

Book Reviews

Nan Goodman, *Banished: Common Law and the Rhetoric of Social Exclusion in Early New England*, Philadelphia: University of Pennsylvania Press, 2012. Pp. 206. \$59.95 cloth (ISBN 978-0-8122-4427-4). doi:10.1017/S0738248013000497

Between 1630 and 1631, the year of the founding of the Massachusetts Bay Colony, between six and ten people were banished from the Colony. With a population of fewer than 1000 people, this amounted to 0.6–1% of the population. Nan Goodman, a professor of English at the University of Colorado, describes this as “astonishing,” (2) and seeks to shed new light on this phenomenon in the period 1620–1684, when the revocation of the Colony’s charter ended the practice. She argues that previous scholarship, which has seen banishment as a strictly religious phenomenon, has overlooked its role in community formation and in testing the limits of the law. Each of Goodman’s chapters focuses on an episode of banishment: Thomas Morton and Anne Hutchinson, Roger Williams, the Quakers, and the banishment of the so-called “praying Indians” to Deer Island in Boston Harbor during King Philip’s War.

In the case of Morton and Hutchinson, Goodman asserts that their banishment arose from their contesting prevailing ideas of hospitality and its role in community building, rather than lack of religious conformity. She shows that Morton and Hutchinson practiced the “wrong” kind of hospitality: they welcomed everyone without regard to community status. This was diametrically opposed to the kind of hierarchal hospitality practiced by John Winthrop, who viewed hospitality as a “limited endeavor and thus a means of giving the community definition through exclusion” (31). Both Morton and Hutchinson’s gatherings “had the potential to rival the courts and the legislature as a place for the expression and dissemination of power” (54). Goodman locates Roger Williams’ banishment in controversy about the law, arguing that previous scholars’ focus on his views of church purity as the cause misses the point. Equally important, she argues, was his insistence on the need for heterogeneity in the civil sphere, which undermined the Puritans’ quest for religious control of the colony. Williams believed that the civil—and specifically, legal—sphere could encompass diversity of belief, although his position on Church purity was “uncompromising” (66).

Goodman next turns to the Quakers, who were an irritant to the colonists not only because of their religious dissent and proselytizing, but also because of

their challenge to Puritans' lawmaking. The Quakers, like most legal thinkers of the period, believed that because the common law embodied age-old custom, and pre-existed any positive law, there was little or no need to make new laws. Once the colonists had published the comprehensive "Book of Liberties," the Quakers insisted, any further lawmaking was not only unnecessary but illegal; however, the Puritans continued to make laws. The Quakers also insisted on their due process rights as Englishmen, using this birthright to attack the Puritan measures against them. They further challenged the Puritans' notions of jurisdiction in legislating against people outside of their geographic boundaries. Goodman's overall point is that the animosity toward the Quakers was based as much on notions of community and law as on religion.

Goodman includes a chapter on Native Americans in the Bay Colony, although she acknowledges that a more accurate term than "banishment" for the experience of Indians after the colonists arrived in the New World is "dispossession by degrees" (115). She shows that the process of banishment to Deer Island, ironically, allowed the Indians to move "from a legal status dependant almost entirely on territorial affiliations to one dependent on their actions and thus constitutive of membership in the sense of common law" (116). By sending the Indians to a place within Puritan territory, yet without any promise of territorial ownership, the Puritans created a space within which the Indians became common law actors, recognized as subjects by virtue of their actions, such as their deeds in King Phillip's War, rather than by territorial affiliation.

Goodman concludes by noting that banishment, despite its widespread condemnation, is still practiced today against the homeless, sex offenders, and illegal immigrants, and, ironically, by Indian tribes. She also observes, however, that the victims of today's practices, like their forebears in colonial Massachusetts, speak out in challenges to these laws that "fuel division [rather than] disseminat[ing] it" (162).

This otherwise illuminating book is marred by its over-use of unnecessary critical theory—surely we do not need Jacques Derrida and Hillis Miller to tell us that people have mixed feelings about offering hospitality to strangers—and by a certain tentativeness of expression, as when Goodman repeatedly uses phrases such as "in other words" or "put another way" to rephrase a thought, as if she felt unsure that the preceding explanation had made her point. At times, one simply worded explanation would have served her better than the complex, theory-laden ones that she offers. Nonetheless, this book's challenge to orthodoxy will interest anyone who follows American colonial history.

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