

The Not So Wild, Wild West: Property Rights on the Frontier

Terry L. Anderson and Peter J. Hill. 2004. Stanford, CA: Stanford University Press. ISBN: 0-8047-4854-3, \$24.95 (cl).

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Thou shalt not murder. Thou shalt not steal. These commandments were given thousands of years before the existence of the modern nation state. So do prohibitions against murder and theft depend on civil government? This book by Terry Anderson and P. J. Hill is a study of the emergence of rules and property rights in the parts of the American West that were largely “beyond the pale of formal government” (p. 9). Although many thinkers believe that the absence of government on the frontier meant it was the “wild West,” Anderson and Hill maintain that the “West was really not so wild” (p. 203).

This 263-page book is fascinating not only for its vivid account of the history of the American West, but also for its economic analysis of the spontaneous emergence of property rights. In Hollywood movies, the center stage belongs to gunslingers who profit through violence. In *The Not So Wild, Wild West*, however, center stage belongs to what the authors call institutional entrepreneurs: those who profit by creating property rights and enabling cooperation. The book describes the emergence of property rights and cooperation among Indians and whites, including trappers, cowboys, ranchers, miners, and settlers.

The American frontier was not completely free of violence, but Anderson and Hill make a strong case that it was much less violent than most assume. Consider, for example, the California gold rush, which began around the time when California became independent from Mexico. Neither the Mexican nor United States governments had a large presence in the state as tens of thousands of miners rushed in. Many predicted chaos would ensue. But, according to Anderson and Hill, “In the absence of formal government, miners in a particular location would gather and hammer out rules for peacefully establishing claims and resolving disputes over them” (p. 105). The authors describe how miners formed mining camps that created rules for property acquisition and settling disputes. Cooperation emerged in the absence of government.

Frontiersmen in the West faced similar dilemmas. “Once they rolled out of Independence, St. Joseph, or any major departure point, they left behind the institutional infrastructure known as formal government,” Anderson and Hill explain (p. 120). Wagon trains required half-year commitments

by dozens of people who needed to join forces if they hoped to complete the difficult voyage to Oregon or California. Without a state enforcing the rules, many would assume that cooperation would be impossible. In reality, travelers created voluntary joint-stock companies to govern themselves during the voyages. Anderson and Hill also describe how religious bodies such as the Mormon Church helped enable cooperation: “Religious and cultural homogeneity and a willingness to submit to a centrally organized discipline lowered agency monetary costs” (pp. 131–132).

All societies must deal with the potential problems of honest disputes and outright outlawry. On the open range, cattlemen created systems to return cattle to their rightful owners, and they created associations to privately police against rustlers. Settlers elsewhere developed unique rules to establish rights over water; laws from the Eastern States or England were unhelpful because the West was much more arid. The book describes the evolution of the doctrine of prior appropriation, which gave property rights to the first person to use water from a source. Other examples of customary law are discussed throughout the book.

Some readers may wonder if P. J. Hill’s (1999) work in *Faith & Economics* is connected to his work on property rights in this book. Although Christianity is not explicitly referenced throughout the book, *The Not So Wild, Wild West* focuses on principles important to many Christians, such as how people can respect each other and how “peaceful trade” and “order can replace fighting” (p. 9). Most, if not all, of the cooperation described occurs without coercion from the state. As such, this book provides empirical support for the ideas of Christian writers such as nineteenth century preacher David Lipscomb, who argued that law and morality come from God, not government. Lipscomb (1889, p. 10) maintained that human government crowds out government by God and that human government is a source of disorder, stating, “[T]he chief and necessary results flowing from the displacement of the Divine will and the establishment and perpetuation of human government, would be confusion, strife, bloodshed, and perpetual warfare in the world.” *The Not So Wild, Wild West* documents numerous examples of cooperation that was undermined when government stepped in. Anderson and Hill describe how whites had more respect for the property rights of Indians in their early relations and the number of peace treaties exceeded the number of battles. Over time, however, the federal government used its army to expropriate more and more of the Indians’ property rights resulting in many more battles (p. 58). The shift toward a more centralized system of

law enforcement may have benefited some special interests, but it does not appear to have been expanded to advance the public good.

America's frontier was not a utopia, but it was not as nasty or brutish as most advocates of government, as opposed to private, law enforcement would assume.¹ Anderson and Hill write, "The lesson we should learn from the 'not so wild, wild West' is that secure and transferable property rights may not be easy to develop, but they are a necessity for supplanting conflicts with cooperation" (p. 212). The emergence of property rights on the frontier is not only an interesting historical episode: Anderson and Hill's final chapter discusses implications for our understanding of the formation of new property rights today. In much of the developing world property rights are unestablished or insecure. But rather than promoting top-down policies to govern places such as Brazilian rainforests, Anderson and Hill advocate allowing a decentralized system of property rights to emerge. They discuss how the establishment of property rights among indigenous people would reduce conflicts and enable them to be better off. Similarly, much of the world's natural resources are still on frontiers. Anderson and Hill suggest that creating property rights in streams and oceans will encourage better stewardship of natural resources. And as humans find new frontiers on the internet, the electromagnetic spectrum, or in space they might be able to draw from the lessons in history.

The Not So Wild, Wild West is a wonderfully-written blend of well-reasoned economic theory and intriguing American history. It will appeal to anyone interested in the history of the American West as well as anyone pondering whether morality or order can exist independent of the state.

Endnote

- 1 For an overview of the idea that law can come independently of the state, see Stringham (2006).

References

- Hill, P. J.** 1999. "Public Choice: A Review." *Faith & Economics*. 34: pp. 1–10.
- Lipscomb, David.** 1889 (2006). *Civil Government: Its Origin, Mission, and Destiny, and the Christian's Relation To It* (2006 edition with foreword by E. Stringham). Pensacola, FL: Vance Publications.
- Stringham, Edward,** ed. 2006. *Anarchy and the Law: The Political Economy of Choice*. Somerset, NJ: Transaction Publishers. ■