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Spring 1999

**Review of *Policing the Elephant: Crime, Punishment, and Social Behavior on the Overland Trail* By John Phillip Reid**

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McLean, Lorna R., "Review of *Policing the Elephant: Crime, Punishment, and Social Behavior on the Overland Trail* By John Phillip Reid" (1999). *Great Plains Quarterly*. 1552.  
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*Policing the Elephant: Crime, Punishment, and Social Behavior on the Overland Trail.* By John Phillip Reid. San Marino: Huntington Library Press, 1997. Illustrations, maps, bibliography, index. 316 pp. \$15.00 paper.

*Policing the Elephant* is a companion volume to John Reid's *Law for the Elephant: Property and Social Behavior on the Overland Trail* (1980). Through an incisive analysis of the diaries, journals, and letters of emigrants crossing from Missouri or Iowa to Oregon or California, Reid examines how overland travellers experienced and responded to anti-social actions and their punishment. Along the trail, emigrants watched for the elephant. "To see the elephant," Reid explains, "meant undergoing hardships, to learn the realities of a situation firsthand, or to encounter the unbelievable."

Reid skillfully adapts the symbol of the elephant to explore what average nineteenth-century Americans understood about the social meaning of crime and the justification for punishment without benefit of police, attorneys, or courts, focusing ultimately on the emigrants' adherence to the rule of law.

The study is arranged in roughly three parts. The first section examines traditional categorizations of crimes such as robbery, homicide and larceny. Reid observes that although some crimes were overlooked, even tolerated, or left to individual redress (such as shooting a horse thief from his saddle), most crimes were met with a collective response: emigrants joined in pursuing or supporting attempts to apprehend and then try and punish miscreants. This collective response

clearly demonstrates for Reid that the forty-niners shared obedience to law and justice.

A detailed analysis of trials and tribunals forms the study's second part. In a telling chapter Reid elaborates on the efforts of emigrants to re-create judicial procedures, arguing persuasively that emigrants established overland juries to perform the same function nineteenth-century American criminal-law juries provided back home. Instead of reverting to an earlier English pattern—relying on witnesses to render the verdict—overlanders sought out jurors who were estranged from the circumstances—defendants, victims, and witnesses—of the alleged crime. Above all, Reid argues, the men and women on the overland trail wanted to conduct "fair" trials. Standards of fairness were determined by observable similarities to trials held in home county courts.

In the final section, Reid examines various punishments in terms of their specific meaning "on the trail," suggesting that their purpose was "the maintenance of order, the deterrence of antisocial acts, and the enforcement of the rules of social behavior that the emigrants had long respected as 'law.'" This point is underscored in a particularly cogent chapter on "social harmony" in which the author challenges previous interpretations of "banishment" for failing to grasp the practice's significance in maintaining harmonious relations within the journeying group.

Reid concludes his study by commenting on its implications beyond the recorded reminiscences of a literate, disproportionately male, middle-class, mostly rural population. He cautions readers to consider the emigrants' experiences in broader terms, suggesting that "the attitudes of the emigrants toward the judicial process, and the consistency with which they appealed to legal principles, were more indicative of those of the average American than those of 'frontiersmen.'"

The author's careful scrutiny and detailed analysis of historical sources is instructive and adroit. In a lively, readable style, drawing extensively on the emigrants' own words, he

acknowledges what these texts reveal as well as omit. *Policing the Elephant* is a compelling book that deserves a wide readership.

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