

with the exuberant pursuit of sub-prime mortgages, and the myriad other business and regulatory practices that appear to be at the root of the crisis. While there have been greater tragedies that have flowed from an arrogance towards history, as opposed to a humility in the face of it, we should pause to consider whether the modern economic thinking, amoral profit-seeking, and models of education rooted in business and economic concepts have run their course and are due for a reinvigorated commitment to a new ethic of moderation.

Roman J. Hoyos

Duke University School of Law

Laura F. Edwards, *The People and Their Peace: Legal Culture and the Transformation of Inequality in the Post-Revolutionary South*, Chapel Hill: University of North Carolina Press, 2009. Pp. 448. \$39.95 (ISBN 978-0-8078-3263-9).

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Laura Edwards wishes to challenge the standard narrative of “southern exceptionalism” in the aftermath of the American Revolution. Instead of treating the southern states as culturally out of step with democratic developments, she argues that a closer look at North and South Carolina provides a useful corrective to the general assumptions about state formation in the nation at large. According to Edwards, the key to figuring out the period between 1787 and 1840 was the pervasiveness of “localism,” an idiosyncratic legal system that encompassed diverse local rulings but also sorted out criminal justice under the rubric of “keeping the peace.” This local ad hoc system coexisted with more centralizing efforts to create a coherent body of state laws and jurisprudence.

Though this local legal culture relied on older notions of dependence, it gave those normally without legal standing a voice in the process. Slaves and wives used gossip, family networks, and powerful patrons to influence the proceedings. But as state lawmakers and politicians worked to reform the system, superimposing the language of individual rights on the older system, they ultimately created a new state polity that encoded new and more rigid practices of inequality. Edwards undermines the progressive narrative of Jacksonian democracy, and she suggests that rights talk was only useful to those white men who could claim its privileges and protections.

Edwards’s book is divided into three sections: The first maps out her theory of localism and how much of its logic was intentionally misinterpreted by legal reformers hoping to create a uniform body of law out the “chaos” of actual rulings; the second section looks at the way localized law worked;

and the last returns to the rise of state law. Here Edwards offers a credible new interpretation of the nullification crisis. It was not simply a struggle for states' rights against a stronger national union, but an internal struggle led by elite lawmakers trying to consolidate legal authority under the language of individual rights.

Though I find much merit in Edwards's argument, at times she overstates her case. She creates a dichotomy, one that inverts what state reformers utilized in their early histories: that the law was a battleground between local disorder and state centralization. Edwards (and rightly so) sees that the chaos of local justice had some redeeming virtues—it was more responsive to the real concerns of people, and it gave some legal leverage to those traditionally marginalized from power. But she perhaps goes too far when she claims that legal localism never used the language of rights. There is a difference between individual rights and rights discourse in general. Almost all the local cases that she analyzes deal with marital disputes or those involving slaves. Though she claims that legal authorities such as Blackstone carried little weight in these proceedings (often, because the records are so thin), it is difficult for Edwards to identify conclusively all the factors that influenced the rulings. A statistical breakdown of the cases is needed for this study, and a better description of what the author found in the archives.

Given the extensive circulation of rights language during and after the American Revolution, the picture of local justice that Edwards paints seems lost in a time warp. Did local magistrates never read a newspaper? Were these communities completely isolated from the literary public sphere? Is it not just as likely that local custom coexisted with Anglo-American forms of rights discourse?

The point is simply this: Rights language had multiple uses, and it is difficult to believe that a language so central to property law, and so pivotal in shaping the Revolutionary generation, somehow assumed no role in local legal culture. In fact, in almost all the marital dispute cases that Edwards discusses, the rulings followed a conventional pattern—the husband forfeited his rights because he failed to perform his duties as head of the household. As Linda Kerber has argued, rights language was never simply about rights, but equally about duties and responsibilities. Slaves could make a similar complaint against abusive overseers. The very idea of dependency sketched out in Blackstone laid out a series of comparable asymmetrical relations: husband and wife, master and slave, master and servant, and clergy and laity.

Edwards tips the scale too far in privileging local knowledge and custom over rights. Even colonial British subjects knew they had rights; and within the long tradition of Anglo-American marital law, wives had rights, duties, privileges, and legal standing. Nevertheless, this provocative and often insightful study will force historians to reevaluate the meaning of local custom and recognize the persistence of older systems in the face of innovation. And

The People and Their Peace will be a powerful reminder that protecting individual rights did not mean the end of inequality.

Nancy Isenberg
Louisiana State University

Joel William Friedman, *Champion of Civil Rights: Judge John Minor Wisdom*, Baton Rouge: Louisiana State University Press, 2009. Pp. 401. \$49.95 (ISBN 978-0-8071-3384-2).
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On the opening page of this comprehensive biography, John Minor Wisdom emerges as “scrupulously fair-minded”; a “civil rights champion”; “the prime architect of a revitalized Republican Party”; and “the universally acclaimed author of tradition-shattering and precedent-making judicial opinions that would forever reshape the contours of civil liberties in the United States” (1). Author Joel Friedman adheres to these themes throughout the book, as he traces this judicial virtuoso from his privileged upbringing in New Orleans, through his brazen attempts to reconfigure Louisiana’s Republican Party, and finally to his forty-plus years on the U.S. Court of Appeals for the Fifth Circuit.

For those intrigued by Wisdom the man, Friedman offers many small treasures—a detailed account of Wisdom’s family tree (which included Virginia Louise Minor, the famous voting rights pioneer, and Judah P. Benjamin, the “Brains of the Confederacy”); glimpses of elite New Orleans society (Wisdom joined several prestigious Carnival “krewes”); and anecdotes about his fastidious working habits. For those interested in party politics, this book will also fascinate. Having witnessed Governor Huey Long run roughshod over the state (and after personally incurring Long’s wrath), Wisdom resolved to craft a viable opposition party. Friedman’s account of what followed has the thrill of an underdog story and includes a behind-the-scenes narrative of the dramatic 1952 Republican National Convention.

This book holds the most promise, however, for readers interested in Wisdom’s efforts to implement the mandate of *Brown v. Board* in decidedly hostile territory (his court had jurisdiction over much of the Deep South). This story has been told before, but never with the benefit, as Friedman had, of unrestricted access to Wisdom’s voluminous papers. The resulting chapters give Wisdom’s perspective on his most famous cases, including the controversy over James Meredith’s admission to Ole Miss; the powerful desegregation decision *U.S. v. Jefferson County Board of Education*; and the important voting rights case *U.S. v. Louisiana*. Owing to Friedman’s clear explanations, readers not trained in law will find this material interesting and accessible. Readers with a legal background will appreciate Friedman’s asides about the effect of Wisdom’s decisions on other areas of law, such as affirmative action, employment discrimination, and product liability.