nations in New York, related to the antagonism of the two world powers during the Cold War. But in 1980, it was Afghan expatriats who burned the effigy of Khrushchev’s successor Leonid Brezhnev in protest against the Soviet invasion of Afghanistan. In 1967, high school students in Massachusetts hanged an effigy of Vietnam’s leader Ho Chi Minh in protest against anti-Vietnam-War protests. In 1979, when revolutionaries occupied the US embassy in Tehran and took its personnel hostage, American students burned effigies of Iranian leader Ayatollah Khomeini in response to Iranian students burning effigies of the Iranian Shah and US President Jimmy Carter. Three years later, it was Iranian students in exile who burned the effigy of Khomeini in protest against his policies at home. In 1995, Cuban exiles were photographed dragging an effigy of Castro through the streets of Miami, this time in protest of Clinton’s policy
changes that restricted Cuban immigration. Other foreign leaders hanged or burned in effigy were King Hussein of Jordan, Soviet leader Yuri Andropov, UK Prime Minister Margaret Thatcher, President of the Philippines Ferdinand Marcos, Chinese leader Deng Xiaoping, President of Iraq Saddam Hussein, and Osama bin Laden.

These protests were not necessarily staged to change policies of the foreign country, but rather—often organized by US based immigrant groups—to influence US American foreign policy. In 1979, for instance, demonstrators burned an effigy of Castro in protest of his visit to the UN, while another group supported his visit. Similarly, the demonstrators hanging Hussein in August 1990 supported the government’s war in Iraq, while other demonstrators, like those in January 1991, opposed it. These protests not only reflect international conflicts, but also the complexity of US domestic politics influenced by partisan politics and layered alliances of communities from varying backgrounds.
Effigy Protests and the Imagination of Justice

As a performance of punishment, the practice of hanging or burning effigies is closely tied to both formal and informal justice. Especially in common law legal systems, which are based on precedent, a common sense of justice bears large influence on the legislative process and the application of law. In the US, people often expect the courts to reflect the community’s sense of justice more than the letter of the law. Popular justice and lynching has often been experienced as a legitimate continuation of formal law, especially when its enforcement was lacking or appeared too slow.

It is unsurprising that throughout US history effigies of judges and juries were hanged in response to formal trials, when the community did not agree with the verdict delivered.

In 1896, residents of the small North Dakota town of Medora were enraged over an acquittal in a murder case and hanged the members of the jury in effigy. In 1860, Judge Canonge was burnt in effigy in Lafayette. This outbreak of popular indignation was caused, we learn, by the course of the Judge in relation to Mr. Speakman and others concerned in a late suit before Criminal Court. (True American, New Orleans, LA, 27 May 1839)

The verdict gave much dissatisfaction in Waynesburgh, and a procession numbering about 200 persons, marched through the town the night following the conclusion of the trial, with music, banners &c., and concluded proceedings of a rather boisterous character, by burning the jury in effigy in front of the jail. (Democrat and Sentinel, Ebensburg, PA, 11 Jan 1860)

In 1903, a similar case resulted in the hanging of four effigies representing the governor, district attorney, and district judge of Bowie County, Texas. In 1927, citizens of Ashland, Oregon hanged the three De Autremont brothers in effigy for robbing a train and killing four people, furious they

33 See the introduction.
escaped the gallows and were only sentenced to life. In 1972, a mock trial against Judge Stephen John Roth was staged and his effigy burned in Wyandotte, Michigan for his verdict forcing Detroit schools to integrate. In 1984, San Francisco residents protested the early release of San Francisco Mayor George Moscone and City Supervisor Harvey Milk’s murderer Dan White having served only five years. The protesters performed fifteen minutes of noise in the middle of the night in the tradition of rough music, and burned the murderer in effigy. In 1989, protesters burned the effigy of a Supreme Court judge during a demonstration against the court decision to uphold a Missouri law that restricts abortion. And in 2012, an effigy of President Barack Obama was hanged from a trailer between effigies of local enforcement officers and state officials of North Carolina who, according to the creator, failed to properly investigate the shooting death of a family member.

In all of these cases, the mock trials and effigy executions comment disapprovingly on the enactment of law in specific cases and the overall state of justice in the country. Protesters appropriate ritualistic legal procedures when confronting political issues with mock trials, mock judges, mock persecutors, mock juries, mock executions,

and mock burials. During the Stamp Act protests in September 1765, the effigy of stamp master Meserve was brought to a trial in a special court in Portsmouth, New Hampshire. The New Hampshire Gazette reports that Meserve appeared before the jury in the form of his “virtual representative”—his effigy:

Several Arguments were used on behalf of the Respondent, but the Evidence being so full, the Jury brought him in Guilty, without going off the Stand. The Judges then sentenced the Prisoner to be carried from hence to the Place of Execution, and there to hang by the Neck till Dead; then his Remains to be taken down and burnt to Ashes.41

In 1934, City College of New York students staged a mock trial of College President Frederick B. Robinson, protesting the visit of a delegation of Italian Fascist students, burning him and Mussolini in effigy.42 In 1941, members of the American fascist party “Friends of Progress” staged a mock trial to impeach President Franklin D. Roosevelt with a life-size effigy standing in at the trial.43 In 1972, University of Virginia students staged a mock trial of President Richard

Nixon during a demonstration against the Vietnam War. They convicted him of war crimes and hanged his effigy from a traffic light.\footnote{44 “Nixon burned in effigy at Virginia University,” \textit{Kingsport Times-News}, May 14, 1972.} In 1979, protesters convicted and burned an effigy of Jane Fonda in front of her house in Santa Monica, California for “dishonoring the American military” with her visit to North Vietnam.\footnote{45 “Youths stage mocktrial, hang Jane Fonda in effigy,” \textit{Lakeland Ledger}, October 9, 1979.}

These effigy protests express the close connection between politics and the notion of justice, and the fraught relationship between popular and formal justice. During the American Revolution, hanging and burning effigies were claims to sovereignty and independence. Legal historian Steven Wilf states: “the power to judge and to impose capital sentences—even mock capital sentences—was a fundamental act of sovereignty.”\footnote{46 Steven Wilf, \textit{Law’s Imagined Republic: Popular Politics and Criminal Justice in Revolutionary America} (Cambridge: Cambridge University Press, 2010), 94.} That the US was born from a popular uprising against colonial rule strengthened the idea of “the people” as the source of legitimacy and that a common sense of justice should be the basis for formal law. The 1790s saw profound statutory reforms of American criminal law, moving away from the British penal code toward a more rational legal system “representative of a more virtuous republic.”\footnote{47 Wilf, \textit{Law’s Imagined Republic}, 146.} The reforms reduced sanguinary punishments, established sentences proportional to crimes, formalized court procedures, and aimed to create a “legal language and symbolism accessible...
to the common people.” Nevertheless, the understanding of the law as constituted by the will of the people often came into conflict with the liberal understanding of law and due process. Working-class people and in rural communities especially were skeptical about how formal justice would serve their interests, and resorted to taking the law into their own hands in various forms of rough justice. The staging of effigy executions in these divisive political and social conflicts brings into focus the subjugating effects of the performances, which I examine in the following section.

48 Wilf, Law’s Imagined Republic, 193.
Un-Civil Rights Effigies

Since the founding days of the US, the question of slavery and the civil rights of Americans of African descent has been a divisive topic. Slavery stood in stark contrast to the revolution’s ideals of the equality of men expressed in the Declaration of Independence. These civil rights only applied to white men, a limitation soon challenged by abolitionists.

The northern states of the Union gradually introduced laws to abolish slavery between 1777 and 1804. Although it took forty more years to abolish slavery completely, abolition had much support. The South widely perceived abolition as a threat to the economic system and Southern identity. Their economy relied on slaves as the workforce for the large plantations that produced raw materials like cotton and sugar, tobacco and hemp. Slaves represented capital: they were exchanged for money, used as collateral, and given as inheritance. The number of slaves in the US was huge: the census of 1800 counted 900,000 slaves, which amounted to 17 percent of the population. In 1860, the percentage had decreased to 13 percent, but the number of slaves increased to almost 4 million and the percentage of slaves in the South was above 30 percent. In

51 “When the Abolitionists began their attacks on the South’s system of slavery, Southerners in their resentment and regional patriotism, … began not just to defend but to glorify their way of life, and the idealization of the plantation, which employed most of the slaves, was their basic method.” Earl F. Bargainnier, “The Plantation: Southern Icon,” in Icons of America, eds. Ray B. Brown and Marshall Fishwick (Bowling Green, OH: Popular Press, 1978), 272.
South Carolina and Mississippi, their number amounted to over than 50 percent of the population and in some counties over 80 percent.\textsuperscript{52} The white population in the South—plantation owners and working class alike—feared the effects that the abolition of slavery would have on the economy, the labor market, and the social organization of their communities. The plantation owners in the South were for the most part not content to retain the status quo, since the extension of slavery into new territories in the West was deemed crucial for the continued growth of the Southern economic system. This was a development that the federal government dominated by Northern Republicans, wanted to prevent by all means.

Between 1830 and 1860, the abolition of slavery was driven by activists from the North as well as by acts of rebellion in the South—even though the latter part of this history is less recognized. Many northern activists were white religiously inspired humanists who regarded slavery as bad for society, while many others were African-Americans, still enslaved people, or former slaves such as Frederick Douglass and Sojourner Truth. They toured the South, gave speeches, and helped set up the “Underground Railway,” a clandestine network of routes and safe houses to help enslaved people escape to the North. Northern activists started a massive mail campaign to distribute abolitionist literature, like the journal \textit{Human Rights}, newspapers \textit{The

Liberator and the North Star and children’s magazine Slave’s Friend.

Southern communities reacted viciously to the supposed threat to their economic system, identity, and way of life. Fugitive slaves were hunted, punished, and sometimes abducted from the North. Participants in slave revolts were executed. Abolition activists were intimidated, hanged and burned in effigy, and subjected to other forms of popular justice. Slavery was the major issue in the conflict that lead to the secession of eleven southern states from the Union in 1860, forming the Confederate States of America. A news report from Charleston, Alabama describes the celebration of secession. The demonstration was festive, a statement of political positions and identities that included the execution in effigy of their opponent Abraham Lincoln.


54 “We regard every man in our midst an enemy to the institutions of the South, who does not boldly declare that he believes African slavery to be a social, moral, and political blessing,” Atlanta Confederacy, 1860, cited in The Anti-Slavery History of the John-Brown-Year (New York: American Anti-Slavery Society, 1861), 167, https://hdl.handle.net/2027/nyp.33439081995288.


56 These states were South Carolina, Mississippi, Florida, Alabama, Georgia, Louisiana, Texas, Virginia, Arkansas, North Carolina, and Tennessee.
Abolitionists and Union defenders also used effigy protests: the 23rd Pennsylvania Volunteer Infantry hanged an effigy of President of the Confederacy Jefferson Davis while they played football and chased a greased pig for entertainment; an effigy of pro-secession New York State Senator Nathan Bristol was burned in the small town Waverly, NY in kind with rough music.

The federal government did not recognize the secession and offered negotiation. When Confederate militias attacked Fort Sumpter in South Carolina, the American Civil War broke out, lasting until 1865. After the Union victory, slavery was formally abolished. Nevertheless, discrimination of African-Americans continued, especially in the South. From everyday discrimination and disenfranchisement, segregation in the Southern states was slowly formalized with the so-called Jim Crow laws enacted by white-dominated state legislatures. Severe forms of popular justice enforced social and political hierarchies, with lynching the most extreme. While lynching was not solely directed against African-Americans, the number of black victims was greater by three to one than white and Hispanic victims combined.

Lynching in the nineteenth century was a mass spectacle, a display of white supremacy, sometimes attended by hundreds. It included torture, hanging, subsequent mutilation, and sometimes burning of the corpses. Despite many attempts, lynching was never made a federal crime, due to resistance by Southern members of the US Senate—a fact for which the senate issued an official apology in 2005. And although lynching could have been prosecuted under...
state murder statutes, most cases were never even brought to court. Trials were considered futile, since the juries would consist of people from the same ethnic background and political conviction as the killers. Furthermore, popular justice was often considered a legitimate extension of formal justice, an expedited form of the same system, where the regular procedures of the law seemed too slow or just too cumbersome. The pretext often given to justify lynching was the need to protect white women from rape by African-Americans—a myth of Southern apologists already soundly debunked by civil rights activist Ida B. Wells in 1899.\textsuperscript{58} Lynchings peaked in the last two decades of the nineteenth century and had mostly subsided by the end of WWII—corresponding exactly to the period when hanging effigies in the context of racial discrimination increases in frequency in my records again.

In an effort to intimidate the Negroes of this city and prevent the appearance of Congressman Oscar DePriest of Illinois . . . , the Ku Klux Klan burned the Congressman in effigy here. . . . 'They fired pistols and machine guns and otherwise intimidated the colored folks. They paraded every section where Negroes live.' [On the same page, the newspaper reports the lynching of an African-American man in South Carolina by a white posse of 600.] (The Afro American, Baltimore, MD, 28 Jun 1930)

In 1946, a court in Mississippi convicted Davis Knight of being black and guilty of marrying outside of his race. The Supreme Court of Mississippi reversed the decision citing that the State had failed to prove that Knight was at least one-eighth black. White Mississippian’s hanged members of the Court in effigy.\textsuperscript{59}


In Florida, in 1939, conjoined with Ku Klux Klan demonstrations, effigies of African-Americans bearing the sign “This n….. voted” were hanged in Miami. The effigies were unmistakably used by the KKK to threaten any African-American who dared exercise their constitutional right to vote. By then, the National Association for the Advancement of Colored People (NAACP) had begun organizing the African-American vote more proactively and defied KKK threats. In the following decades, the desegregation of the military, public institutions, public transport, public school system, and housing laws became focal points for civil rights activists who encountered fierce resistance from the white population. Only a persistent campaign by a large number of activists with considerable courage in the face of threatening violence, in combination with federal legislation support and enforcement dismantled the overt politics of disenfranchisement.

In the 1950s and 1960s many effigies were hanged in the context of the resistance to African-American integration. Effigies often represented vulnerable individuals and marginalized groups who had to face the threat of physical violence: African-American voters, NAACP activists, white activists, African-American students, supportive politicians or judges who ruled in favor of integration. In this struggle, local administrations and state governments often colluded against the implementation of federal laws, such as the desegregation of public schools following the Supreme Court decision from 1954 in Brown v Board of Education. In Arkansas, Governor Faubus announced in September 1957 that he would employ the
National Guard to prevent the nine registered African-American students from entering Little Rock High School. Local police had been tasked by a federal court to escort the students to school but not before President Dwight Eisenhower sent 1,200 members of the US Army’s 101st Airborne Division that the “Little Rock nine” could spend their first day at school. During the entire year, the army remained posted at the school to protect the students. The students were insulted and harassed and on one occasion, white students hanged, kicked, and burned an effigy of an African-American student outside the school.60

In 1961, James Meredith was denied admittance and sued the University of Mississippi for racial discrimination. The United States Court of Appeals and the US Supreme Court found in his favor, but the governor of Mississippi continued to block his admission. Only after US Attorney General Robert F. Kennedy sent federal marshals and the Mississippi National Guard to enforce the court order, could Meredith enroll in October 1962. When he entered the university accompanied by US marshals, he was greeted with an effigy hanging on his residence hall. He endured extreme harassment and isolation, yet successfully graduated a year later. In 1966, Meredith organized the “March Against Fear” from Memphis, Tennessee to Jackson, Mississippi. On the second day, he was shot and wounded by an unemployed white man from Memphis.61

In Montgomery, Alabama two effigies were installed in the town square in broad daylight on an August morning in 1956 in the wake of the boycott against segregated buses. A sign identified the makers of the display as Union members, supposedly respectable town folk who enjoyed the support of their community. The threat that these effigies constituted was serious as shown by the murder of three civil rights activists—one black and two white—who went missing while investigating the arson of a black church used as a “Freedom School” in Neshoba County, Mississippi in June 1964. Six weeks later, their bodies were found buried in a partially constructed dam.

In 1960, John Howard Griffin published *Black Like Me* detailing his experiences of discrimination while traveling disguised as a black man in the South. The famous bestseller remained controversial. In his hometown Mansfield, Texas, his effigy was hanged on Main Street, a cross was burned in front of the local still-segregated school for African-Americans, and a local bar put up a sign reading “No albinos allowed.” His effigy eventually ended up in the local garbage dump, where a photographer for the local newspaper took a picture of it under a sign announcing a fine for dumping dead animals.

In 1963, members of the National States Rights Party hanged an effigy of Dr. Martin Luther King, Jr. in front of the party headquarters in Birmingham, Alabama, where King campaigned with the Southern Christian Leadership Conference (SCLC) to end racial segregation. In March 1968, King was shot by James Earl Ray, a volunteer for the George Wallace’s presidential campaign, Wallace being the former Governor of Alabama and champion of segregation.

As the struggle for desegregation and civil rights flowed from the struggle for abolition of slavery from a century before, so do the effigy hangings continue the practice of lynching in a less extreme form. Each of these performances were not benign forms of symbolic expression. Many effigies show an anonymous body, an African-American voter, student, neighbor, or activist. They present the private body publicly exhibited, degraded, and violated, devoid of political status. They performatively affirm and enact the statues of African-Americans as second-class citizens. As part of a continuous set of practices, from insidious forms of discrimination to open physical violence, they comprise a form of violent subjugation.

Civil Rights Effigies

With the students’ movement at the end of the 1960s, effigy performances become more numerous in protests favoring progressive politics. These demonstrations were staged for a variety of causes, in favor of racial integration, for First Nations’ rights, and against the Vietnam War. Publicness and visibility were paramount as they required the creation of a presence in public space and public consciousness to become a political force. The need for visibility influences the way effigies are performed. The demonstrators usually paraded and burned their effigies openly, providing for spectacular moments. Civil rights protesters paraded, ridiculed, and burned figures of power like elected officials, or abstract entities like “racism” in a reversal of existing power relations.

63 Before the advent of the student movement in the 1960s, effigy protests similarly positioned in present a challenge to existing power structures are relatively rare.
In the photographs of protests, this difference is not always clearly visible. For instance, the pictures of the hanging and burning of an effigy of Nixon during a protest against the Vietnam War at Southern Illinois University, and the hanging and burning of an African-American student in a protest against the desegregation of Little Rock High School, look quite similar. In both photo-series, several individuals are seen actively engaging with the effigy, hitting, punching, and finally setting it on fire, while most others surrounding the performances retain the role of sceptical, sometimes bemused spectator. The crowd in Little Rock seems diverse, with people of different age and appearance, while the spectators at Southern Illinois University seem to be university students. The important difference is that in the first set of images the protesters are those who shouted down the Little Rock nine as they entered school, while in the second series, the protesters are nowhere near the target of their anger, President Nixon. Even though the photographs may appear equally violent, the violence experienced by the African-American students was of a different order. This difference confirms the necessity to consider the context in each case in order to judge whether an effigy protest constitutes an actual threat or remains symbolic. I will further elaborate on this distinction in chapter 8: “Violence and Laughter.”
Almost all US presidents have been hanged in effigy, but none of them likely as often as the last three: George W. Bush, Barack Obama, and Donald Trump. In the ’80s and ’90s the use of effigies in protests in the US had diminished, but from 2001 onwards effigy hanging and burning made a comeback—this time along party lines. Bush effigies were paraded at demonstrations against the Iraq War in San Francisco, Chicago, New York, Los Angeles, Denver, and Washington DC. Most of them were hanged, some were burned, some were worn in the form of big masks and used to stage a kind of protest theater. After 2003, the toppling of Bush papier-mâché statues became popular in anti-war protests—likely appropriated from the toppling of Saddam’s statue in Baghdad. Imitating the Iraqi journalist who threw a shoe at Bush during a news conference in 2008, shoe-throwing became a favorite expression of contempt. I found a total of 27 Bush effigies that were performed in the 8 years Bush was in office. The protests were staged predominantly in reaction to political developments and targeted the president’s politics, especially the war in Iraq.

Obama was hanged in effigy even more often. I found records of 32 Obama effigies in the US. The effigies appeared mainly before his election in 2008 and re-election in 2012, roughly coinciding with Halloween, and most of them in the South. None were paraded during

64 See the analysis of newspaper reports in the New York Times archive in appendix 3.
65 Florian Göttke, Toppled (Rotterdam: Post Editions, 2010), 120–22.
demonstrations, but instead hanged in rural (22) and suburban (5) areas, from trees (13), or from makeshift gallows (3), in front yards (22), from bridges and billboards (3). Only four were burned. An interesting twist in the use of Obama effigies happened after the Republican Convention in 2012, where Clint Eastwood performed a sketch on stage talking to a chair as if it was Obama, after which chairs appeared strung up in nooses. Even though just a few showed overtly racist symbols like the watermelon, these invariably incited discussions about racism and lynching justice. The images and scenes they evoked were too directly linked to the discriminatory practices of the not-so-distant past. Some who hanged effigies appeared surprised by this reading, bending to the public pressure and taking effigies down. Others refused to engage in the discussion and hid behind their right to freedom of speech. It is clear, that the effects of an effigy performance depend not only on the way it is performed, but also its context. In the light of the resistance to his presidency by, for instance, the “birther movement,” Obama’s effigies were regularly seen in the context of racial discrimination and the continuing denial of civil rights.

66 I include these chair hangings, because they form an interesting sub-section of effigies that allows avoiding the crass image of a hanging body, while still communicating the contempt that people foster toward Barack Obama that permeated discussions in Republican circles during the re-election campaign.
67 The watermelon is a derogatory term used by racist whites in the South to signify the “simple-minded” African-American.
Effigies of Trump began to appear just after he announced his candidacy in 2015 with derogatory remarks about Mexican immigrants. After his election in November 2016, protesters in large demonstrations in Los Angeles, Oakland, New Orleans, and New York burned his effigies chanting: “Not my president!” and effigy protests have been repeated since. Trump’s effigies are often made in the form of piñatas and are beaten to a pulp by protesters, or resemble traditional Mexican effigy practices of burning Año Viejo or Judas. With these cultural references, protesters assert the identity of immigrant communities in the US and denounce the politics of exclusion that are so characteristic of Trump’s administration.

In these examples, the division between effigy protests derived from popular justice on the one hand and from communal celebrations of change becomes visible again in form. While Obama’s effigies were predominantly hanged as threatening signs similar to the un-civil rights effigies described earlier, Trump’s effigies were beaten or burned in ephemeral performances during communal demonstrations. While the protesters who hanged Obama in effigy propose a return to previous oppressive race-relations, the protesters who burned Trump in effigy promote a more inclusive society.
Effigy Protests and the Democratic Paradox

In the effigy demonstrations between un-civil rights and civil rights protest, the conflict between the popular sovereign determining politics and the principles of individual rights and the rule of law comes into focus. It is a conflict that lies at the foundation of liberal democracy, “between the sovereign subject that founds the law and the law that delimits a space for politics within which the sovereign will can be expressed.”69 In democratic theory, this conflict has been identified as the “democratic paradox” that “emerges in the circular relation between the constituent power and the constituted power.”70

The American Revolution broke with established British rule legitimized by the transcendental authority of God. Revolutionaries used secret gatherings, mass rallies, and the press to publicize their cause and garner support. Through threats, physical violence, and popular justice like effigy protests, they intimidated their opponents and upended the old regime. In that revolutionary moment, outside of the law, the people claimed the right to govern themselves. Political theorist Chantal Mouffe asserts that at that moment “the old democratic principle that ‘power should be exercised by the people’ emerge[d] again”71 and modern democracy came into being.

70 Schaap, “Aboriginal Sovereignty,” 54.
After the revolution, new political institutions and a new political order were established. Through the constitutional assembly of delegates from the thirteen states, the people of the colonies as the constituent power gave themselves a symbolic framework expressed in two of the most progressive documents of the time: the Declaration of Independence, and the Constitution. This framework was informed “by the liberal discourse, with its strong emphasis on the value of individual liberty and on human rights.” These documents set the standard against which individual rights in relation to a community are measured. In the US, modern liberal democracy was established as a form of rule, combining the principle of popular sovereignty with a “symbolic framework within which this democratic rule is exercised.” Mouffe made clear the paradoxical relationship between these two founding principles. While democracy establishes an exclusionary boundary in determining the demos and the majority of citizens decides on the rules of the community, the framework of individual rights enshrined in the Constitution limits the exercise of the people’s sovereignty. The democratic paradox was inscribed into the US political system at its founding moment.

There are different theories on how to deal with this paradoxical conflict between two principles. Political theorist Carl Schmitt, for instance, rejects outright the restrictions that liberal individual rights pose to the democratic process.

and emphasizes the primacy of the popular sovereign. Sociologist Jürgen Habermas on the other hand conceives the two principles of popular sovereignty and the rule of law to be co-constituent in modern liberal democracy and stresses the need for public deliberation and consensus to reconcile the paradox. In contrast to Habermas, Mouffe argues that there is only a contingent articulation of both principles in modern liberal democracies and no conceptual connection between popular sovereignty and the rule of law. Nevertheless, she acknowledges the productive role that liberal discourse on rights plays to keep democracy alive, and states the need for “confictual consensus” between adversaries who recognize each other as legitimate participants in democratic discourse. This recognition of the opponent as part of the agonistic democratic discourse, though, is exactly what is often lacking.

Since the founding of the US, the disenfranchisement of African-Americans brought the principles of democracy and representative government into crisis. In colonial times, free African-American men who met property requirements had the right to vote in many states, even in the South. After independence, however, many states excluded African-Americans from the right to vote. While in the

76 Schaap, “Aboriginal Sovereignty,” 53.
77 Mouffe, The Democratic Paradox, 3.
78 Chantal Mouffe, On the Political (London: Routledge, 2005), 52.
northern states African-Americans gained enfranchisement when property requirements were abolished, they were completely disenfranchised in the South under the consolidation of the plantation system. After the abolition of slavery in 1865, racial segregation continued, especially in the South, formalized by the Jim Crow laws that ensured that the African-American population could not exercise their full civil rights. The Voting Rights act of 1965 intended to eliminate restrictions, but to date, state governments still devise measures like gerrymandering or strict voter registration laws to curtail the political weight of African-Americans.

The challenge of the status quo by the civil rights struggle was seen as a threat to existing economic structures and white Southern identity, leading to fears of disempowerment. The white population felt entitled to continue their way of life, built on the exclusion and subjugation of African-Americans. In the 1950s and '60s, demonstrators in the un-civil rights protests against school integration insisted on the right of the popular sovereign to determine who to exclude from the demos against the individual rights of African-Americans for equal access to government services. They hanged effigies of African-American students who tried to enroll in public schools and universities to intimidate them in attempts to maintain

the dominant white supremacist order.

In contrast, civil rights protesters claimed equal rights for all citizens granted by the Declaration of Independence, Constitution, and Universal Declaration of Human Rights. In the long history of struggle, US activists used the discourse of universal human rights and the rule of law to counter the exclusionary force of the constituent power. By hanging or burning governors and state officials in effigy, they demanded change. The civil rights protests also claimed the right of the popular sovereign to elect or discharge their representatives, but proposed expanding the demos to include those formerly excluded.

**Effigy Protests and the Imagination of Democracy**

It might seem paradoxical that un-civil rights and civil rights protests could use the same form, the hanging and burning of effigies for opposite purposes: the people against the marginalized “other” and the “other” people against the existing order. The performance of an effigy as political protest is not fixed in meaning but open to adaptation and inversion, and can be used strategically to generate, stabilize, and contest power relations.

Already during the revolution, the politics of this practice were ambiguous. The driving force behind

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83 The Universal Declaration of Human Rights was adopted in 1948 by the United Nations General Assembly. In 1951, the Civil Rights Congress attempted to charge the United States with complicity in the genocide of African-Americans at the United Nations. Wikipedia, s.v. “We_Charge_Genocide.”
the revolution was not the working class, but the well-off merchants and craftspeople who aspired to self-determination and economic independence from Britain. The small group from Boston that secretly organized the resistance against the Stamp Act grew rapidly and came to be known as “Sons of Liberty.” This upcoming elite sought an alliance with the lower classes against the British colonial administration and the loyalist upper class, and instrumentalized the mob for their own interests. To achieve their goals, the revolutionaries enacted considerable pressure and outright violence against their opponents. The practice of burning effigies during the revolution was liberating on the one hand and oppressive on the other.

The analysis of the *New York Times* archive confirms that in US history effigy demonstrations were most often staged either in partisan conflicts, where both sides vied for an increase in influence but didn’t challenge the general structures of power, or in demonstrations that affirmed existing power relations. Effigy demonstrations that aimed to dislodge established power structures and promote a more equitable and inclusive order were rather scarce. Protests organized by the labor movement from the 1880s until 1910, the 1920s, and ‘30s used effigies and continued to do so with reduced frequency from the 1950s until the early 1980s. One 1910 demonstration saw a group of suffragists burning an effigy of President Woodrow Wilson. Only in the student and counterculture movement from 1966 until 1975, in protests for civil rights, for the freedom

84 Longley, “Mob Activities,” 109–12.
of speech, and against the Vietnam War, did protesters more consistently challenge the dominant order in the US by burning the president and state representatives in effigy.

Examining the use of effigies in political conflicts in the US over 250 years, it is surprising how little the practice has changed, since it derived from two different traditions, popular justice and Pope Day celebrations. From their original context and later adaptations during the American Revolution emerge imaginaries that remain recognizable in effigy protests to this day. The activation of these imaginaries in different formations of power results in different outcomes: the struggle for political influence between competing parties; the affirmative celebration of community in times of war; the subjugation and exclusion of minority groups from political participation; and—in a reversal of the subjugating practice—the demand for change and an inclusive reordering of society. Effigy performances that embody competing principles of exclusive popular sovereignty and inclusive liberal civil rights especially make visible the conflict at the heart of contemporary liberal democracy. They embody competing US political imaginaries, made visible again in the effigies of Obama and Trump.