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American Indian Culture and Research Journal

Title

Puritan Justice and the Indian: White Man's Law in Massachusetts, 1630-1763. By Yasuhide Kawashima.

Permalink

<https://escholarship.org/uc/item/6fm519k4>

Journal

American Indian Culture and Research Journal , 10(4)

ISSN

0161-6463

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Publication Date

1986-09-01

DOI

10.17953

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of part of the Great Basin, its brevity hardly makes for a fair comparison with D'Azevedo's comprehensiveness. By and large, coverage of this vast land has been relegated to journal articles, monographs, and the occasional quality ethnography such as James Downs' *The Two Worlds of the Washo*, or Lalla Scotts' *Karnee; A Paiute Narrative*. D'Azevedo's writing is certainly not for bedtime reading, but it will surely make life easier for both the scholar and pleasure seeker wishing to learn more about the Intermountain West.

Quite simply, it will be a long time before anyone matches what D'Azevedo has put into these pages.

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Puritan Justice and the Indian: White Man's Law in Massachusetts, 1630-1763. By Yasuhide Kawashima. Middletown, Connecticut: Wesleyan University Press, 1986. 335 pp. \$35.00 Cloth.

Yasuhide Kawashima's long-awaited book on Indian-white legal relations in colonial New England has great strengths and weaknesses. If one can identify and separate the two, then *Puritan Justice and the Indian* can be an invaluable addition to colonial Indian studies.

Though some of the pre-publication praise for Prof. Kawashima's book emphasizes its interdisciplinary and ethno-historical value, most readers will be left, I think, with quite the opposite impression: it is a book that unearths and clarifies crucial legal concepts and events which supplement the interdisciplinary endeavors of other scholars. (One of the best is William Cronon's *Changes in the Land* [1983]—a work not mentioned in Kawashima's bibliography.) In other words, Kawashima's legal research is impressive, not his synthesis of that information in a larger context.

For example, the book opens with a brief prologue on the nature of Indian and white legal systems (but concludes with the statement that "Indian law . . . is beyond the scope of this book [since] it had little to do with the Puritans' legal dealings with Indians" [p. 16]); the first chapter then swiftly divides Indians into "independent tribes," "plantation Indians," and "Indians in

white communities," and summarizes the jurisdictions that pertained to each grouping. But these opening discussions, necessarily interdisciplinary, are disappointing precisely because they are both brief and legalistic. On numerous occasions, Kawashima, lacking clear legal evidence, makes only tentative or technical statements on matters that demand greater risk and clarity:

. . . there are some indications that most Indians committing crimes against whites were turned over to the colonial officials. . . . (p. 25)

. . . native magistrates within their own villages had exactly the same authority as their white counterparts. . . . (p. 29)

. . . colonial authorities . . . usually succeeded in extending their jurisdiction over . . . tribes by diplomatic negotiations. . . . (p. 39)

Time after time, the reader feels the author holding himself back because the legal evidence is either (1) not conclusive or (2) all he is willing to look at.

Yet its legalistic focus is also the great virtue of the book when Kawashima turns in greater detail to the documents that he has uncovered. In the second chapter on laws governing Indian land, he catalogs the stages in Puritan land policy, from *vacuum domicilium* to the practical need to clear the Indian titles to the restrictions imposed on white purchases of Indian land. Though he surely paints too rosey a picture of the Massachusetts government's motives in all of this ("warning" the traders not to trust Indians because the Indians might default and have to mortgage their land [p. 62]), and his own evidence of Puritan practice (p. 54) sometimes contradicts Puritan policy (p. 53), nevertheless this chapter and the six that follow provide students of colonial Indian affairs with a detailed case study of a region that was forced by its own professions of belief to incorporate an unwanted racial minority into its legal system.

Four of the remaining chapters—on the fur trade, due process, crimes and punishments, and Indians as litigants—take us a long way toward an appreciation of the fact that Indians were dealt with on a daily basis by Puritans, not pushed out of sight. Latter-day students of Indian history have a tendency to impose Andrew Jackson's removal policy on earlier, pre-national periods.

The imposition has some validity in the mid-Atlantic and southern colonies, but removal (or genocide) was hardly a concerted policy in New England. Quite the contrary, Puritan religion made it clear that Indians were not racially distinct from whites and therefore could not, in all conscience, be dismissed as subhuman. (Even Kawashima seems to forget this premise on p. 107.) Rather, the Puritans naively imposed a Reformation definition of humanity on Indians that they, the Indians, had almost no incentive to accept; indeed, most Catholics and Jews would have failed the test. The terribly high standards for Christian behavior expected by Puritans—e.g. total rejection of one's past sinful culture (not just one's sinful behavior)—did, ultimately, lead to the 19th century's much more complacent assumption that Indians were inherently *incapable* of changing, and therefore didn't deserve assimilation; but for its day Puritan acceptance of Indians as potential Puritans was enlightened.

This becomes especially clear in Prof. Kawashima's excellent discussion of due process and Indians (Chapter 5). There he argues that a fundamental respect for English common law led the Puritans to give Indians in their vicinity access to jury trials, the right to testify in court, and even the opportunity to serve on juries (though not on jury panels in the trials of whites). Moreover, Kawashima convincingly demonstrates that, in sentencing, the inequities that occurred were often based on *class* rather than race or culture: the generally poorer Indians could not pay the fines that would enable them to escape whipping or servitude. The differences between white and Indian treatment in civil court were even slighter; both groups were allowed freely to sue and be sued.

Indeed, the principal theme of *Puritan Justice and the Indian* is that the legal system the English brought to America was fair enough to deal justly with Indians. It was popular prejudice and political expediency that limited its effects (preventing, for example, both Indian citizenship in white society and the return of Indian offenders to their own people for judgment); yet, even then, "the colonial court, in theory and practice, largely succeeded in treating the natives fairly" (p. 236). Where specific injustices repeatedly surfaced, as in the case of the irrational Boston curfew laws, Prof. Kawashima rightly perceives them as an 18th-century trend fueled by French and English rivalry and by the greater visibility of Indians (and other outsiders) in New England cities.

Based on voluminous research in the archives of colonial courts, *Puritan Justice and the Indian* enables us to see clearly the degree to which New England whites were willing to include Indians in their legal system, even after it was obvious that Indians had little interest in converting to Christianity. Not all scholars will want to be as legalistic as Kawashima in their evaluation of white attitudes; he demonstrates, however, that the operation of a court system can provide a reliable index to the nexus of values and behavior. Indeed, from an Indian's point of view, the courts may have been the most reliable indicator of official Puritan policy.

One final quarrel: both Prof. Kawashima and his editor have been lax in avoiding apparent contradictions. At times it is merely a matter of style, as, for example, when the statement that "many" colonial jurists were "liberal-minded" toward Indians (p. 100) is followed by the assertion that "these devoted friends and champions of the Indians" were "relatively few in number" (p. 105). But at other times, substance is the issue, as in the confused accounting of Indian population (pp. 9, 123), or the back-to-back assertions that "both Indians and whites received the same penalties for the same offences" (p. 177) and that "Indians . . . were treated much more strictly than the whites" (p. 178). In a beautifully produced book, slips like these in virtually every chapter are disconcerting.

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Indian Education in Canada, Volume 1: The Legacy. Edited by Jean Barman, Yvonne Hebert and Don McCaskill. Vancouver: University of British Columbia Press, 1986. 180 pp. \$10.95 Paper.

This collection of seven articles gives the reader some indication of historical depth and east-west and north-south diversity and also addresses some issues in the history of Indian schooling in what is now Canada. There are no photographs, unfortunately, but the articles are generally of good quality. Volume Two promises to focus on recent experiences with Indian-controlled schools; hopefully this will include pre-school, post-secondary, adult education and Native teacher training.

The editors' brief introduction is disappointing. They explain