

through microhistories is original. This, however, may leave readers searching for more nuanced connections between the disparate case studies. The reader is left with other questions as well. For example, how does Crane's work speak to uses of the law to contest gender constructions? Why were matters of property and honor central to the claims of common folk? Notwithstanding the author's italicized transitions between chapters, readers may find themselves underwhelmed by the connections between specific legal examples. The final two chapters of the book, although sensitive to commoners' real and presumed legal savvy, are the least connected to larger themes. The inherent tendency of microhistory to avoid sweeping analysis should not, however, cloud Crane's achievements. Her use of very dramatic cases reveals the more mundane and commonplace functions of the law in the lives of many early Americans, as well as the influences of the law on other social constructs.

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Alison L. LaCroix, *The Ideological Origins of American Federalism*, Cambridge, MA: Harvard University Press, 2010. Pp 312. \$35.00 cloth; \$22.50 paper (ISBN 978-0-674-04886-7).
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LaCroix has written a good book on the ideological roots of American federalism, which will be of interest to scholars and students pursuing political science, history, or law. Her adoption of the language for her title from Bernard Bailyn's masterpiece of intellectual history indicates that the book will rely heavily upon the leading historiography of the intellectual history of the founding era, and will even constitute a tribute to it. LaCroix builds upon the work not only of Bailyn, but also of Jack Greene, John Phillip Reid, and Edmund S. Morgan. If any criticism could be offered, she at times relied so greatly upon these predecessors that she perhaps felt too strong a need to assert something additive or distinctive to topics they had addressed. She need not have worried. LaCroix's insightful assertion that the concept of judicial review arising from the Supremacy Clause of the Constitution not only salvaged James Madison's desire for a federal check on state authority but also evolved from a long consideration of federalism as a political idea, constitutes a sufficient academic contribution to distinguish her work from even the greatest of earlier writers.

The author's thesis is that federalism, as ultimately expressed in the United States Constitution and the Judiciary Acts of 1789 and 1801, is a culmination of ideological developments that can be traced through American conceptions

of layered or tiered government that percolated within political debates since the 1760s. LaCroix defines federalism as reliance upon a multiplicity of governing institutions that sometimes share authority (overlapping or concurrent authority) and at other times function with distinct responsibilities. She argues that in the American colonies, theorists preferred a division of authority determined by distinct subject matter responsibilities: a preference that ultimately contributed to the rejection of Madison's desire for a congressional "negative" or veto of state legislation, but that could accommodate judicial consideration of legislative actions based on broad constitutional principles.

Following a well-organized first chapter that provides an intellectual and political context for late eighteenth-century discussions of federalism and a valuable historiographic analysis, LaCroix explains that various theories of federalism arose in the 1760s in debates over the authority to tax in the British Empire. Debate centered on distinguishing between internal and external taxes and on whether representation was the key to an authority to tax. Colonists came to recognize parliamentary authority over certain matters, but not others. Despite an expressed intention to root the development of American federalism in ideas and not political expediency, LaCroix at times argues that theories were used in support of pragmatic colonial desires. However, she is careful to acknowledge colonial reliance upon Locke, Montesquieu, Vattel, Grotius, and Pufendorf, and suggests that Americans used their theories as a basis for conceptual understandings of government, to which were added distinct innovations that proceeded from political issues.

LaCroix finds American thought at the time of the Revolution to have been rooted much more in Whig ideas than in late-Enlightenment conceptions of natural rights, meaning that the English Constitution retained its relevance as a focus of debate much longer than other scholars, such as Willi Paul Adams, Mark Hulliung, and even Gordon Wood, believed that it did. Even more significantly, the author minimizes the American development of the idea of popular sovereignty, implicitly taking issue with Bailyn on the importance of this concept. Federalism is less of a concern when one views popular sovereignty as a greater political innovation than tiered or bifurcated authority. In stressing the colonial reliance upon concepts of federalism, LaCroix focuses on competing institutions' claims for sovereignty rather than on the development of a rights orientation that would limit all governmental authority. Accordingly, despite LaCroix's commitment to writing intellectual history, the text at times reads as a conservative defense of institutional authority and pragmatic government rather than an explication of the intellectual roots of arguably the first democratic republic and capitalist society.

Nonetheless, LaCroix's thoughtful analysis both illuminates and encourages a reconsideration of the variations in historical interpretation just outlined. Her insightful presentation of judicial review as the key element in American federalism provides new appreciation of the founders' intentions to establish a nation

governed by laws, not men. Her work deserves a careful reading from scholars and a rightful place among that of the earlier authors she so obviously reveres.

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Eliga H. Gould, *Among the Powers of the Earth: The American Revolution and the Making of a New World Empire*, Cambridge, MA: Harvard University Press, 2012. Pp. 301. \$45.00 (ISBN 978-0-674-04608-5).
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Eliga Gould puts law and international legalities to the forefront in this innovative and elegantly written book on the emergence of the United States as a new world empire during and following the Revolutionary War. Adopting a broadly transatlantic framework, Gould contends that the early American republic depended upon European acceptance in its quest for international legitimacy. The United States may have diverged from British imperialism, but it could not escape persistent English power and influence through the War of 1812 and beyond.

Gould's interpretation builds on his previous scholarship elucidating Britain's eighteenth-century empire as simultaneously encompassing "zones of law" and "zones of violence." England's governing class generally imagined continental Europe as an arena for controlled hostilities between regular military forces. British rulers doubted, however, whether this model was relevant to embattled American frontier zones where recalcitrant foreign colonials or natives stood in the way of imperial consolidation and supremacy. British intolerance for ambiguous colonial allegiance was glaringly revealed by the deportation of Acadia's French colonists under wartime pressures from 1754 to 1760.

Gould offers a brief but cogent analysis of the growing rift between Britain and its American colonies in the years 1763–1775. In his view, London was not insisting on colonial subordination so much as compliance with a unitary imperial law. Stringent English customs enforcement upset Americans even more than the crown's opposition to unrestrained colonial expansion into trans-Appalachian Indian territories. Gould characterizes America's patriots as particularists thwarting British conceptions of "a European diplomatic republic" representing a statist model of law and order (42), but this diplomatic republic was itself fragile, as conflict between Britain and Bourbon foes France and Spain precluded any lasting international comity.

Issues of freedom and slavery within the British Empire and early United States occupy a central place in *Among the Powers*. English imperialism had a strongly moralistic cast, influenced not only by common law and