Shawn Everett Kantor. *Politics and Property Rights: The Closing of the Open Range in the Postbellum South.* Chicago: University of Chicago Press, 1998. x + 187 pp. $22.00 (paper), ISBN 978-0-226-42377-7; $55.00 (cloth), ISBN 978-0-226-42375-3.

Reviewed by Dennis Halcoussis (California State University, Northridge)

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Shawn Kantor, an economist at the University of Arizona, provides us with an in-depth look at the closure of the open range in postbellum Georgia. At first glance, one might think this detailed study of two Georgia counties would only be of interest to those studying the history of Southern agriculture, but Kantor covers a lot of interesting territory in less than 200 pages. Kantor considers the closing of the range as a means to study changes in institutions, and unlike some journal articles addressing the subject, the book format allows Kantor to study the transition from all possible angles, rather than just testing one particular hypothesis. This makes it easier for the reader to focus on the "big picture." Kantor looks at the transition by discussing institutions, the economics and ideology of property rights, the politics of postbellum Georgia, and the effect of closing the range on the development of Southern agriculture.

Some economic historians have felt that after the Civil War, institutions in the South were stagnant. Kantor puts forth a different point of view, studying the transition in Georgia from a fence law to a stock law regime. A fence law regime means there are open ranges, those who own animals can let them run freely, and those growing crops must build fences to keep the animals out. A stock law regime means a closed range, those with animals must fence them in to keep them off of others' land. Previous writers thought the choice between these two regimes was a class issue. The stock law would minimize fencing costs, but it could hurt those who might end up paying more wealthy farmers for the right to let their cattle graze. However, the fence law (open range) caused an overinvestment in animals, since one didn't have to pay the cost of feeding them, and those growing crops had to bear the cost of building fences. Kantor uses regression analysis to estimate the discounted value of net expected profitability from enacting stock laws (closed range) in Georgia, and finds that although some counties would suffer, overall the state would gain. From 1880 to 1900, farm property values increased by an estimated 30.6 percent in counties that enacted the stock laws compared to those that did not.

The most efficient institutions may not prevail because of politics. In Chapter 3, Kantor looks at Jackson and Carroll counties. Both voted down stock laws in the 1880s, even though each county's income would have increased by passing the law. Using regression analysis, Kantor provides evidence that stock laws were defeated in these two counties because they were not in the financial interest of a majority of voters, although each county would have benefited in the aggregate. The minority who would gain could not "buy out" enough of the majority who would lose, because any such contract would have been poorly enforced. Thus, the stock law was defeated in these two counties even though aggregate income would have increased.

The regressions in this chapter also provide strong evidence to support Kantor's contention that the voting was not divided along simple class lines. Other scholars have assumed that wealthy farmers favored closing the range, and the poor wanted to keep open ranges. However, wealthy farmers might want to keep the range open if they owned a lot of livestock, and poorer farmers without much livestock would favor a closed range. Kantor's point is that voting behavior can not be predicted by the size of the farm alone.

In Chapter 4, Kantor discusses how the contract problem discussed in Chapter 3 was resolved. A new provision was added to proposed stock laws, whereby tenants would be guaranteed rights to pasture their animals on their landlord's property. This "bribe" was often sufficient to win over enough votes to pass the stock law. In some cases, the stock law was forced on a region by the state legislature, rather than by county (or even militia district) election. Kantor found that in these cases, yeoman farmers who did not benefit from the new pasture clause were able to block the stock law, and owners of larger farms would appeal to the state legislature to get the stock law through.

In discussing the politics of property rights, Kantor looks at three hypotheses of voting behavior as applied to Georgia legislators: capture theory (legislators voted to further the interests of the most wealthy landholders), political self-interest (they voted to maximize the probability of re-election), and economic self-interest (they voted for laws that would maximize their wealth from their "regular" profession; many of the legislators were farmers themselves). Using logit regressions with the vote for or against a stock law as a dependent variable, Kantor finds the empirical evidence most strongly supports the political self-interest hypothesis, with the economic self-interest hypothesis "coming in second."

Next, an interesting but tangential question is addressed: Were game laws restricting hunting and fishing on unfenced property established for the purpose of conservation or for "social control"–to force blacks to work on farms, instead of "living off the land?" Laws restricting hunting on the unenclosed land of one's neighbors were in effect for 22 counties, so it seems like the laws were for conservation. Labor was mobile, so the law would have to apply to the whole state if landowners wanted to make it more effective for controlling black labor. Kantor runs regressions concerning the characteristics of counties that passed such laws, and finds evidence to support the hypothesis that the laws were passed for conservation purposes, and to strengthen private property rights, not to control black labor. In fact, counties with more tenant-farmers were less likely to pass laws restricting access to hunting and fishing areas because these laws might cause the tenants to leave the area.

In the last chapter, Kantor explores the possibility of a connection between the stock law controversy and support for Southern Populism, and does not find a clear conclusion. Kantor realizes that expanding the sample to include more than two counties would lead to more definitive results.

By following a multi-faceted approach, Kantor has given us an insightful look at how institutions change, and how the closed range affected the development of southern agriculture. I look forward to incorporating the lessons of this book into my lectures.

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