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Beyond the Borders of the Law: Critical Legal Histories of the North American West (book review)

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stayed in the West. Her study traces the stories of “clusters” of Iroquois who built new lives in present Montana, Oregon, British Columbia, and Alberta during the nineteenth and twentieth centuries.

Although Barman does not make the point overtly, her research indicates that the prospects for preservation of Iroquois cultural identity among the migrant groups were more favorable in Canadian than in American regions of the West. Iroquois migrants leveraged their skills as boatsmen to carve out a niche for themselves in the riverine transport sector of the western fur trade. The economic decline of the fur trade came earlier in the United States, causing the “cluster” of Iroquois in the Northwestern states to amalgamate with other Indigenous peoples on federally-defined reservations—a strategy Barman refers to as “disappearing” (p. 167). The longer duration of the fur trade’s economic viability in the Canadian Northwest permitted northern “clusters” of Iroquois to retain distinct patterns of residency and identity, with the “Jasper Iroquois” (p. 171) of present Alberta as the most prominent example of a group that remained on chosen lands well into the twentieth century.

Based on impressive archival research, Barman’s study brings forth the stories of hundreds of Iroquois people whose life experiences had long been untold. Unlike virtually every other new Iroquois community established outside traditional homelands in New York, Ontario, and Québec during the nineteenth century, the subjects of Barman’s study retained very few discernible ties to kinfolk back home. This account of Iroquois cultural persistence in the West offers provocative new insights on questions of Indigenous identity maintenance, inter-group relations, economic choices, and expressions of agency via mobility.

Cornell University

JON PARMENTER

Beyond the Borders of the Law: Critical Legal Histories of the North American West. Edited by Katrina Jagodinsky and Pablo Mitchell. (Lawrence, Kansas, University Press of Kansas, 2018. xiii + 368 pp.)

Borders both mark difference or change and reflect arbitrariness. Much of what lawyers do is ascertaining, testing, and altering legal borders. From questions of jurisdiction and venue to substantive law, boundaries are ever-present in the work of lawyers.

Beyond the Borders of the Law consists of ten essays plus a lengthy historiographic introduction. The editors divided the ten essays into three sections.

The first emphasizes issues of race and gender, the second studies disputes of property and citizenship, and the third evaluates demands for justice and reform. The contributors focus on both the distant (in a North American West sense) and recent past, and they take the reader from Alaska to Indian Territory (later Oklahoma) to the borders between Mexico and the United States and between Canada and the United States. The essays, while always concerning some aspect of law and legal systems, are usually not framed as investigations of legal culture(s) as metaphysical or legal borders.

Though organized as three distinct parts, the essays are better understood in light of the book's subtitle: *Critical Legal Histories of the North American West*. These critical histories examine a variety of understudied issues of state and state-assisted discrimination against Native American/indigenous people (set in Alaska, Indian Territory and the Montana-Alberta borderlands), Mexicans and Mexican Americans (in the mountain West, in American prisons and prison reform, and in Mexico-U.S. diplomacy), and in one case African Americans (in mid-nineteenth century land claim disputes in California).

The result is that each essay stands better on its own than as part of some whole. For example, "The Specter of Compensation" (Chapter 9), a study of the U.S.-Mexico Claims Commission from its creation in 1923 to 1941, is a *tour de force*. It is wonderfully researched and beautifully written. It has little to do with borders of the law (though it powerfully surveys the use of often-unchecked extralegal state and private violence against Mexicans in the United States), but it offers much about diplomacy between Mexico and the United States during that era.

Similarly, "Negotiating Race" (Chapter 10), a study of *Keyes v. School District No. 1* (1973), the first Supreme Court decision on public school desegregation in the "North" (Denver), discusses the "array of positions [Mexican Americans took] on their racial and cultural identities" (p. 319). The author presents two ways in which her study invokes "legal borderlands" (p. 310). Even absent this construct, her history is an engaging, valuable study.

Beyond the Borders of the Law intends to challenge the waning traditional writing of western history and its legal history subset, and it succeeds. That is not its major achievement. The disparate essays are intriguing, not due to the critical legal history framework, but because they illuminate formerly dim historical episodes. The essays remind legal historians of the work to be done.