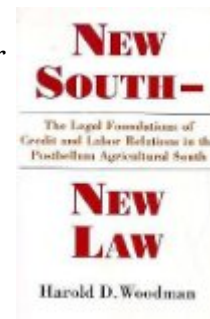


Harold D. Woodman. *New South--New Law: The Legal Foundations of Credit and Labor Relations in the Postbellum Agricultural South.* Baton Rouge and London: Louisiana State University Press, 1995. x + 124 pp. \$19.95, cloth, ISBN 978-0-8071-1941-9.



Reviewed by Douglas Deal

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The four chapters of *New South--New Law* were originally delivered in the prestigious Walter Lynwood Fleming lecture series at Louisiana State University in 1990. The author, Harold D. Woodman of Purdue, now finishing a one-year term as president of the Southern Historical Association, has long been recognized for his acute and pioneering work on the history of the postbellum southern economy. His articles in periodicals like *Agricultural History* and the *Journal of Southern History* have become essential reading for a generation of scholars and students. This brief but solid book must now be added to the list. It advances the arguments made in his earlier work and constitutes part of a larger ongoing research effort that, one hopes, will also soon be published.

The argument of *New South--New Law* may be summarized as follows: the abolition of slavery prompted southern legislatures, in 1866 and 1867, to provide a "new" form of security--the crop lien--for the credit that planters and farmers desperately needed to resume their agricultural routines; initial measures were often ambiguous or

produced unforeseen results by neglecting to assign priority to different liens on the same crop and failing to protect landlords' rights to their rents, so revised laws were enacted, usually by Redeemer legislatures, to clarify these matters and strengthen the hand of landowners; their hand was strengthened further by state appellate court decisions that distinguished between the statuses of tenant and sharecropper, defining the latter as a wage laborer and permitting him to be subjected to ever more stringent controls; though these legal changes helped to shape and support a free-labor, capitalist economy that could be found in the North as well, southern elites tended to exercise greater (and more arbitrary) powers than did their northern counterparts, chiefly because of their political dominance over a much weakened and mostly disenfranchised rural proletariat. Thus, political choices and political forces, from the grassroots level up, ultimately shaped the legal foundations of the new southern social and economic order, but there was nothing predetermined about the exact contours of the outcome.

Woodman relies, for most of his source material, on a thorough canvassing of the statute books and the appellate court decisions of the southern states from 1865 well into the twentieth century. There are also references to a limited number of relevant secondary works. If read as what they are--lectures--and not assumed to be detailed or exhaustive histories, the chapters in the book do afford manageable summaries of a veteran researcher's forays into little-known legal territory and fruitful insights into the interpretive puzzles and pitfalls awaiting the student or scholar who approaches the topic with mistaken preconceptions (about the postbellum dominance of furnishing merchants or the powerlessness of proletarianized ex-slaves, for example). But, as the author admits, the real meat of the story--the complex and shifting struggles among southern blacks and whites to establish new relations of production in a devastated region--lies beyond the scope of the book. Only a tiny fraction of these struggles are reflected in the statutes and decisions examined in the book. Some readers will inevitably be disappointed by the omission.

And those who would generally agree with (or at least entertain) the hypothesis that politics plays a big part in shaping legal changes will wonder at the end of this book why the author did not say more about the politics behind crop lien legislation or the politics behind appellate court rulings. In a few places, cases are examined in some detail, but this reader was left with the impression that the legislators and judges and actual political and judicial processes involved in all this state-level lawmaking and adjudicating were not given the attention they merit. Similarly, the observations on law and society in the final chapter, while reasonable, do not penetrate very far into the contested terrain that practicing legal historians occupy as they struggle to make sense of their subject.

It is probably unreasonable to expect more than is delivered in these 115 pages of text. Wood-

man certainly succeeds in demonstrating that what to some might seem a dry topic--the ramifications of the crop lien--is a vital, crucial ingredient in the story of the postbellum South's transformation. When available in paperback, the book--like his earlier articles--will help countless students of southern history, not to mention their professors, make sense of the broad outlines of that transformation. Our appetites whetted, we await his account of the rest of this sprawling, complex story with keen anticipation.

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