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Criminal Justice in Colonial America, 1606-1660. By Bradley Chapin. Athens, Georgia: University of Georgia Press, 1983. Pp.xiii + 203. Notes, selected cases, appendix, bibliography, index. \$18.00

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Author

Fritsch, Christopher Neil

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Book Reviews

Criminal Justice in Colonial America, 1606-1660. BY BRADLEY CHAPIN.
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In *Criminal Justice in Colonial America*, Professor Chapin attempts to lay the foundation for future scholarship in American legal history. Although this field of research is not new, Chapin's contribution is quite unique. Many previous scholars have dealt with individual colonies and their specific legal developments, but Chapin's work points in a new direction. Chapin's discussion centers upon criminal law during the first fifty years of English colonization. Each of the seven colonies founded prior to 1660 is compared. In doing so, he has provided scholars with citations from the colonial court records and has compiled a solid amount of statistical information to support his arguments.

Chapin renounces the early interpretations of American colonial law based upon the "frontier thesis." Instead, Chapin turns to the word "carry," as opposed to the more standard interpretation, based upon "reception." This usage coincides with recent scholarship on colonial America, including such works as David Grayson Allen's *In English Ways* and T.H. Breen's *Puritans and Adventurers*. The concept of "carrying" law across the Atlantic admits that English law was basic to American legal development. Those initial fifty years saw the amalgamation of the three sources of substantive criminal law by the colonists: English law, indigenous developments, and Biblical interpretation. Chapin adds to this a sense of pragmatism that forced early settlers to realized the futility of

such punishments as the death penalty for theft or the continued use of corruption of the blood. In the end, the colonists created a system that was much more humane than the English system, according to Chapin.

Chapin interprets this pragmatism as being the fulfillment of the seventeenth century desire for reform. Inherent not only in the minds of Englishmen, but also in the colonial perception, the law had a special relationship to the question of discretionary authority on both sides of the Atlantic. Leaving a world of unjustified authority, English settlers set out to fulfill the "liberal traditions" of the common law and Magna Carta (p. 146). In fulfilling these traditions, Chapin concurs that the colonists improvised somewhat by centralizing power in fewer hands.

The thesis becomes less distinct when Chapin examines legal development between 1660 and 1789. Although he admits a certain amount of "Anglicization" within the American colonies, he denies that a distinct American criminal law was created throughout the new nation. This is the period of "reception", according to Chapin. But, Chapin makes these claims without any substantiation, perhaps in the hope of writing an associated volume covering this period.

In conclusion, Professor Chapin and his work provide an important addition to the historiography of American legal development. His thesis combines aspects of the three major interpretations described by Stanley Katz in his contribution to *British Colonial America*, edited by Jack P. Green and J.R. Pole. There are elements of both imitation and the pragmatic reforming of English laws, as well as the "life cycle" model within *Criminal Justice*. Most important, though, is the light that he sheds upon the social history of colonial America in the development of strong law through reason and humanity.

Christopher Neil Fritsch
The University of
Connecticut

Nothing But Freedom: Emancipation and Its Legacy. By ERIC FONER.
Baton Rouge: Louisiana State University Press, 1983. Pp. xii + 110.
Notes, index. \$14.95.

In December 1865, former Confederate General Robert V. Richardson remarked that "emancipated slaves own nothing, because nothing but freedom has been given to them." (p. 55) In his latest book, *Nothing But Freedom*, Columbia University Professor Eric Foner focuses on the effects of slave emancipation, not only in the American South, but in Haiti, the