

more study by American historians, but Haynes has shown the faint outlines that need to be filled in.

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The Jeffersonian Dream: Studies in the History of American Land Policy and Development. By Paul W. Gates. Edited by Allan G. and Margaret Beattie Bogue. (Albuquerque: University of New Mexico Press, in cooperation with the University of New Mexico Center for the American West, 1996. Pp. xx, 172. Notes, bibliography. \$42.50.)

Paul W. Gates's career as an historian opened with his first published article in 1931, when he was thirty, and apparently closed with his most recent book in 1991, when he was ninety. He became the acknowledged dean of historians of the United States public domain and in addition directed many students who became accomplished historians themselves. Among them are Allan and Margaret Bogue, who have rendered an important service by bringing together nine of Gates's essays in this collection. They also provide a biographical sketch, a list of Gates's books and essays, and a five-page "Memoir" by Gates himself on his work and his collaboration with his wife, Lillian Cowdell Gates. Gates's corpus is one of the most important in American historical scholarship in this century, and this book is both deserved and needed.

At first glance, one wonders why the editors did not include what they rightly call "probably the most influential article that [Gates] ever wrote," the 1936 *American Historical Review* essay called "The Homestead Act in an Incongruous Land System," or a segment from his monumental book, *History of Public Land Law Development* (1968). But the Bagues instead include Gates's own revisions and second thoughts of 1963 on the Homestead Act essay, which is even more worth reading, and they may have decided that the 1968 book is too massive to yield a representative abstract. They also include Gates's 1942 critique of speculators, who frustrated the frontier-egalitarian ideals he so favored; a 1957 essay on the sharp class divisions that existed on settlement frontiers and that the Turnerian tradition glossed over; and excerpts from *The Wisconsin Pine Lands of Cornell University* (1943) and *Fifty Million Acres* (1954), on how settlers took over Indian reserves in eastern Kansas.

One essay (now sounding quite Anglocentric) from Gates's extensive writings on California land disposal, so different from the Midwest's, appears here. In another Gates offers an analysis of the shift from Jeffersonian individualism to government regulation in land policy, and there is an outspoken article of 1985 in which Gates declared that "the West's greatest opponent is not colonialism . . .

[but] its own opposition to policies that would do much to improve its ranges . . . water resources . . . land problems . . . and distribution of its waters" (p. 142). Concluding the book is the collaboration of 1984 in which Paul and Lillian Gates compared and evaluated the pre-1930 land policies of Canada and the United States.

Not included is "Hoosier Cattle Kings," which appeared in the *Indiana Magazine of History* in the March, 1948, issue—which, say the Bogues, a "sensitive descendant of these gentry" bought up in its entirety to prevent its circulation (p. xiv). Gates was often critical of land policy for favoring wealthy interests over settlers and for exacerbating inequalities. In this, as the Bogues state, he was a true progressive. He was fair, fearless, and diligent. If he is to be faulted, perhaps it should be for a Turnerian overlooking—no sin in his day—of the negative effects of land policy on African Americans and Latinos.

This book could have been larger; the Bogues refer to "restrictions as to pagination" (p. xix). It will nevertheless especially benefit younger historians, who may not yet have heard Gates's message.

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Slavery & the Law. Edited by Paul Finkelman. (Madison, Wis.: Madison House Publishers, Inc., 1997. Pp. viii, 465. Notes, figures, tables, index. \$44.95.)

Slavery & the Law, an anthology of fifteen articles by distinguished law and history professors, began life in 1993 as a symposium in the *Chicago-Kent Law Review*. Divided into four parts, it spans American history from colonial times to the Civil War, with detours, for comparative purposes, into ancient Rome and Stuart England. The four parts, preceded by the editor's introduction, relate the law of slavery or the institution of slavery to theories of democracy, constitutional law, criminal and civil law, and comparative law.

The anthology is an uncompromising but reasoned assault on slavery. The essayists, controlling their moral indignation, analyze slavery coldly, allowing the devastatingly graphic sources to speak for themselves. Most articles are based on wide-ranging research in primary sources, especially judicial cases and slave codes, and on secondary accounts from several disciplines. In particular, state judicial cases enlighten us about slavery's relationship to racial, legal, constitutional, political, and economic ideology. Other primary sources include biblical, economic, political, scientific, and sociological studies, slave and freeman narratives, auction sales books, legal treatises, census records, legislative debates, fiction, newspapers, and periodicals.