In This Issue

This issue of *Law and History Review* opens with four studies that take on conventional wisdom. The first, an article by Claire Priest on the end of entail in the Revolutionary Era, challenges the standard account that entail was abolished because of its association with landed elites. Priest demonstrates that, far from being an anti-republican means of protecting entrenched interests, entail in eighteenth-century America was flexible instrument that was used by many people to protect assets from risk. As a result, she asserts, as many states reformed entail as abolished it in the revolutionary period, and the difference between the states that abolished entail and those that altered its terms rested less on a devotion to republican ideals and more on the practical needs of slaveholders.

The second article, by Kavita Datla, calls another standard story into question. Against contemporary theories of international law that have conceptualized it as arising out of efforts to regulate the dealings between independent, Westphalian states and their people, Datla's article explores the how issues of eighteenth-century colonialism influenced the development of international law. She uses the particular example of the relationship between Britain and India to show how indirect rule created a divided and multi-layered sovereignty that split power between governments and private companies and shaped the way contemporaries thought about international law and its limits.

The next article, by Brian Sawers, intervenes in a scholarly debate over why property laws changed in the American south in the late nineteenth century. Sawers' study sides with those who argue that changes in property law were intended to help control the labor of the newly freed people, against those scholars who asserted that the legal shifts in property law were no more than a response to fencing costs.

The last of our revisionist works, Sarah Hamill's article on early twentieth-century Canada, turns to prohibition activities in Alberta. She unpacks those efforts to explore the impact of an all-too-often overlooked part of modern constitutional history—the plebiscite. Her study suggests that, far from enabling direct democracy and returning some degree of

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constitutional power to the people, the prohibition plebiscites in Alberta were manipulated by the provincial government.

The next article, by Michael Hughes, provides another, somewhat more ambiguous perspective on popular power in constitutional orders. His study looks at how the concepts of "recht" and "rechststaat" were popularly debated in Germany in the 1970s and 1980s during disputes over nuclear power. His piece shows the complexity of popular debate over the meaning of those terms, and the ways in which advocates on both sides of the nuclear power question adopted and adapted different meanings to advance their positions. But in the end, it is not clear how much that popular engagement with core legal concepts helped influence the direction of German policy.

The last article in this issue, by James Campbell, is a piece of applied legal history. It considers how and why issues of mercy and law articulated in decisions from the 1930s and 1940s continued to influence death penalty jurisprudence in Jamaica to the end of the twentieth century. As he explores the historic roots of contemporary issues, Campbell's study also illuminates the interplay of local and colonial influences.

This issue concludes with a selection of book reviews. We invite readers to also consider American Society for Legal History's electronic discussion list, H-Law, and visit the Society's website at http://www.legalhistorian.org/. Readers may also be interested in viewing the journal online, at http://journals.cambridge.org/LHR, where they may read and search issues of the journal.

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