

Order and Freedom in Huron Society *

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RÉSUMÉ

Au moment où ils furent découverts par les premiers explorateurs, les Hurons formaient une fédération pour fins de commerce et de défense. Bien qu'assez nombreux et vivant sur un territoire délimité, ils possédaient une organisation sociale très floue. A cause de leur individualisme et de leur indépendance, les chefs ne pouvaient imposer que peu de sanctions ou de châtements. Ces derniers, toutefois, contrôlaient et dirigeaient le droit qu'avait tout Huron de tuer des sorcières reconnues comme telles. Ce droit, qui à première vue semblait engendrer la désorganisation socio-politique, contribuait à renforcer l'autorité légale et politique des chefs.

An essential aspect of human society is conflict between the interests of the individual and those of the society or social groupings of which he is a member. Some anthropologists, impressed perhaps by the relative homogeneity of primitive societies, have constructed societal models stressing functional integration, the contribution which the part makes to the operation of the whole. In such models even conflict has been treated as an integrating force within society. But the human being, unlike the social insect, is not a unit preconditioned to play its assigned role as part of a greater whole. However much a society may try to train and condition its members into a cooperative unity the different constitutions and life experiences of individuals create a wide variety of personalities and interests, while competition for society's rewards brings them into conflict. Thus there exists a contradiction between the individual's freedom to do what he wills and the necessity for his society and its social groupings to assure their survival through the maintenance of public order. Between these conflicting interests every society has had to reach some kind of compromise. In some the rights of the group have been empha-

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sized at the expense of those of most individuals; in others the right of the individual is prized ahead of the smooth functioning of the group.

In this paper we propose to examine the relationship between law, authority, and attitudes toward individual freedom among the Hurons of the 17th Century. The Hurons are interesting as a people forming a large and territorially compact confederacy marked by little organic solidarity, prizing personal self-reliance and independence, and whose leaders were able to exercise few overt sanctions.

We will first describe briefly the social and economic conditions which prevailed in Huronia in the first half of the 17th Century and the general personality structure of the Huron. Then, as a prelude to the investigation of Huron law, we shall go on to discuss the political organization and the nature of authority in Huron society. We will then relate this to the substantive material about Huron law and social control in general, or rather those aspects best covered in our sources, namely, those dealing with murder, injury, theft, sorcery, and treason. In so far as law relates directly to the regulation of the relationships between a man and the social groupings in which he participates, a consideration of law is important to any study of the respective rights and duties of the individual in society. Finally we shall consider the more general implications of our data as regards the relation between authority and personal freedom in this society.

Context

The Huron was the largest of the Iroquoian confederacies. It was composed of four main tribes and some smaller bands, altogether numbering perhaps 25,000 people. Two of these tribes had joined the confederacy only shortly before it was discovered by the Europeans, and slight cultural and linguistic differences persisted into the 1630s. Each tribe was settled in its own area, but unlike the Iroquois confederacy, the individual areas of tribal settlement were not geographically separated. In historic times the four tribes were concentrated in the upper portion of Simcoe County, Ontario, in an area not exceeding 800 square miles, while

the rest of southeastern Ontario remained virtually uninhabited. The Hurons lived in 20 - 25 settlements which they moved as the soil or supply of firewood became depleted. Some were hamlets but the larger ones, which were fortified, held over 1000 people and one may have exceeded 4000 (Trigger 1960: 16, 17). Large fortified villages were common to many groups in the Northeast where they appear to have arisen in response to a spiralling pattern of warfare (Wright 1960:115)¹. Warfare was clearly a factor promoting the development of leagues as defensive units but was not sufficient to produce a tight concentration of villages — as is shown by the Neutral and Iroquois. To explain this aspect of Huron settlement we must examine the special qualifications of Huronia itself.

This fertile region was located in the midst of rich fishing areas on the southern edge of the Canadian Shield. Surrounded on two sides by open water, it was the jumping-off spot for canoe travel to the north along the shore of Georgian Bay. Thus it was an ideal place for trade between the agricultural peoples of Southern Ontario and the hunters of the north. Control over such trade must have been an inducement for Iroquoian settlement in this area and for the growth of the Huron confederacy. With the development of the fur trade (in which agricultural Hurons acted as middlemen between the northern hunters and the French) a maximum concentration of settlement was achieved in the area just south of Georgian Bay².

The basic factors shaping the confederacy were thus defensive and commercial. The member groups observed internal peace, held their enemies in common (JR 16:227), and, most important in historical times, shared jointly in the French fur trade while excluding other groups (JR 21:155). The effectiveness of the confederacy in achieving its goals depended on the suppression of blood feuds and the establishment of an effective rule of law among the member groups. This had to be established in opposi-

¹ For different delineations of this process see WITTHOFT 1959:32-36 and WRIGHT 1960:117.

² This argument is documented in two papers which the author wrote subsequent to this one. See TRIGGER 1962, 1963.

tion to a condition of endemic raiding in which prisoners were sought to make up for previous losses. These prisoners were turned over to families who had suffered such losses for adoption and torture. Among the men at least, who were away from the villages for much of the summer trading, hunting, or raiding, bravery and self-sufficiency were prized traits; they were sensitive of their honour and intolerant of external restraints (Wallace 1958:246). Insults or public humiliation often produced a violent reaction and not infrequently suicide. On the other hand, the crowded and public conditions of Huron life, especially in the winter, necessitated much cooperation and group conformity. Individual frustrations were released in socially sanctioned ways at the "mad feasts" or through the institution of "dream wishes" which allowed an individual to make demands on another person or on the group with the understanding that such demands were those of his soul and their fulfillment (real or symbolic) vital to his health (Wallace 1958). There was also a considerable dread of witchcraft. As one suspected of witchcraft was in danger of being killed, the fear of becoming the object of such suspicion was a strong inducement to conform³.

The Huron was a confederacy in fact as well as name. Little integration even on the tribal level was inherent in the technology or basic social structure. Each sib⁴ had its own leaders from whom the leaders on the tribal and confederacy level were selected. These sibs were capable of shifting their loyalties from one village or tribe to another or of forming new ones (JR 8:105; 10:279). The practice of adopting lineages made the sib a flexible political grouping, not wholly dependent on the vicissitudes of reproduction (JR 16:227). Despite the Hurons' role as traders over a large area in the Northeast, little organic solidarity was inherent in the economy. Each lineage supplied its own food needs (Grant 1952:327) and crafts were not elaborately developed.

³ For a discussion of personality pertaining as well to the Iroquois see WALLACE 1958; for suicide among the Iroquois see FENTON 1941:79-137. Digests of these articles are in DRIVER 1961:540-543.

⁴ An exogamous group composed of two or more lineages related by a common bond.

However much the individual sibs may have differed in wealth or prestige, or however outstanding certain chiefs may have become, no group was able to achieve successful hegemony over another. Tendencies in this direction produced dissatisfaction and led to the disintegration of alliances (JR 10:281). The tribal leaders possessed no police force or even a special group of retainers capable of inflicting overt physical sanctions and assuring automatic obedience (Grant 1952:328). This absence of "absolute authority" led the earliest writers to deny that the Hurons had any form of law (LeClercq 1881:110; Grant 1952:321). Brebeuf (JR 10:215), Lalement (JR 28:49-51), and Bressani (JR 38:277), who lived longer among the Hurons and were more sympathetic to their ways concluded that the Hurons did have laws, which if different in principle were no less efficacious in preserving public order than were those in France.

Political Structure and Authority

Our first problem is to distinguish who were the leaders in Huron society and what sort of authority they exercised.

Huron society was composed of a number of exogamous matrilineal sibs, called "grouped family stocks" in the literature. These in turn were made up of matrilineal extended families which normally lived together in one or more longhouses. While such a house was apparently the property of the senior female, the most important male occupant, often her husband, was its effective head. The sibs recognized a common ancestor several generations removed (JR 16:227-9), and each had a crest (JR 15:181). It appears that each of the sibs possessed two chiefs — one a war leader and the other for civil affairs. The sources say that some of these offices were passed on within a single matrilineage, others were purely achieved. An analogy with the Iroquois would suggest that the civil offices were inherited. But as there was no specific rule of succession the acquisition of even an hereditary office depended upon an individual's wealth, industry, generosity, eloquence, and, above all, valour (JR 10:299-35; 38:265). Besides these, other men of outstanding ability were allowed to participate formally in the work of government, such offices being also non-hereditary.

A typical village was made up of several sibs who united for the duration of the village. But when the village was moved, sibs might break off or villages unite to form larger ones (Wrong 1939:92; JR 8:105). The sib chiefs collectively constituted a village council, in which the chiefs of larger sibs or those with greater ability tended to stand out. The village was the basic unit of defense and of day-to-day association. It was also an important unit of economic cooperation and ritual activity. Its cohesion and effectiveness as a unit contrasted with the less frequent or regular relations of the tribe or confederacy to make it the basic political unit of Huron society.

Despite their inability to use force openly to command obedience these chiefs were accorded honour and respect. The war chiefs led the rather chaotic expeditions into enemy territory (Grant 1952:294). These expeditions often involved several villages and the chiefs decided on the allocation of prisoners among the various towns and the families within the towns (JR 11:37). Likewise the chiefs entered into secret agreements with foreign tribes (JR 33:119). In order to assure the safety of the village, warriors leaving it for an extended time had to secure the permission of the chiefs (Wrong 1939:99). The village chiefs arranged for public feasts, dances, lacrosse matches, funerals, and ceremonies — exhorting the people to attend, maintaining order, and deciding for whom special ceremonies would be performed. Many held important positions in the religious societies (JR 28:89). The council provided leadership in public affairs — deciding policy (JR 19:163), and coordinating public projects such as fortifying villages and house building (Wrong 39:79; JR 13:57), and providing relief to distressed families (JR 13:45). The village chiefs also decided legal cases, examining the evidence, passing decisions, and seeing that they were carried out. They also handled the public treasury which was used to pay public compensations and for diplomacy (JR 10:235; 33:133). Their leadership is indicated by the common statement “if I were such and such a chief it would be done this way”.

These chiefs enjoyed certain privileges. Important civil or military chiefs had larger houses (JR 11:59) which had special names and where councils could meet and the important feasts

and ceremonies were held (JR 33:205). The chiefs were given the best portions of food at feasts, as well as presents and brides (JR 10:253, 303). Those who managed the redistribution of goods at certain feasts are described as appropriating large portions for themselves (JR 10:303-305). Once when a young man struck a chief the whole village rushed to his aid and was restrained only with difficulty from killing the youth on the spot (JR 38:267). Thus through prestige, the influence of their wealth, and qualities of leadership the chiefs were able to command respect and function effectively as authorities without a police force or band of retainers. We shall later carefully examine what coercive measures they were able to employ.

The villages, as mentioned before, formed four tribes of unequal size. The Bear, a large tribe threatened with division contained 14 villages, the Rock and the Cord 4 each, and the Deer one large village. The chiefs from the villages met annually to conduct tribal business, though meetings of chiefs concerned with special problems were held as they were required. At the head of each tribe was a tribal chief who was also a village and clan chief. The affairs of the tribe were conducted in his name (JR 10:229-31). At these meetings matters of concern to the tribe as a whole were discussed, including the arrangements for the feast of the dead — a tribal ritual held about every twelve years (JR 10:279). There is no evidence of legal disputes being referred to these councils. Disputes between people of different villages were settled by the chiefs of the villages concerned.

It is not clear whether meetings were held annually on the confederacy level, but sessions were held to discuss common problems, usually concerning war and foreign relations. The presiding officer at the time the Jesuits were in Huronia was the oldest man present. Though blind, he was respected for his age and wisdom. Apparently the Bears sat on one side of the council and the remaining tribes on the other (JR 15:37). As in meetings on all levels, careful order was observed and a special decorous form of speech (*acwentonch*) was used (JR 10:257).

Traditionally Iroquoian chiefs have been described as men able to exercise little power. They are said to rule by entreaty

and to lack real authority. Nevertheless even in extremely simple social groupings leadership is required. The regulation of affairs by the members of the group as a whole or by lateral control appears to be idealistic folklore rather than fact (Pospisil 1958: 258-62). The Huron confederacy was a large and complex political unit; one might expect the need for considerable authority to secure its working. We have seen that in fact the chiefs did enjoy considerable power and overt prestige. We must now examine the way in which this power was based on their ability to impose direct and indirect sanctions upon their followers.

Law: Murder, Injury, Theft

To do this we will outline the basic structure of Huron law and describe its relation to Huron society. As comparison with Morgan's (1954:156, 321-25) accounts will show, many features of this law also appear among the Iroquois, and among other groups in the Northeast as well (LeClercq 1881:121-7). The special interest of the Huron confederacy is its indication of the scale on which such an organization continued to be effective. We conceive of law as socially recognized and sanctioned modes which provide for the adjudication of disputes between parties by a recognized authority. Law is distinguished from political activities by its intention of universal application (its normative aspect) and from custom by its enforcement by an authority (Pospisil 1958:257-72).

Three generalized legal levels may be perceived in Huron society. The first is that of the kin groups, the second that of the village, and the third we might term "international". The first level concerns offenses committed within the kin group, including its punishment of members for actions which have brought public disgrace or harm upon the lineage or sib. Of all legal levels, our data on this one are the least complete. The data that do exist appear to indicate that offenses within the kin group, the lineage or sib, were punished by the group concerned. On the basis of the evidence we are unable to determine in what degree punishments within these groups were standardized by custom or how much they were adapted to the individual case. The second level, where disputes were handled by members of

the village councils, judged disputes arising between members of different sibs whether they were of the same or of different villages. If the dispute was of the latter sort the chiefs of the villages concerned met and attempted to work out an appropriate course of action. The third level, in reality an extension of the second, involved disputes arising between Hurons and the members of tribes with whom the Hurons traded. Again the authorities were the leaders of the Huron village and the tribe or group concerned (or a neutral judge if one were available (Grant 1952:306-10), although the weaker bonds uniting the Hurons and these tribes often made the settlement of such cases less certain. Offenses involving members of other groups were matters to be settled only by feud and blood revenge. Even a Huron who would break truce with such a group went unpunished by his people.

The Hurons recognized four major offenses as being of special concern — murder and its lesser equivalents — injury and wounding, theft, witchcraft, and treason (JR 13:211). In the case of the first two, when such crimes were committed by members of different kin groups thus requiring the intervention of village authorities, it was the practice for the village as a whole to provide compensation for the crime, or the sanction to be applied against the kin group of the offender, and not against any individual. The problems of witchcraft and treason are more complicated and will be dealt with in turn.

Killings outside the kin group were compensated by payments whose value varied according to the sex and status of the person slain. These payments were made by the village council to the family of the murdered man (JR 10:215). They were valued according to the number of presents involved, the number being settled by discussion among the chiefs of the village or villages concerned. Each gift had the approximate value of a beaver robe (JR 10:217). Those receiving the compensation had the right to reject any present they felt was unworthy and to demand another in its place (JR 33:245). If a wealthy man or chief had been slain the compensation was greater than for a man of little importance (JR 11:15), and the murder of a woman was fined more heavily than that of a man, presumably because the tribe

was thus deprived of her reproductive capacity. Men averaged about 30 presents, women 40. Even more expensive were the compensations for the murder of individuals among friendly groups with whom the Hurons traded. The most expensive compensation on record was exacted by the Jesuits, who were protected by the French-Huron trading alliance, for the murder of one of their lay assistants (JR 33:229-47).

These compensations were paid not by the murderer or his sib, but by the village in whose territory the murder had occurred. They were paid whether the murderer was known or not (JR 13:3). If a man (more rarely a woman) had married into the village it was still paid to the sib from which she had come (JR 19:85). When the amount of the compensation had been settled the injured sib presented the village chiefs with a bundle of sticks equal to the number of presents that must be paid. The village chiefs would announce the amount of the fine and divide the sticks among the sibs or call upon the villagers to vie in contributing sufficient gifts to the public treasury to cover the amount. No one was compelled to contribute though it was considered honourable and praiseworthy to do so (JR 28:49-51). The village chiefs always examined the evidence carefully to make sure a murder had taken place, and if the murdered man were from another village and the evidence of crime could be suppressed would do so to avoid the need of paying compensation (JR 19:85). If a village refused to pay for a known crime to the family living in another after two or three requests that it do so, the injured village would take up arms (JR 10:219; 38:287). While this is reported as custom, the fact that we have no actual cases of this reported suggests that payment was regularly forthcoming.

The final payment of the compensation took the form of an elaborate ceremony that might last several days. The chiefs presented each gift separately. Each gift symbolized some intention or metaphoric act and was accompanied by a speech telling what it represented. From these speeches, which differed only a little from ceremony to ceremony, we can get an idea of what this compensation was meant to accomplish. The purpose of the presents was to blot out the crime, honour the murdered man,

console his relatives and possible avenger, reunite the country, and restore normal relations. As an expression of good faith some smaller presents might be given in return (JR 10:215-21).

This, combined with the nature of the settlement itself, demonstrates that the primary aim of legal action on this level in the case of murder was not the punishment of the offender or the simple gratification of the offended family, but the repression of blood feud and the restoration of amicable relations between kin groups. Deep fear of the disruptive effects of blood revenge is shown by the special effort made in the law to repress it. If a family resorted to blood revenge, not only were all rights to receive compensation for the original murder forfeited, but the avengers were themselves regarded as murderers and their village required to pay the regular penalties. The *Relations* report that this was done "to show how detestable they regard vengeance; since the blackest crimes such as murder, appear as nothing with it" (JR 10:223).

It is reported that in the past the murderers themselves had been subjected to formal punishment, being compelled to lie in a cage directly under the rotting corpse of their victim until the victim's relatives gave them permission to leave, at which time a release present was paid (JR 10:221). This may have been a bit of post-contact hagiography invented for the Jesuits' benefit, or it may have been a custom of only some of the tribes which was given up after they had joined the confederacy. Or it could have been general and was replaced by more expensive compensations as trade came to dominate Huron society. The point remains that the murderer was humiliated or inconvenienced by the victims's kin group, not by the authorities, and not killed.

Wounding was naturally a less serious offense and was compensated according to the seriousness of the hurt (JR 10:223) and the status of the person injured. Such cases were judged by the village chiefs and the compensation paid either by the village or the offender. If the wounded person was of consequence and a visitor in the village, compensation and a feast might be given for him by the village to maintain goodwill, while his assailant would be publicly denounced and ridiculed as a "cur and a villain" (Wrong 1939:164-6).

The Hurons were notorious among the French for thieving. They cheerfully admitted pleasure in acquiring unattached goods, but theft was defined only as the removal of goods forcefully or from cabins without permission. The original owner could not compel the return of goods which he had left lying out of doors. Hence the Hurons often hid their valuables in caches dug into the floors of their houses (Wrong 39:95)⁵, or carried them around with them for safekeeping. Fines or penalties were not imposed on a thief, but if a man could prove who had robbed him he had the right to go with his relatives and plunder the thief's longhouse and all its inhabitants of their food, clothing, and possessions whether in his own village or in another (JR 13:13). Thus the consequences of a small theft could be quite serious. However, if a man was found with stolen goods the owner did not have the right to reclaim it on the spot or take action without asking first how he came by it. If he said he had gotten it from someone else the owner was expected to question that man in turn. A refusal to answer constituted an admission of guilt (JR 38:267-71). Occasionally medicine men (*okis*) were hired to uncover a thief but their methods were said to work only if performed in the presence of the thief, who might betray himself through showing fear (Wrong 1939:141). Certain trade routes were privately owned and the owner was permitted, if he could, to seize the cargo of anyone who used these routes without his permission. But he could not do this after the illicit trader had returned to his village (JR 10:225). The cases of theft provide at least one interesting example of the workings of Huron law. A poor woman had temporarily left a treasured shell collar unguarded in the fields, from which it was taken by a neighbour. When the case was taken to the chiefs they pronounced that the woman who had taken the necklace was legally entitled to keep it. But they added that if she did not want people to think very badly of her she should return it — and perhaps receive in return a small gift. This case demonstrates clearly not only the regard shown for abstract rules (which are attested elsewhere) in formulating decisions, but also how rules

⁵ These caches were also a protection against fire.

were transcended in the interests of a socially more satisfactory decision (JR 38:271-3).

Thus in essence theft was settled in the form of retribution exacted by the kin group of the offended person on the kin group with whom the offender lived. This form of retribution reflects the importance of the kin group in Huron society and parallels the repressed pattern of blood revenge. It was carefully controlled, however, and resulting only in loss, not injury or death, to the offender's group, it was potentially less disruptive.

Sorcery and Social Control

We have seen how murder, violence, and theft were not restrained by applying sanctions directly against the offender. Rather the village sought to restrain blood revenge by paying compensation to the family of the murdered man, and to settle proven cases of theft by allowing the robbed man's family to plunder that of the thief. The Jesuits describe this indirect enforcement of law as being remarkably effective — an opinion which carries weight when made by 17th Century Europeans. We must enquire how individuals in turn were induced to observe the law. Within the village and the kin groups gossip and other psychological sanctions were strong forces for maintaining social order (JR 28:63). But to understand why the Hurons were seemingly as exceptionally sensitive to these sanctions as they were we must enquire further if there were coercive measures which could be used against offenders to induce them to conform.

Within the kin groups two drastic measures appear to have been used. We are told of a man killing his sister, who was an incorrigible thief (JR 8:121-3), without public notice. We are also told of individuals being expelled from their longhouses and shunned by their kin. A man thus ostracised was forced to perform women's tasks in order to live and was made an object of public ridicule as well as subjected to economic hardship (JR 23:67).

Looking beyond the kin group, several cases show that repeated misbehaviour seems to have left an individual open to charges of witchcraft (JR 19:85-7). Witches (*ontatechiata*) caught in an act of (supposed) sorcery could be slain without

fear of penalty or condemnation (JR 8:121-3; 10:223). A sick man's dream, a rumour, or being seen off in the woods alone was enough to arouse suspicion against a person (JR 33:219). Likewise, rich men who refused to give feasts were likely to be suspected (JR 30:21). In times of crisis, when tensions would run high, veritable pogroms were initiated against suspected witches (JR 19:197). But unless subject to some form of social control, such a rule could have had extremely disruptive consequences. It remains to be seen under what controls such an institution operated and what relation it had to the processes of Huron law.

We note that despite the seeming informality of the procedure, in many cases the witches were slain on the orders of a captain or of the whole village council, and that in other cases the captains are described as threatening individuals with an accusation of witchcraft and death⁶. We may assume, moreover, that the Jesuits were prevented from learning of some of the meetings where accusations of witchcraft were discussed, since they were known to be held secretly. In some cases the witch seems to have been pronounced guilty *in absentia* and an executioner appointed who would kill him without warning. In others the witch was arraigned for trial. In one case a woman was ostensibly invited to a feast. When she arrived sentence was passed on her and she was tortured to make her name her accomplices. Then she was asked to appoint her executioner⁷. She was then tortured further with fire, killed, and her body burned publicly (JR 14:37-9). It was once suggested to the Jesuits at a council meeting that a confession of witchcraft should be tortured from them (JR 15:49). No doubt in the majority of cases and in spite of the formal rule an individual was restrained from killing a person as a witch in the absence of chiefly sanction from fear that he would be accused of having been mistaken and having killed an innocent person. The captains on the other hand were able to sanction such killings and to use their known

⁶ The threat of death was formalized: "We will tear you out of the earth as a poisonous root".

⁷ Morgan says that among the Iroquois a full confession in these trials was sufficient to gain an acquittal (1954:321).

power to do so to frighten individuals into seeking safety in approved forms of behaviour.

Further, the *Jesuit Relations* report that many murders committed by the Hurons themselves were covered up to look like the work of Iroquois raiders (JR 20:75). A captain who had a high office in one of the ritual societies threatened to kill a pagan healer in this manner after she had converted to Christianity (JR 30:23). Traitors are described as being quickly removed (JR 8:121-3), and we may conclude that the authorities used this method to get rid of undesirables. Since the chiefs were able to offer protection against suspicions arising from such murders they were able to use them for their own ends — the fear of which would have enhanced their authority.

Thus in so far as the chiefs regarded themselves as constituting a privileged group within Huron society and were willing to support their position, they were able to undertake either as a group or as individuals covert action which overrode considerations of family loyalty. Their ability to abuse this power was limited by fear of their followers withdrawing support and by rivalries within the group itself. Hence it was a power used most often in the public good.

Thus through these psychological sanctions, formal family sanctions, and the control held by the village authorities over the punishment of witches and disguised murderers, the individual was put under considerable pressure to obey the law as well as to conform generally, even though the authorities lacked the power to inflict formal punishment on individuals for such offenses as murder and theft.

CONCLUSIONS

Huron society at the time of contact was caught between two opposing forces. Its component units were only imperfectly fused; neither the councils nor the individual chiefs commanded a police force or retainers who could assure the execution of their orders. The lineages supplied their own food needs and the sibs retained much of their autonomy. The ideal of blood revenge persisted, and it was suppressed only with difficulty.

The masculine ideal stressed a pride in personal independence which tolerated a minimum of coercion. But on the other hand the need for defence, and later trading alliances, had created an area thickly settled with crowded towns. This and the communal life of the longhouses necessitated much cooperation. Huron society was striving for cooperation without organic integration.

This situation is clearly reflected in Huron law. In order to manage village and tribal life there were councils in which the sibs were represented by their leaders. Certain outstanding men dominated these councils, but any effort on the part of a leader or a group to exceed their privileges only disrupted the working of the alliance. This relative autonomy of the maximal kin groups was recognized in Huron law. The village council as the primary legal body strove to prevent feuding among the sibs. But it did not do so by passing sentences directly on the offending individuals. Rather it strove to pacify the family of a murdered person with gifts, usually provided by the village as a whole. The offending individual was humiliated but not coerced, and his sib was not given cause to regard his execution as the murder of one of its members. In the case of the less serious crime of theft the execution of justice was ideally left in the hands of the affected kin groups, though special rules were established and public judgments required to keep it in hand.

But the problem of social control did not stop there. Within the village crowded conditions generated numerous anxieties and interpersonal tensions. Some of these were channelled off in boisterous celebrations and "dream wish" demands; others were manifested in witch fear. An individual was said to be free to kill a proven witch without fear of reprisal. In fact, most of the killing of witches appears to have been done with the consent of the village chiefs. If there was support for it among the members of the council, individuals could be killed and their deaths blamed on raiders. These two methods of taking life allowed the chiefs to eliminate troublesome men and chronic offenders and to inspire some measure of fear and respect among their followers. Thus, perhaps mainly in the guise of combatting witchcraft the chiefs were able to exercise power to inflict sanctions which would have been intolerable had it been exercised in any other

context. In so far as the slayer's privilege was protected by law, so long as he slew a witch and judgments on the matter were passed before the slaying took place, the slaying of witches qualifies as an aspect of Huron law.

Traditionally Iroquoian society has been viewed as one in which the leaders lacked real authority. Quite correctly writers have indicated psychological sanctions and public opinion as one basis for authority and sanctions in the absence of a state, where the authority has a police force or other means of inflicting physical sanctions automatically at his disposal. In the case of the Hurons, however, we have seen that the lack of a state, even when combined with an emphasis on individual liberty and lineage autonomy and a reluctance to inflict formal sanctions against individuals did not imply a total lack of such sanctions. But rather the physical force which enhanced the power of the chiefs to maintain public order was lodged in the chiefly control over the right to dispose of an individual for a crime which was considered so heinous as to transcend all considerations of kin, namely, witchcraft.

At first sight witchcraft would appear to be a socially disruptive force, or at best a manifestation which arises where social relations permit a state of enmity to form. Other writers have discussed the role of occult practises and beliefs as a support for authority (Evans-Pritchard 1951). In Huronia witchcraft appears to have played such a role. The witchfear generated by Huron society served as the basis for a *de facto* authority which the emphasis on individual freedom and the independence of the kin groups seemed in theory to deny.

The Jesuit missionaries admired the effectiveness of Huron law in curbing violence and were amazed that it could function so well in the absence of the direct punishment of the guilty for serious offenses such as murder and theft. But like all serious social deviants the chronic lawbreaker ran the danger of being named as a witch and killed. Had the Jesuits considered this linkage they might have been less impressed with the leniency of Huron justice.

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