

Virginia's history makes possible this sobering demonstration of how often attempts at creating a more fair and just society have been frustrated, and his intimate knowledge of the state's modern politics makes possible his absorbing account of how that pattern has persisted into the twenty-first century.

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The Common Law in Colonial America. Volume 2: The Middle Colonies and the Carolinas, 1660-1730. By William E. Nelson. (New York and other cities: Oxford University Press, 2013. Pp. [xiv], 221. \$41.95, ISBN 978-0-19-993775-2.)

The second volume of William E. Nelson's projected multivolume work on the common law in colonial America explores the multiple processes through which the common law was consolidated in New York, New Jersey, Pennsylvania, Delaware, and the Carolinas. The time frame covered by the book is significant. During the first half of the seventeenth century, turmoil in England meant that the Crown could exercise little control over the development of law in Massachusetts and Virginia. After the Restoration, however, things changed. Proprietors and royal governors were committed to upholding the common law. Trained lawyers crossed the Atlantic in greater numbers. By roughly 1730, Nelson argues, in the middle colonies and Carolinas the common law had assumed the form it would retain until the Revolution.

In the seventeenth and eighteenth centuries (and, indeed, long thereafter), the term *common law* meant many different things: it was a way of thinking about politics, law, and time; it encompassed England's "ancient constitution"; it stood for the customs of Englishmen; it was a set of procedures and doctrines; it was a method of implementing legal change. Nelson's book deals with some—but not all—of these different aspects of the term. It concentrates on the lawyerly side of things, the nitty-gritty, the "stuff" of legal practice. Sensitive to the distinct patterns of development in the various colonies, Nelson offers a dense institutional history of courts, explores the different kinds of matters various courts handled, details the procedural options available to litigants, traces the ways judges limited the power of juries, and discusses individual cases ranging from commercial disputes to marital ones. The book is essential reading for historians of colonial America and for legal historians generally, although Nelson assumes a familiarity with legal terminology that might at times prove challenging for those without a legal background.

For Nelson, the common law functioned in colonial America as an essential mode of governance and homogenization at a time when the Crown lacked the manpower and the resources to control its colonies by force. He is careful to insist, however, that the common law did not function equally well everywhere, that its success depended on "complex relationships between governing officials, local elites ready to retain lawyers, and the bench and bar" (p. 145). Where those relationships existed, as in New York and South Carolina, the common law ensured social and economic stability and played its part in promoting prosperity. Where those relationships did not exist, as in North Carolina or East Jersey, matters were different. If Nelson

occasionally seems to represent a well-ensconced and functioning common law as something of an unalloyed good, one might well ask: good for whom? The consolidation of power that the spread of the common law brought about enabled, one might argue, the more effective subordination of various groups, African slaves and Native Americans among them. In England, furthermore, the common law had never been without its critics. Such critiques would begin to multiply by the mid-eighteenth century. In what ways might the consolidation of the common law in colonial America have closed off other options?

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Wild Frenchmen and Frenchified Indians: Material Culture and Race in Colonial Louisiana. By Sophie White. Early American Studies. (Philadelphia: University of Pennsylvania Press, 2012. Pp. [x], 329. \$45.00, ISBN 978-0-8122-4437-3.)

The historiography of French colonial America has tended to divide the Louisiana Territory into two distinct regions: Upper Louisiana, consisting of the Illinois Country and beyond, and Lower Louisiana, focusing primarily on New Orleans. Sophie White's study not only brings together the whole of colonial Louisiana but also places it in a larger geographical context—"at the intersection of New France and the Caribbean" (p. 15). French colonial Louisiana was, according to White, caught between two "competing models of ethnicity"; one, represented by the fur trading societies to the north, held ethnicity to be mutable, while the other, represented by the slave societies of the French Caribbean, held it to be fixed (p. 19). Within this framework, White argues, the interactions of French and Indian cultures in the Louisianas, especially in the form of intermarriage, had broad implications outside the region for how the French understood race and ethnicity. Moreover, she adds, the material artifacts of Illinois wives of French men and their mixed-race children did more than reflect understandings of difference: "they helped to produce them" (p. 20).

Wild Frenchmen and Frenchified Indians: Material Culture and Race in Colonial Louisiana is divided into two parts. The three chapters in Part 1 demonstrate how conversion, intermarriage, and material culture in the Illinois Country shaped the discussion among French colonial authorities about whether race was mutable. Chapters 1 and 2 show, first, the unusual degree to which Illinois women and their children became "frenchified" and, then, that such "frenchification" was consistent with the gendered Illinois custom of adopting the culture of a trading partner. The third chapter addresses the importance of "successful Frenchification" in allaying fears that intermarriage could lead to Frenchmen becoming "wild" (pp. 18, 6). Part 2, which consists of three more chapters and an epilogue, expands the geographical scope of the study to include the lower Mississippi River Valley. It shows how people of mixed French and Indian descent engaged in "[c]ultural cross-dressing" to negotiate the different racial systems of Upper and Lower Louisiana, thereby contributing to "lingering beliefs" in Lower Louisiana that racial identity was mutable (p. 146).