H-Net Reviews
in the Humanities & Social Sciences

Peter Wallenstein. *Blue Laws and Black Codes: Conflict, Courts, and Change in Twentieth-Century Virginia.* Charlottesville: University Press of Virginia, 2004. 280 pp. $55.00 (cloth), ISBN 978-0-8139-2260-7; $21.50 (paper), ISBN 978-0-8139-2261-4.

Reviewed by Martin Hardeman (Eastern Illinois University)
Published on H-Law (August, 2004)

Virginia as Analogue

In his introduction, Peter Wallenstein (Associate Professor of History at Virginia Polytechnic Institute) writes that *Blue Laws and Black Codes* is neither a comprehensive history of twentieth century Virginia nor a comprehensive legal, constitutional or political history of the state. He is correct. *Blue Laws and Black Codes* is a collection of eight stand-alone essays bound together by an introduction and an epilogue and focus on legal, political and social change in Virginia roughly from Reconstruction to the last quarter of the twentieth century.

Wallenstein's essays are also bound together by his analytical and contextual framework. Again and again, he points out that Virginia was not unique. Its issues of social, legal and perceptual change were not limited by its state boundaries. Virginia's residents shared with the rest of the South the problem of creating a post-Emancipation method of living in a biracial society. It shared with the nation as a whole questions of class, tradition and gender discrimination. Grouping such issues under the often over-lapping headings of procedure, substance and symbolism, he attempts with varying success, to demonstrate the inter-related nature of his eight pieces.

In the first two essays, Wallenstein explores the Virginia labor tax which required all healthy men between sixteen and sixty to work two days a year on the public roads or pay a two dollar fine and local laws restricting commercial activity as a well as various forms of entertainment on Sunday. Neither were unique to Virginia or the South. Both were based on well established principles. In 1894, however, the State Supreme Court struck down the corvee system holding that it violated Virginia's 1874 constitution. Ninety-four years later, a combination of legislative acts and Supreme Court decisions found blue law restrictions unconstitutional as well.

According to Wallenstein, the conclusions reached were reflections of a changing society. The corvee system was relatively cheap, but it did not produce the quality of roads necessary-particularly with the growing use of the automobile. Although the decision turned on the fine points of Virginia constitutional law, public demand, construction expertise and combined county, state and federal financing of roads were the decisive forces in the background. At the same time, increasing popular sentiment for and decreasing opposition to Sunday baseball games, movie shows and open gas stations eroded official support for blue laws.

The third essay discusses the racial and sexual integration of the Virginia bar. Like all slave states and most others, Virginia confined the practice of law to white men. But, the Civil War, Emancipation and the Fourteenth Amendment opened the courts to black male attorneys in 1869. Twenty-four years later, a decision of the state Supreme Court made Belva Lockwood Virginia's first female lawyer and twenty-eight years after that, Inez C. Fields became the state's first African American female lawyer. It was 1920 before university authorities admitted white women to the University of Virginia's Law School and the first black applicant, Gregory H. Swanson, was admitted in 1950 under federal court order. "By the mid-1970s," Wallenstein writes, "all of Virginia's law schools had at least some female students as well as at least some black students" and by 1990 women constituted thirty-six percent of the University of Virginia's Law School's graduating class (p. 80).

The following three essays deal with the post-Second World War resistance to the Jim Crow system and the rise of the Civil Rights movement. While this is generally familiar territory, the concentration on Virginia (particularly the author's emphasis on a cohort of activist Howard Law School graduates in chapter four) clarifies the similarities and differences between it and the states of the Deep South. Opposition to desegregation was no

less determined but violence seemed more rare, for example. In, "Loving vs Virginia," the subject of the sixth chapter, serves as a kind of climax.

Even before 1954's *Brown vs Board of Education*, Virginians realized the fragility of the Jim Crow system. Beginning with the schools, transportation, housing, the courts and even public accommodations, life was forcibly integrated by decisions of the federal Supreme Court or acts of the federal legislature. Yet, the state's definition of race and its laws against miscegenation seemed somehow immune from outside interference. As early as the 1690s, Virginia law had defined the races and determined who could marry whom. These definitions changed over time, but even the Supreme Court implicitly agreed in a series of cases in the 1880s and 1890s that states had the right to make such definitions and prohibit miscegenation.

In 1958, however, Richard Loving (white) and Mildred Jeter (black) married in the District of Columbia and returned to live in Caroline County. They were arrested, tried and sentenced to one year in prison or an exile of twenty-five years from the state. In 1967, the United States Supreme Court overturned the conviction on constitutional grounds in a seven to two decision. The Court declared, "we find the racial classifications in these statutes repugnant to the Fourteenth Amendment under our Constitution, the freedom to marry or not marry, a person of another race resides within the individual and cannot be infringed by the State" (p. 167). And, so fell the last and perhaps the most symbolic vestige of the Jim Crow system.

In the seventh essay, Wallenstein combines challenges to the white primary, the poll tax, voting rights, reapportionment and redistricting to produce his best integrated chapter. Each of these challenges undermined the traditional politics of Virginia. But, despite change, the struggle over who would control the game, precisely what the rules of that game were and what the rewards of the game would be, he points out, remained.

The eighth and final essay is a continuation of both the seventh and fourth. Given the changed nature of Virginia politics and given the equally changed attitudes toward both race and gender, the fact that women and African Americans play significant roles in the judiciary comes as something less than a surprise.

Peter Wallenstein's *Blue Laws and Black Codes* is a work of prodigious research. Its individual essays will be of great use to scholars and students investigating specific topics. But, as a book, it does not hold together. It still reflects the disparate origins of its parts. Its interpretations are too often obvious and too often one dimensional. Finally, the editorial staff of the University of Virginia Press should be ashamed. The number of transpositions of dates (1894 to 1984) and the number of typos is simply unacceptable for a major academic press.

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Citation: Martin Hardeman. Review of Wallenstein, Peter, *Blue Laws and Black Codes: Conflict, Courts, and Change in Twentieth-Century Virginia.* H-Law, H-Net Reviews. August, 2004.
URL: http://www.h-net.org/reviews/showrev.php?id=9711

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