

**Joseph A. Ranney.** *Wisconsin and the Shaping of American Law*. Madison: University of Wisconsin Press, 2017. 320 pp. \$49.95, cloth, ISBN 978-0-299-31240-4.

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Joseph A. Ranney's latest work stems from his years as a lawyer and as the Adrian Schoone Fellow for the Study of Wisconsin Institutions at Marquette Law School. He seeks to understand the ways in which different states' laws are entangled and influence each other and federal law. His focus on Wisconsin as "an exemplar of many regional and national trends in state law" is revealed throughout his sweeping three-hundred-year narrative (p. 3), which explores state and national legislative and judicial development. He, however, resists the temptation to focus only on the ways in which Wisconsin was exemplary by also including periods in which the state delayed or completely resisted progressive legal change. In doing so, this book is applicable to a wide audience and not just readers interested in Wisconsin's history.

*Wisconsin and the Shaping of American Law* follows a chronological trajectory, while also exploring thematic topics of law and jurisprudence. Ranney's story begins briefly in the colonial period but quickly situates itself in postrevolutionary America by examining the order of law under the Northwest Ordinance before moving on to the statehood period during the Jacksonian era. Weaving in vignettes about particularly entertaining frontier lawyers and judges, Ranney illustrates the territorial court's place in interpreting

federal laws and policies. As he moves from local to regional to federal, Ranney examines a number of popular and academic points of historical interest, such as federal and territorial interpretation of Indian treaties and state constitution making during the Jacksonian period. The latter is fully explained in the book's third chapter and shows the Wisconsin statehood experience as "emblematic of the Jacksonian era" (p. 35). This process ultimately required two constitutional conventions. Ranney argues that the 1846 Constitution failed under the cumulative weight of its numerous progressive reforms, including homestead exemption, anti-bank provisions, and married women's property rights. The 1848 Constitution left all of these controversial issues to the legislature in favor of constructing a state constitution more palatable to voters.

The middle chapters deal with popular historical topics from the middle period through the New Deal, such as slavery, immigration, business in the Industrial Age, the Progressive Era, and the rise of Labor. The chapter on slavery and Wisconsin's legislative and judicial resistance to the 1850 Fugitive Slave Act serves as one of the strongest sections supporting Ranney's argument by showing the state's importance in legal understanding of a national issue. Employing the key state and federal Supreme Court decisions in the *Ableman*

v. *Booth* (1859) and *In re Booth* (1854) cases, Ranney illustrates how Wisconsin successfully resisted assisting federal agents in enforcing the Fugitive Slave Act using a popular tactic of the slaveholding South, the states' rights doctrine. Though Wisconsin tried to maintain its fervor for separation of state and federal powers, the US Supreme Court overturned the *Booth* decisions in 1872 in favor of supremacy of the federal court. After stumbling on civil rights during Reconstruction, by the 1880s Wisconsin ushered in accommodations laws, which may have been impotent during the time but created space for future civil rights claims during the twentieth century.

The narrative includes a predictable foray into the life and political times of Robert La Follette, when Wisconsin served as a Progressive model for the nation, but perhaps more intriguing is Ranney's inclusion of periods when Wisconsin either fell behind or resisted changing laws and their interpretations. This hesitancy to spearhead social reforms appears in Ranney's latter chapters treating the late twentieth century. Looking toward the urban area of Milwaukee, the narrative follows northern urban *de facto* segregation during the twenty years after *Brown v. Topeka Board of Education* (1954). Citing Lloyd Barbee's 1965 suit against Milwaukee Public Schools, Ranney demonstrates that Wisconsin was not unique to the North, West, or South in its prolonged resistance to school and housing integration in urban areas. By the time Barbee won his suit in 1976 in federal court, the Supreme Court had already ruled in favor of integration in a number of similar suits across the United States. Despite this small court victory, white flight and lack of a regional solution left segregation largely unresolved in Milwaukee as well as many other American urban communities.

This comprehensive history of Wisconsin's legal development, presented in context with national law, provides readers with a recentered view of the ways in which different jurisdictions

develop law with respect to one another. Ranney sometimes diverts attention from his central argument by interesting, yet insubstantial vignettes of historical characters who suddenly appear and just as quickly disappear. Although the title and central argument suggest that Wisconsin was more important in constructing American law than other states, this is more a story of the evolution of Wisconsin law relative to other laws in America. Ranney reveals a number of instances in which Wisconsin followed or resisted instead of blazing the trail in legislative and judicial change. Indeed the narrative points to a number of other states, not the least of which was New York, and their influence in changing the law and its interpretation nationwide. The book's central strength is its illustration of the connectedness of state laws and their reciprocal influence with each other in state and federal courts. This work would be helpful to scholars and students of Wisconsin law, as well as interesting to scholars of American legal history.

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