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This collection of twelve essays displays the vitality of Western legal history and the potential for fruitful exploration of transborder legal history. John Phillip Reid’s masterful survey of Western American and Canadian legal history presents both the results of research and the contours of future scholarly inquiry for generations of legal historians. David Percy and John P. S. McLaren contribute insightful comparative essays on water law and anti-Chinese activities in courts and legislatures. Other essays cover frontier criminal justice administration, aboriginal rights, jurisdiction and extraterritoriality, the cultural and legal implications of anti-Chinese discrimination, and constitution-making. This ambitious book tells us much of law and history in Western Canada and America, but more importantly summons scholars to comparative topics of great significance.

John Phillip Reid, America’s foremost legal historian, throws down a substantial scholarly gauntlet in his seminal essay. American historians have neglected law in writing the history of the American West and legal historians have neglected the West in writing American legal history. This omission is unfortunate because the West and law have so much to offer to our understanding of American historical development. So too for Canadian history. Reid invites research in the various layers of American and Canadian legal history.
The layers include the developments of law during the westward expansion, topics peculiar to the North American West such as the law of Indian territory, the law of the cattle drives and the open range, the law of the Mormons, the law of the great fur companies, mining law, and criminal justice administration. These topics are not unknown in the literature, but largely undeveloped. Further, the resources of Western legal history for the nineteenth and twentieth centuries are great and the potential for mining these sources greater. Finally, Reid proposes that the law of the fur trade, knowing boundaries, yet having Americans and British fur men among a wide variety of Native peoples is most inviting as a multi-cultural, multi-jurisdictional inquiry.

The essays by John Wunder and John P. S. McLaren on the Chinese are excellent examples of the vitality of Western legal history on both sides of the border. They suggest that a combination of racism, capitalist exploitation, the fear of cheap labor competition, and legal non-feasance resulted in violence against Chinese on both sides of the border. A dialectic existed on the Chinese question with the law of both nations called upon for justice.

American and Canadian historians of the West and the law should read this book for its insights, but all serious scholars of history should peruse these pages for the tremendous insights and challenges that flow from these essays. Gordon Morris Bakken, Department of History, California State University, Fullerton.