

In This Issue

The articles in issue 33.1 consider the history of law from a variety of perspectives, but they have in common the fact that they all explore the ways in which citizenship has been negotiated. Those negotiations in the context of sovereignty are front and center in the first article in the issue, Karen Tani's look at welfare rights and "the Indian problem." There, Tani describes the legal implications of a constitutional conundrum: American Indians living on reservations made claims under the Social Security Act of 1935 as citizens of the United States (and the states of Arizona and New Mexico), while simultaneously holding status as of members of sovereign tribal nations.

The next article, Lyndsay Campbell's study of the "British Justice" in Canadian law, continues the theme of law's engagement with issues of difference arising from racial and ethnic categories, but pushes it in a different direction. Her study looks particularly at the ways in which popular understandings of "British justice" helped influenced legal claims and theories of formal legal equality in Canada. In doing so, her work offers a version of citizenship arising from popular constitutionalism, exploring the extent to which the people may influence understanding of law.

The intersection of race and citizenship is also an issue in Christopher Schmidt's exploration of the sit in movement. Schmidt looks at the way that the students who conceived and executed the sit in movement understood their protest as a rejection of civil rights litigation. In moving their civil rights movement outside the judicial process, those students engaged in yet another type of popular constitutionalism, one that laid claim to the power of people to fashion the terms of citizenship. At the same time, Schmidt's work resembles Campbell's by tracing how the popular understandings of rights and authority expressed by the students shaped, and

were shaped by the constitutional principles articulated by contemporary legal and political actors.

Matthew Crow's study moves us away from the social dynamics of popular constitutionalism and takes us back in time to look closely at the content of Thomas Jefferson's equity commonplace book. Crow's history is explicitly intellectual; in it he looks at how Jefferson's interpretations of equitable principles shaped his political and constitutional thought. But even as it moves us into different realms of history, Crow's article also contributes to our understanding of citizenship. As Crow argues "Jefferson relocated the responsibility of judgment inherent in conciliar jurisdiction to assemblies of the citizenry."

The last two articles in the issue move us away from race, to consider women and citizenship. Catherine Bishop's article on coverture and married women explores the presence of women in the commercial world of nineteenth-century New South Wales. Her study of women's role in the New South Wales economic sphere helps illuminate the ways in which women negotiated authority within the public sphere within the limits imposed by coverture and contemporary ideals of domesticity.

The final article in this issue is Joel Black's study of Kate Kane, who practiced law at the end of the nineteenth century. In Black's article, as in Schmidt's, citizenship is not a category defined by law, so much as it is the product of practice. Like the protagonists in Schmidt's study, Kane crafted her own citizenship through her actions, asserting claims of rights and sovereignty that had little or no basis in law.

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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