by race" in the American workplace that the universalist prescriptions of modern efficiency experts could not displace it. On the shop floors of the nation's meatpacking plants and steel mills, managers simultaneously "embraced thoroughgoing rationalization of production and the continuation of unstudied race management" (p. 153). Even when wedded to the new science of industrial psychology, the pages of industrial and managerial journals of the 1920s echoed the racial prescriptions of the antebellum planters' journals.

The book's wide scope gives it a bold and provocative edge, and should make it of interest to scholars in several fields. Still, this very sweep sometimes dilutes the force of the argument, leaving a fixed definition of "whiteness-as-management" hard to pin down. And the authors never satisfactorily resolve the tension between the managerial tendency to homogenize labor and to divide it. Characteristically, the managerial class itself cut through this contradiction with an all-too-simple maxim: "If a white man gets 'cocky,' it does seem good to ask how he would like to see a nigger get his job" (p. 63). As *The Production of Difference* demonstrates, the racial categories themselves can be considered fluid and historically contingent; the strategy itself less so.

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The Jury in Lincoln's America

By Stacy Pratt McDermott

(Athens: Ohio University Press, 2012. Pp. xiv, 258. Illustrations, notes, bibliography, index. $54.95.)

After arguing more than a thousand cases before juries during his quarter century at the bar, Abraham Lincoln had become somewhat disenchanted with the system. As president, he lamented that "a jury can scarcely be empanelled, that will not have at least one member, more ready to hang the panel than to hang the traitor."

In *The Jury in Lincoln's America,* Stacy Pratt McDermott takes a more positive view of juries—at least those in the antebellum Midwest. Working largely from the treasure trove of primary source material contained in *The Papers of Abraham Lincoln: Legal Documents and Cases* (2008) and *The Law Practice of Abraham Lincoln* (2008), of which she was a co-editor, McDermott concludes that "jurors were generally competent." Upon an examination of 175 cases tried in Illinois, Indiana, Iowa, Michigan, and Wisconsin, she notes that jurors were

able "to sort out complicated evidence and sophisticated legal arguments." They did not yield to judges who "attempted to control them," and they often "showed mercy on criminal defendants," particularly those accused of murder (p. 159).

McDermott offers a community study of jury composition in Sangamon County, Illinois, where Lincoln lived for three decades before assuming the presidency. In this example of legal history from the bottom up, she maintains that "jurors were, generally speaking, affluent, middle-aged men who were prominent residents and members of persistent families with strong stakes in their communities" (p. 158). She challenges legal historians who argue that "judges, lawyers, and jurors worked cooperatively to maintain the status quo at the expense of individuals on the bottom rungs of society," instead insisting that jurors brought an "independent and fair-minded approach to their jury work and to the law" (p. 116).

In today's system, juries are chosen on a rotating basis; in antebellum Illinois, "repeat juror service, especially of town elites living near their county courthouses, was typical" (p. 160). McDermott estimates that no more than five to six percent of Illinois residents were summoned to jury duty. Although jurors came from society's upper crust, they did not display a "blind allegiance" based upon social class. Instead, jurors who served on multiple trials were more likely to acquire "expertise through accumulated experience, enhanced knowledge, and increased ability over time" (p. 159).

McDermott notes that while much "scholarship in legal history has sought to determine which groups dominated American law in the first half of the nineteenth century," precious little work "has directly engaged the ongoing power struggle inside the courtroom." Historians have "been too quick to assume that juries had complete power, too willing to blame lawyers for attempting to usurp the authority of the jury, or too eager to cast judges as purveyors of evil capitalistic intentions" (p. 127). She argues that antebellum jurors did not feel intimidated by judges or lawyers; they shared power more or less equally with the bench and bar; and only in the later nineteenth century did their influence wane compared with that of the attorneys and judges. Unfortunately, McDermott does not deal with the most dramatic examples of antebellum jury power—jury nullification in cases involving alleged violators of the infamous Fugitive Slave Law of 1850.

McDermott's careful study, based on extensive primary source research, admirably complements David Bodenhamer's work on antebellum Indiana juries and sheds fresh light on the legal history of nineteenth-century America.

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