

matters little, least of all to the animals.

You have to keep this in mind while reading *Drawing the Line*, for, like other advocates of the cause, Wise has a way of making his case seem more alarming than necessary. His argument amounts to this: Our understanding of animals, and especially advanced mammals, has increased substantially. Their intelligence and emotional sensitivity, though not rivaling our own, are real and morally consequential. Precisely because we alone are rational and moral creatures, we have a duty to acknowledge these facts about animals' natures and capacities and to revise our legal boundaries accordingly.

An attorney in the field, Wise aims for a "realizable minimum" of legal rights for various species, including chimpanzees, gorillas, orangutans, and other primates whose mental awareness is proved by, among other evidence, their ability to learn rudimentary sign language. Behavioral scientists try to dismiss this communication as mechanistic imitation, but actually seeing it, as I have, leaves little doubt of conscious and deliberate expression.

In similar research, dolphins correctly press levers marked "yes" and "no" in response to such questions as whether a ball is in their tank, and they show a grasp of "over," "under," "through," and other concepts. The famed Alex, an African gray parrot, can correctly identify objects, shapes, colors, and quantities up to six, and can make simple requests such as "go see tree." Elephants, observed both in captivity and in the wild, prove themselves resourceful problem solvers, justify their reputation for long-term memory, and display many well-documented signs of emotion (as in the case

of calves convulsing in nightmares after seeing their mothers slain).

Each of these species has what Wise calls "practical autonomy"—conscious desires and an ability to pursue those desires—which, he argues, entitles them to "dignity rights" and "legal personhood." The latter concept will jar many readers, but what would legal personhood for, say, elephants amount to? Specific and well-enforced protections from the people who harm them—those engaged in the exotic wildlife trade, for example, or the vicious people who to this day still hunt elephants for trophies.

The strength of Wise's case is that, unlike the dreary utilitarian theories that have given animal rights a bad name, it rests on a belief that individual creatures have intrinsic rather than instrumental moral value, and thereby places animal welfare squarely within the Western legal tradition. Indeed, he might have argued that even as we dispute the finer questions about animal rights, the law has already conceded a crucial point through the many statutes that make it a crime, in most states a felony, to abuse certain animals regardless of whether they belong to the offender—a recognition of moral status and a de facto legal right trumping the claims of property.

Critics of animal rights often fail to supply a useful moral alternative that would restrain human cruelty and instill respect for our fellow creatures. To their credit, rights advocates at least confront abhorrent practices and demand hard standards in the care of animals, as Wise has done here with the skill and seriousness the subject deserves.

—MATTHEW SCULLY

## HISTORY

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### JESSE JAMES: *Last Rebel of the Civil War.*

By T. J. Stiles. Knopf. 512 pp. \$27.50

One hundred and twenty years after "that dirty little coward" Robert Ford shot Jesse James in the back of the head while the latter stood on a chair to dust a picture in his Missouri home, scholars continue to debate the outlaw's importance in American social history.

Now, in a deeply researched work that may become the authoritative biography, independent historian and frequent *Smithsonian* contributor Stiles calls James (1847–82) a "forerunner of the modern terrorist."

The assertion strikes a sour note in an otherwise well-written and well-reasoned work, the first significant examination of the outlaw's life since William A. Settle's *Jesse James Was*

*Jesse James, in a photo taken shortly before his death in 1882.*

*His Name* (1966). That life was brief but eventful. James's 21 daylight robberies left more than a dozen dead, and by some estimates netted a quarter-million dollars in loot—a staggering sum at the time.

Unlike previous biographers, Stiles doesn't flinch from the fact that until the end of his life, James was driven by the racist and violent lessons of his childhood. For years before the Civil War officially began, western Missouri was the setting for a bitter guerrilla conflict over the expansion of slavery into the Kansas Territory. The family that Frank and Jesse James were born into in the 1840s was culturally aligned with the Southern aristocracy, and it owned a few slaves. The father, Robert, denounced abolitionists from his Baptist pulpit; the mother, domineering six-footer Zerelda, applauded as patriotic the atrocities committed by Confederate guerrillas, among them William "Bloody Bill" Anderson, a dashing scalp-taking lunatic.

Stiles is at his best when he uses his research into the period to depict the everyday lives of Jesse James and his contemporaries. When he cites unrelated modern scholarship to support his conclusions, however, he is less successful. In downplaying the seriousness of a chest wound suffered by James in 1865, for instance, he notes that a war hospital in 1990s Croatia found similar injuries "particularly survivable"—glossing over medical advances of the intervening century. By contrast, Stiles devotes only a parenthetical note to a singularly pertinent study: the 1995 exhumation and the DNA testing that determined, once and for all, that Jesse James did not escape assassin Ford's bullet. Although few scholars believed that James had survived, the possibility had captured the popular imagination.

The myth of James as noble outlaw began during his lifetime. Previous scholars have maintained that James himself had little role



in fashioning it, but Stiles disagrees. "[James] was far from an inarticulate symbol created by others," he writes. "When the unspoken assumptions are cleared away, a truly substantial Jesse James emerges."

Stiles likens James to a terrorist because of the outlaw's pro-Confederate political consciousness and his close relationship with "propagandist and power broker"

John Newman Edwards, a newspaper editor who wrote about the

James Gang. Although the argument is trendy, the support is thin for comparing Jesse James—even a murderous, thieving, and racist Jesse James—with the sort of modern-day terrorists who flew airliners into the World Trade Center and the Pentagon. Despite his scholarship, Stiles falls victim to the most seductive trap in historical research: interpreting the past through a contemporary lens.

—MAX MCCOY

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**ORGANIZING AMERICA:  
*Wealth, Power, and the Origins of  
Corporate Capitalism.***

By Charles Perrow. Princeton Univ. Press. 259 pp. \$34.95

It seems obvious to most people that advanced societies require big organizations. In 1998, about half of job-holding Americans worked for companies with more than 500 employees. We must tolerate the curses of bigness—impersonality, excessive economic and political power—to enjoy the benefits of mass production and high living standards.

Not so, says retired Yale University sociologist Perrow. America could have attained its prosperity without the drawbacks of giant businesses. Smaller companies could have provided comparable gains while treating workers better and minimizing the dangers of concentrated power.

It's a seductive argument, but unpersuasive. In the years when big enterprises began to dominate, the United States overtook