and educators will find it a useful introduction to the subject for students. There is some repetition of events and incidents across chapters, but this is to be expected in a volume featuring separate authors working in the same subject area and limited time period.

Both books are thoughtful and welcome additions to the burgeoning literature of the Civil War and do much to illuminate our understanding of Pennsylvanians' participation and legacy.

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Blake A. Watson. *Buying America from the Indians: Johnson v. McIntosh and the History of Native Land Rights* (Tulsa: University of Oklahoma Press, 2012). Pp. xvi, 456. Illustrations, notes, bibliography, index. Cloth, $45.00.

Bartosz Hlebowicz with Adam Piekarski, editors. *The Trail of Broken Treaties: Diplomacy in Indian Country from Colonial Times to Present* (Wyższa Szkoła Gospodarki, 2011). Pp. 237, illustrations, notes, index. Polish, with English translations. Pricing unavailable.

Did Native Americans truly own the land they inhabited? As law professor Blake A. Watson demonstrates in *Buying America from the Indians*, this question vexed generations of early American legal theorists. Ultimately, most agreed that Native Americans did not hold absolute title to their lands, which instead belonged to the European powers that had "discovered" those lands. While the book is primarily a history of the landmark 1823 Supreme Court case of Johnson and Graham's *Lessee v. McIntosh*, Watson also explains how early American legal doctrines continue to affect the land rights of indigenous groups in the United States and abroad. His book will interest scholars of property law, Native American rights, and early American land speculation, as well as laypeople who enjoy narrative history.

The case of *Johnson v. McIntosh* stemmed from two separate land deals that speculators conducted in 1773 and 1775 with the Illinois and the Piankeshaws, who lived in present-day Illinois and Indiana. While the British Proclamation of 1763 had banned white expansion beyond the Appalachian Mountains, a variety of speculators conducted direct purchases of Indian lands around this time. Some were buoyed by the Camden-Yorke

opinion of 1757, in which England's solicitor general and attorney general held that land sales in the Indian subcontinent could be transacted between Indians and individual Europeans. Others aimed to entice well-connected politicians with shares in backcountry land companies, hoping to develop new colonies in the West. As Watson recounts, the American Revolution intervened to dash these plans. Because private speculative activities undercut the potential for the new patriotic governments to profit from sales of western lands, the revolutionaries promptly mimicked British policies by preventing individuals from transacting land deals with Indians and temporarily halting expansion beyond the Appalachians.

Nevertheless, the purchasers of the Illinois' and Piankeshaws' lands sought to cash in on their original agreement, either by securing legitimate land titles or by receiving compensation from the US government for extinguishing Indian title to millions of acres of land. While some possibility of remuneration remained in the first few decades after the Revolution, this outcome became increasingly unlikely as the United States began to purchase much of the land in question in separate treaties. The heirs to the original purchasers, along with subsequent investors in the project, pressed for a lawsuit to settle the issue. The case that ultimately proceeded through the court system depended on a legal fiction, based on the conceit that "Simeon Peaceable" had leased land from two of the speculators (Johnson and Graham), only to be forcibly ejected by another lessee, "Thomas Troublesome," who rented from William McIntosh. A merchant who had bought land in Illinois from the federal government, McIntosh likely agreed to be a defendant in return for a financial reward from the speculators.

In the colonial era, only a handful of intellectuals like Roger Williams of Rhode Island believed that Indians held full legal ownership of their land. Most believed that Indians could not truly own land since they lacked the civility of Christians and failed to sufficiently improve land for agriculture in the European style. The legal basis for these beliefs rested on the internationally recognized doctrine of discovery, which held that the European nation that discovered land in the New World had the exclusive right to own it. A small minority of early American legal scholars also believed in the doctrine of *terra nullius*: that Indians deserved no right at all to their lands, and that any payments for lands should merely be made as an expedient to avoid bloodshed. While it rejected *terra nullius*, the Supreme Court under Chief Justice John Marshall held two minds: in *Johnson v. McIntosh* (1823), it ruled that Indians did not own their land, but rather possessed occupancy rights

to it. The United States owned the land by virtue of the doctrine of discovery, thereby rendering void any private sales transacted with Indians. In *Worcester v. Georgia* (1832), the court "implicitly overruled *Johnson v. McIntosh*," arguing instead that Indians actually owned their lands (326). In this interpretation, discovery granted the US government a preemptive right to purchase Indian lands, but only should the Indians choose to sell them. A fuller investigation of this switch in opinion would have been instructive. Instead, Watson only hints at the possible reasons. Marshall expressed his political opposition to Democratic efforts to remove Indians to the West. He also had misgivings about the doctrine of discovery, which he felt disregarded Indians' natural rights.

Subsequent courts ignored the distinction made in the *Worcester v. Georgia* ruling, making the interpretation of the doctrine of discovery laid out in *Johnson v. McIntosh* the law of the land. Watson notes that the ruling has since been a cornerstone of the law in much of the English-speaking world, influencing major court decisions on indigenous land rights as recently as 1996 in Canada, 2000 in Australia, 2003 in New Zealand, and 2005 in the United States. In 2009 and 2010, all of these countries embraced the United Nations Declaration on the Rights of Indigenous Peoples, which states that native peoples "have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired" (354). In light of this, Watson states: "the U.S. Supreme Court should acknowledge the UN Declaration on the Rights of Indigenous Peoples and revisit the 'limited possessor' conception of indigenous land rights set forth in 1823" (355). He also calls for the United States to "formally reject the discovery doctrine" (356).

Watson's call to action would likely find support among the contributors to the collection entitled *The Trail of Broken Treaties*. This book arose out of a 2009 conference on Native American treaties that brought historians and anthropologists from Poland, Germany, and the United States to the University of Economy in Bydgoszcz, Poland. According to the editor, Bartosz Hlebowicz, the resulting volume "reflects a substantial part of the state of Polish studies on Native Americans" (10).

The volume leans heavily on recent early American historiography, aiming to "(face) east" in an effort to adopt the point of view of Native Americans, in the spirit of Daniel Richter's *Facing East from Indian Country* (13). Hlebowicz's examination of eighteenth-century forest diplomacy in Pennsylvania takes James Merrell's *Into the American Woods* as a starting point, and delves further into the Delawares' use of wampum. Mirosław Sprenger's discussion of

nineteenth-century Indian agents in the Arkansas and Upper Platte valleys uses Richard White's "middle ground" as a central metaphor. Other essays address the constitutional status of Indian treaties, the struggles of the Shinnecock Indians of Long Island in their quest for federal recognition of their tribal status, and the Delawares' attempts to carve out a form of sovereignty for themselves in Oklahoma on the territory of the Cherokee Indian Nation.

Some of the volume's essays speak to the legal issues that Watson raised. Henry Kammler's essay focuses on the 1993 "BC Treaty Process," an ongoing effort by the government in British Columbia to negotiate settlements with native tribes to compensate them for the Canadian government's land grabs. Similarly, Harry Schüler describes New York State's ongoing efforts to defraud the Iroquois out of their traditional land rights. Despite the doctrine of discovery and the US Constitution banning state-negotiated land sales, New York State purchased approximately 6 million acres of Oneida land between 1785 and 1842, using a variety of underhanded tactics. During the twentieth century, the state blocked Indian efforts to sue for the return of some of these lands by arguing that Indian treaties were a federal matter. This forced the Oneidas' lawyers to sue New York counties during the 1970s. By the 1990s, the state began settling out of court, granting rights to a small number of tribes to build casinos. The Oneidas used their casino profits to repurchase their traditional lands. When the Oneidas began selling goods on their repurchased lands without charging sales tax, the city of Sherrill sued for property taxes, eventually prompting a 2005 US Supreme Court decision that held "that repurchased land within the boundary of the Oneida's land claims did not unilaterally revert to sovereign tribal status" (121). The court also held that Indians waited too long to bring their land claims to court, according to what is known as the laches doctrine. The laches defense has so far barred further pursuance of land claims by Native Americans in New York.

Two final essays in the collection present conflicting views of Native Americans' current status, in light of recent legal outcomes that limit tribal access to traditional lands while granting some tribes access to casino gaming. The former assistant chief of the Delaware Tribe of Indians, Michael Pace, argues that "tribes today are using their new wealth to promote the old ways and slowly are helping their people through the new age of cultural awareness, language and the return to traditional ways. The expectations are better than it has been in the past; the 'Pride' of its

people is on the rise once again" (219). Professor emeritus John Strong states, "The old stereotype of the 'noble savage' has been eclipsed by the 'entrepreneurial Indian' basking in the flush of gambling and tax free tobacco profits. This new image, of course, is yet another convenient perspective that distorts reality. Most Indian populations remain in poverty, facing bleak futures with inadequate facilities for health care, education, and housing" (230).

While little is groundbreaking in this collection, *The Trail of Broken Treaties* adds to the growing international scholarly consensus that the United States fails to treat its indigenous populations justly. Along with Blake Watson, several of the collections' authors demonstrate that federal Indian policies are out of step with internationally recognized norms. This suggests that judicial precedents based on colonial attitudes may be difficult to sustain in the coming years.

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Dustin Gish and Daniel Klingboard, editors. *Resistance to Tyrants, Obedience to God: Reason, Religion, and Republicanism at the American Founding* (Lanham, MD: Lexington Books, 2013). Pp. 260. Index, notes on contributors. Cloth, $85.00.

Resistance to Tyrants, Obedience to God: Reason, Religion, and Republicanism at the American Founding represents a substantial effort to present and explain the importance of "Bible religion" in the United States from the founding of the nation through the antebellum years. It is an interdisciplinary work that showcases the talents of thirteen scholars from at least eight different disciplines. The editors and authors did not undertake this project to discuss the various religious beliefs of the Founders or plumb the depths of their faith, however. The essayists indicate that, regardless of what they may have professed individually, the Founders used the Bible as a guide and reference to shape both their rhetoric and their vision of the nation. In fact, they paired this ancient source with the modern influences of the moderate English Enlightenment. In short, the resulting "creative tension" involved in this balancing act produced remarkable things: a uniquely American political idiom and thought—and the republic itself.