

of Jewish merchant life revealing migration patterns, demography, family relationships, and social networks, as well as civic and communal involvement in selected western towns. In doing so, he conveys these merchants' rapid social mobility and civic acceptance.

Ellen Eisenberg's subject is farming. She uses Joseph Nudelman's recollections to explore Jewish agricultural colonies and to argue that although the colonies were failures economically, the experience provided the participants with the tools for urban leadership.

I have a couple of reservations about the book. The first concerns the elastic use of the word *West*, when so many of the essays are clearly about areas west of the Rocky Mountains. Second, I would suggest that the transformative experience came not so much from having happened in the West, wherever that is, but rather from the timing of arrival. The earliest Jewish settlers of South Carolina, for example, also experienced social integration, entrepreneurial success, and relative isolation from other Jews. The same characteristics could no doubt be found in other parts of the country.

Nonetheless, these fine essays add to our knowledge of the complex ethnic and religious mix in the West and certainly contribute to the growing subfield of western Jewish history, but they do not really answer the question of how significant the impact of region truly is.

*Railroads and American Law*, by James W. Ely Jr. Lawrence: University Press of Kansas, 2001. ix, 332 pp. Illustrations, notes, bibliography, index. \$39.95 cloth.

Reviewer Michael A. Ross is assistant professor of history at Loyola University New Orleans. He is the author of several articles (including two in the *Annals of Iowa*) about U.S. Supreme Court Justice Samuel Freeman Miller.

In the nineteenth century the rise of railroads led to profound changes in American law. As the nation's first big business, the railroads forced jurists and legislators to confront complex questions involving labor relations, taxation, eminent domain, racial segregation, interstate commerce, corporate responsibility, and the reach of the national government. New laws had to be passed, new legal doctrines formulated. Few aspects of the law were left untouched.

In *Railroads and American Law*, James Ely provides a masterful one-volume synthesis of this massive topic. He cogently summarizes the voluminous scholarship on the history of railroad law (on how the law was both created and interpreted) and offers his own nuanced assessments of the key historical debates. Writing in language that is moderate and clear, he avoids the ideological extremes that have often domi-

nated railroad historiography. Throughout the book he acknowledges that corruption and excess accompanied the rise of the railroads, and he is sympathetic to the hard-pressed farmers and industrial workers who eventually lashed out at "the most visible symbol of the new industrial order" (84). He recognizes, moreover, that legislators and judges often shaped and interpreted the law in ways that facilitated the railroads' growth. But he dismisses the oft-repeated argument that nineteenth-century judges were simply the lapdogs of the railroads and the Robber Barons. Ely finds little evidence to support Morton Horwitz's contested thesis that "courts devised legal rules in the nineteenth century to subsidize economic growth at the expense of the weaker segments of society" (283). Although the Supreme Court did, for example, strike down many state railroad rate regulations, the justices did so out of "a well-founded concern that state regulations increasingly threatened to disrupt the free flow of national commerce" (114). At the same time, he points out, the Court regularly upheld state safety regulations and laws that protected passengers, livestock, and the property of citizens who lived adjacent to the tracks.

Ely's view of the Interstate Commerce Commission is similarly balanced. He rejects the arguments of historians who depict the agency as a salutary democratic triumph over big business, but he also finds little support for Gabriel Kolko's hoary thesis that the railroads manipulated the ICC and the Hepburn Act for their own benefit. He credits the ICC with being the first modern administrative agency, but he also concludes that the commission's heavy-handed rate regulations eventually helped speed the railroads' economic decline. "Railroad regulatory policy has left a cautionary legacy," Ely writes. "Rather than a triumph of the Progressive Era, the waves of regulation put the industry in a straitjacket and ultimately proved disastrous" (282).

At several points, events in Iowa are central to Ely's discussion. Many readers will already be familiar with the Rock Island Bridge controversy, the Granger movement, and the famous Supreme Court case *Munn v. Illinois*, but they should nevertheless find Ely's concise discussions of these topics instructive. Ely also skillfully recounts the protracted court battles that surrounded Iowa's railroad bond crisis in the 1850s. During that decade, Iowa counties and towns that were desperate to bring rail lines to their locales issued municipal bonds that funded speculative railroad ventures. Iowa's supreme court tacitly supported these efforts by upholding the validity of such bonds despite provisions in the state constitution and Iowa Code that seemed to prohibit public funds from being used to fund private railroad corporations. After the Panic of 1857, however, as many of the railroad

schemes collapsed and municipalities across Iowa tried to escape their bonded indebtedness, Iowa's supreme court switched course and ruled that the bonds had indeed been unconstitutional and were therefore void. Angry bondholders sued in federal courts. The Iowa cases eventually forced the U.S. Supreme Court to overrule Iowa's state courts in a series of decisions that expanded the power of the federal judiciary. The Iowa bond cases also remind readers that state and federal courts (and legislatures) often disagreed on salient matters of railroad law. Ely deserves high praise for discussing these complicated issues and contesting views lucidly and efficiently.

*Railroads and American Law* is a great achievement. Ely presents a complex, sprawling, and sometimes arcane topic using accessible language that convincingly demonstrates the impact the nation's first large corporations had on the law and society. Scholars and lay readers alike will be referring to Ely's book for years to come.

*Regulating Railroad Innovation: Business, Technology, and Politics in America, 1840–1920*, by Steven W. Usselman. Cambridge: Cambridge University Press, 2002. xv, 398 pp. Illustrations, map, index. \$65.00 cloth, \$25.00 paper.

Reviewer H. Roger Grant is professor of history at Clemson University. He was the longtime editor of *Railroad History* and is the author of many books and articles on railroad history.

In this book with a clunky title, Steven Usselman has explored the relationships among railroad companies, regulatory bodies, and technology from the dawn of the American railroad industry in the 1830s and 1840s to the end of World War I. It is a complex story. During the experimental stage or "demonstration period" of the antebellum period, pioneer carriers for the most part freely exchanged technology whether involving roadbed construction techniques or motive power. Later in the nineteenth century, however, the nature of collaboration changed. Suppliers, including Carnegie Steel and Westinghouse Air Brake, played a more active role in developing and promoting new and replacement technologies, resulting in the emergence of special corporate and carrier connections. Trade groups and professional associations, too, actively participated in technology transfer activities and made major contributions to the betterment of the industry. For example, the Master Car-Builders Association (MCBA), in a series of well-publicized tests held in 1887 on the West Burlington Hill near Burlington, Iowa, made major suggestions about brake improvements, ones that Congress recognized in 1893 when it passed the landmark

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