The Legal Status of the Tenant Farmer in the Southeast (Charles S. Mangum Jr., 1952)

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BOOK REVIEWS


Tenant farming is not an agreeable subject per se. To Southerners, at least, it suggests those lean years when we were depicted as characters in Tobacco Road or at best as cousins once removed. Then, too, tenant farming and especially share-cropping smack of the touchy New Deal tract that described the South as the economic problem No. 1 of the nation: one third ill-clothed, ill-fed, and ill-housed. It is pleasanter for us to contemplate those deserts that have blossomed like a rose in fulfillment of the prophecies (and policies) of the Thirties, the New Look that has come to farm and factory, the robust revival of opportunities for progressive contributions in a democratic America, and the abatement of lint-cast poverty and sullen pride. Nevertheless, it is fitting that Dr. Mangum in his copious and scholarly study should resurvey and reappraise the problem of tenancy, especially since he finds that it is a "blot on the escutcheon of the New South" (p. 15); for, if this is so, honor demands that we erase the blemish!

This book demonstrates the desirability of regional studies and regional planning and reminds us of the recent paucity of scholarship in this direction. Large numbers of people today appreciate the challenge of working for the attainment of social goals through all available institutions with the use of all reasonable doctrines and practices at all community levels: local, state, regional, national, and world. Unfortunately, many also tend to forget that the region is as important as any other of these divisions of community interest and is perhaps the best place within the groupings of society to treat wisely the allocation of land resources and educational opportunities. Although congratulating him on choosing the region as his sphere of study, one quarrels with Dr. Mangum over his selection of states to form the South (or Southeast, as he puts it). He properly includes ten of the eleven Confederate States but eliminates Texas and substitutes Kentucky! What has happened, of course, is that he is fol-

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1National Emergency Council, Report on Economic Conditions of the South (1938). For a discussion of this pamphlet see the penetrating article by Dauer, Recent Southern Political Thought, 10 J. Politics, 327, 337 (1948).

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ollowing the boundaries set by Dr. Odum and his school, a separation determined largely by geography. In situations, however, where people who have fought and thought together feel themselves a separate ethnic group with special obligations, economics should bend from its logical dictates.

The book commences with an interesting chapter that explains the introduction of tenant farming as a substitute for slavery. The book ends with a chapter gloomily entitled "Peonage" and a chapter calling for education and vigilance with sundry more concrete recommendations.

In between these chapters we discover that the author apparently found that many problems that the mind could conjure up do not really exist. He tells us that the courts have "capably handled" those cases that arise when a tenant holds over after the expiration of his term (p. 148). After discussing the rule that a tenant is estopped to deny his landlord's title, the author implies that the courts are manipulating this principle and the relevant exceptions to "prevent delay and inconvenience to litigants" (p. 189). Of emblements and rights to crops he avers that the present law is in most instances fair (p. 207); he finds the law of torts and crimes in a "satisfactory condition" (p. 245). He remarks that the courts and legislatures have ably protected the landlord against the "machinations of unscrupulous tenants" (p. 288), and that the law of croppers' rights and laborers' liens gives "adequate safeguards against machinations of unscrupulous landlords" (p. 434). No serious problems arise concerning the removal and conversion of crops (p. 387). Even the gracious doctrine of estoppel, only now adorning generally the field of contracts, is being applied in those appropriate situations in which the tenant needs assistance (p. 322).

Some problems are real. Difficulty frequently results from the failure of landlords and tenants to write out the terms of their leases. Further, the allocation of agricultural fixtures is not thoroughly understood. Landlords and tenants do not occupy the same bargaining positions, with the result that a marginal class occupies a near-peonage existence through sheer ignorance of the opportunities for self-improvement.

In his preface Dr. Mangum tells us that he is correlating legal and social fields (p. vii). He succeeds surely in presenting the law, if understood as an authoritative body of doctrine found in the statutes

\[\text{Odum, } \text{Southern Regions of the United States} \ (1936).\]
and cases. He also demonstrates considerable insight in relating these doctrines to the factual situations that flow from the relationship of landlord and tenant. He understands that these doctrines are utilized implicitly or explicitly by community agents for the attainment of human values. He is less successful, however, in treating what he calls the social field. He gives us practically no statistics. We can only surmise the effect of the federal credit legislation, the impact of loans to veterans, and the influence on tenant farming of the general prosperity of the country. He offers us no systematic approach to lead us to understand who these tenants are, their local positions in terms of respect and education, and the extent to which they participate in making important decisions in government and in their agricultural organizations. He does not describe the landlords: are many of them fathers who rent to sons? are many of them absentee?

These omissions should not minimize Dr. Mangum's contribution. One alone cannot perform the mission of a battalion. And others have made contributions to fill in the gaps. An early symposium, with the now classic article by Albert H. Cotton, is still useful; an interesting study describes the Texas scene; another concerns itself with the Southwestern states; a Florida bulletin gives figures as of 1945 and offers practical and sound advice concerning farm leases. But only Dr. Mangum, in terms of the South, has really faced the true issue: legal and social fields must be brought together if a comprehensive, functional program is the goal. He has made the vital first study.

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3Symposium on Farm Tenancy, 4 Law and Contemp. Prob. 423-572 (1937).
5Solberg, Legal Aspects of Farm Tenancy in Texas (1950).