The Political Underpinnings of Debt: Reconstructing Debt Enforcement

Introduction and Methods

In the wake of the civil war, with a decimated credit system, southern planters and their allies passed, in each state, a law “for the encouragement of agriculture” (Woodward et al. 1997; Woodman 1995) Across the South, these laws created crop liens as a way of promoting the rebuilding of the South Agricultural economy through credit. Merchants and landlords would extend credit to small farmers, tenants, and sharecroppers in exchange for a lien– a legal claim on future crops and profits come harvest. Sociologists and other social scientists have done essential work detailing the role credit played in the rebuilding of the south and the development of our contemporary political economy (Du Bois 2007; Prasad 2012; Muller and Schrage 2021; Raper 2005; Wiener 1981). Nonetheless, many of these accounts focus on credit *distribution* as opposed to debt *enforcement*. As a result, the various institutions and actors–local courts, justices of the peace, and sheriffs– that allow enforcement to occur remain largely underdeveloped and undertheorized. Moreover, many of the kinds of credit available for newly emancipated Black Southerners like local merchant or landlord credit remain outside of a systematic accounting (Bittmann 2024).While the story of federal government and its push to development mortgage and bankruptcy relief largely for white yeoman is indispensable in accounting for our contemporary systems of homeownership and debt relief, the story of smaller debts incurred by disproportionately by people of color and aimed at covering expense rather than building wealth remain largely occluded (Sanders 1999; Thurston 2025; Quinn 2019; Prasad 2012). This paper is largely inspired by an observation made by Du Bois in *The Souls of Black Folks* (2007, 94):

> The keynote of the Black Belt is debt; not commercial credit, but debt in the sense of continued inability on the part of the mass of the population to make income cover expense. This is the direct heritage of the South from the wasteful economies of the slave regime; but it was emphasized and brought to a crisis by the Emancipation of the slaves.

This paper is a first attempt at detailing the development of debt enforcement laws. In so doing, I aim to articulate the ways particular forms of enforcement engender specific kinds of credit and shape the political and economic landscape of the South post-reconstruction.

To do this, I have compiled a diverse dataset of constitutional and legislative histories in four deep South states: Alabama, Georgia, Louisiana, and Mississippi. These records and their contemporaneous news reports shed a light on the ongoing debates and logics of lien laws as they evolved throughout the years post-Civil War as power shifts from republicans to democratic “Redeemers.” Additionally, I collected a sample of legal records on liens and other enforcement mechanisms in these states This dataset spells out the legal logics that shaped the adjudication of debts. I then zoom into Alabama. I compiled justice of the peace registries from 1844-1883 and 1893-1897 sampling from over ten Alabama counties with variation in demographics and industry. These records provide more granular data that help map political affiliations to types of debt enforcement. These records were found in the Alabama Department of History and Archives. Lastly, I reviewed the collection of three landlord and merchant families who executed liens and extended credit to tenants and sharecroppers. These archives were located in The University of Alabama and the University of Georgia’s special collections. Letters from debtors illustrated the precarious nature of living off credit and often focus on demands for alternative credit arrangements. Supplementary data collection is ongoing to be completed in the next month.

Preliminary Results:

This is a work in progress, but my preliminary findings show that the credit regimes that emerged post-reconstruction were the result of a contentious political battle amongst Republicans and Democrats as well as Planters and Industrialists. The question of who adjudicated (courts) or enforced (Justices of the Peace) debts was front and center. Whenever one party would gain power, they’d immediately move to change lien laws or contract protections. Lien laws changed almost annually. The political contestation had embedded within them distinct theories of contracts. Planters preferred more punitive laws that prioritized claims for landowners while industrialist and merchants preferred more lax laws that allowed workers, namely black laborers, to move to nescient southern cities like Birmingham (Kelley 2015).

These results are significant because they problematize conventional theories of contract that suggest debt enforcement mechanisms exist to make a creditor whole. Rather, exemptions of punitions for debts largely revolved around attempts at social control. These findings also help link questions of racialization and labor to questions of indebtedness. We see alternative forms of debt collection and relief made for Yeoman and small hold farmers while Black laborers are often given highly punitive forms of credit.

Conclusion:

Thus, this paper seeks to answer, how did debt enforcement develop and what role did it play in the larger political economy of the South? In *The Souls of Black Folk*, Du Bois notes debt is *everywhere.* Sociologists, historians, and other social scientists have documented the development of credit markets, but few have attended to the debt enforcements undergirding the system. This project, by looking specific at the laws, actors, and economic conditions of debt enforcement, attempts to offer a corrective that articulates how the credit regimes that emerged post-reconstruction were the result of a contentious political and economic battles for distinct forms of debt and enforcement schemes. The result was a highly racialized and uneven system of debt collection that helped develop predatory credit allocation practices through high interest rates and punitive and carceral enforcement.

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