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Review of *Water, Land, and Law in the West: The Limits of Public Policy, 1850-1920* By Donald J. Pisani

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Water, Land, and Law in the West: The Limits of Public Policy, 1850-1920. By Donald J. Pisani. Foreword by Hal K. Rothman. Lawrence: University Press of Kansas, 1996. Notes, index, sources notes. xii + 276 pp. \$29.95.

Donald Pisani's collection of ten articles published between 1982 and 1994 and four section introductions discuss the evolution of public policy and resource development in the West. Unlike some collections, this is an internally consistent examination of the complicated and interrelated history of water, land, and law.

The first section, "Water Law," explores the importance of prior appropriation in raising capital and transforming the landscape. Pisani cautions against environmental determinism, arguing that water laws resulted from case specific economic concerns rather than simple aridity. He also reasserts his thesis that prior appropriation and water developments in the West were consistent with the ideal of limited government, not a force for imperial control and tyranny.

The second section, "Land," explores the legal, economic, and social influences on the settlement of western lands. Investigating squatter law and land monopolies in California, Pisani argues that the state's urban character, its economy, and its need for irrigation discouraged the development of small family farms. In the section's third chapter, in which he explores the relationships among water, railroads, and land policies, Pisani emphasizes that "the 1902 Reclamation Act was incomplete by itself." He pleads this crucial point well, describing the political coalition that supported the Act and then fractured over its implementation.

The third section, "Forests, Conservation, and Bureaucracy," chronicles the relationships among forests, conservation, and reclamation from 1865 to 1911. The essays argue the nineteenth-century conservation ethic resulted from an emotional and moral response to perceived abuses, not a scientific attempt to manage resources. Moreover, Pisani reminds the

reader that science is a set of ideas that are a part of an era, not an aloof and independent corpus of facts. This hypothesis informs his discussion of the growth of the science of forestry and the genesis of both the Forest and Reclamation Services.

The final section examines federal reclamation, Indian water rights, and Progressive efforts to use reclamation as a tool for social engineering. Pisani argues historians must better understand the close relationship between federal water policies and Indian land allotment. Adoption of reclamation ideals by the national government led to greater exploitation of Indian lands and the federal opposition to riparian and Indian water rights. Ultimately, he concludes, the attempt to use irrigation to accomplish social reform failed.

This important book demonstrates the range of complex influences that shaped the region's physical and legal landscape. Pisani calls on historians to reexamine public policy and its formation during this period. The story is not a battle between champions of the public trust and plunderers, he argues, but one of pragmatic adjustments to the economic, political, social, and physical environment.

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