

the Nauvoo Charter (as giving the city the same powers as the state) created opposition. Some questionable interpretations in the book include why Smith chose "Lieutenant General" for his militia title and the role dissenters played in his death.

Whether Smith ultimately would have used force is impossible to ascertain. The authors present him as genuinely seeking peace but recognize him as volatile. They grapple with complications and tensions inherent in the Nauvoo period and note the responsibility of Smith, Mormons, and "gentiles" for the tragedy.

Most of the book is devoted to the development, organization, and character of the Nauvoo Legion. It is the most thorough account available, gives many details, and displays meticulous scholarship. The authors weigh conflicting primary references and historians' differing interpretations. They admit their inability to determine some facts but make plausible explanations. For example, estimates of the number of members in the Legion have ranged up to 20,000, with a traditional figure of 5,000. The authors conclude that the number probably never reached 3,000, a reasonable estimate given Nauvoo's population of about 11,000.

An interesting fact is that there were members in the Nauvoo Legion from Iowa, mostly Mormons who had settled there. Iowan General Swazey attended Legion parades and observed "evolutions" during sham battles. The first chapter helpfully details the status of federal and state military systems of the time. Other chapters cover the Legion's organization and its partial demise. The appendixes and tables are useful, especially the chronology and listing of members.

Border War: Fighting over Slavery before the Civil War, by Stanley Harrold. Civil War America Series. Chapel Hill: University of North Carolina Press, 2010. xvi, 292 pp. Illustrations, map, notes, bibliography, index. \$30.00 cloth.

Reviewer Rebekah M. K. Mergenthal is assistant professor of history at Pacific Lutheran University. Her Ph.D. dissertation (University of Chicago, 2008) was "Border Lines: The People of the Lower Missouri River Valley and the Expansion of the United States, 1803-1855."

Stanley Harrold's *Border War: Fighting over Slavery before the Civil War* is a solid, detailed narrative of the violent conflict that developed along the border between the North and South in the decades before the Civil War. Drawing extensively on other historians' work, most prominently that of William Freehling, and his own archival research, Harrold considers contestations along the full extent of this border. This

border conflict, according to Harrold, needs to be perceived in its entirety in order to understand how exactly sectional controversy led to the Civil War. Moreover, Harrold contends that specific attention to the sporadic violent clashes along this border will also help us better understand the Civil War's development and outcome. In particular he determines that many of the Southern border states did not secede because their experience with the preceding violence of the "border war" had convinced their leaders that Federal protection was the best way to preserve and extend slavery.

As his title suggests, Harrold strongly emphasizes the violent aspect of the clashes that sporadically but increasingly erupted along the border between the lower North and the upper South. Harrold indicates that border violence began after 1780, increased with the 1808 ban on the importation of slaves, and became "endemic" (95) in the 1830s and 1840s. Such conflicts peaked in the 1850s with Bleeding Kansas and John Brown's raid at Harpers Ferry. Harrold argues that the border location of both of these well-known events was not happenstance but shows that they must be understood as outgrowths of the violent confrontations that came before.

Thus, *Border War* includes many specific examples of the events that together created this war before the Civil War. Its chapters are arranged chronologically with some overlap to account for the thematic organization of each chapter. For example, the second chapter focuses on the antislavery threat in the upper South during the 1830s and 1840s; chapter three shifts the focus to "Southern aggression in the Lower North" (53) in the same period. Throughout the book, Harrold tells stories of slaves procuring weapons for their escape attempts and resorting to murder when necessary. He also details masters' aggression as they sought to recover their property. Indeed, one of the strengths of *Border War* is its placement of African Americans' own actions to seize freedom at the center of this story of border contestation.

Border War does not depict a middle ground of peaceful coexistence or negotiated balance. Instead, Harrold's border is one where "physical proximity of the Lower North and Border South . . . led to physical clashes and the expectations they would spread" (15). This borderland story is one that Harrold could have fruitfully compared to other borderland regions to better understand its trajectory. Harrold is well versed in the literature of pre-Civil War politics and slavery. However, his volume would have been greatly enhanced by considering the growing literature on borders and borderlands. Instead, he merely asserts without citation that borderlands "are most volatile when residents on each side of the border may easily pass to the other" (2). This

contention appears to be true of that between the lower North and Border South before the Civil War, but some attention to comparisons and contrasts to this claim would bring important depth to Harrold's analysis and help his story resonate more broadly.

Harrold maintains that his most important contribution is to see the border war in its "entirety" (2). Overall, he succeeds in this goal of capaciousness, although it is not always clear that the events described cohere into a war. There are also gaps in his coverage. For example, in the preface he notes that Iowa was included in the Lower North states (after statehood in 1846), yet Iowa does not merit an entry in the book's index. This would mostly be a concern to those particularly interested in the Iowa story, and obviously no one volume can cover every place equally. Yet bringing Iowa more specifically into the story would have been a way for Harrold to have more fully considered eastern and western variations along the border between the North and the South.

Fugitive Justice: Runaways, Rescuers, and Slavery on Trial, by Steven Lubet. Cambridge, MA: Belknap Press of Harvard University Press, 2010. 367 pp. Notes, index. \$29.95 cloth.

Reviewer H. Robert Baker is assistant professor of history at Georgia State University. He is the author of *The Rescue of Joshua Glover: A Fugitive Slave, the Constitution, and the Coming of the Civil War* (2006).

Steven Lubet's *Fugitive Justice* provides a well-paced narrative of the 1850s courtroom trials in which rescuers and runaways were prosecuted by the federal government. Lubet argues provocatively that the nature of these trials shifted over time, with lawyers becoming increasingly more willing to argue against the legitimacy of the Fugitive Slave Act and of slavery itself. The "higher law" argument went "from an abstract inspiration to an unapologetic legal defense" (8).

Lubet begins by offering the reader background on the subject of slavery and the Constitution. The most contentious issue at the Constitutional Convention was the compromise over slave representation embodied in the three-fifths clause; the Missouri crisis of 1819–1821 shifted the debate to the question of how to regulate the extension of slavery into the territories. That issue proved vexatious over time, particularly after the admission of Texas and victory in the Mexican-American War added significant slave territory to the Union.

Fugitive slaves also became an issue. A federal fugitive slave law had been on the books since 1793, but the bulk of slave rendition was done either privately or through state courts and as such depended