

to impose its views at trial than would be the case in an American courtroom? The more umpire-like American judge could not charge ahead into diatribes as do the judges here depicted. Were conservative German jurists right in claiming that all they did before and during Nazism was act as positivist expounders of the law that they found on the books? That claim is undermined by much of the evidence here. Perhaps no judicial decision has had such disastrous consequences as the refusal of a Bavarian judge to carry out the clear statutory mandate that Hitler after his conviction for the 1923 coup in Munich be deported as an undesirable alien (127–28).

The quantity of archival and secondary research embodied in this book is impressive, particularly when one considers that the author was engaged in active courtroom practice during much of the time. Overall, another run through an editorial process might have produced a somewhat less repetitious, smoother reading text. This is after all a doctoral thesis and accessibility to the public may not have been a primary concern during that process.

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David A. Weir, *Early New England: A Covenanted Society*, Grand Rapids: William B. Eerdmans Publishing Company, 2005. Pp. 478. \$34 (ISBN 0-8028-1352-6).

The title of this book is misleading. Rather than a survey of early New England society, Weir has tracked down what might be all the surviving foundational documents in church and civic government in New England to 1708 and analyzed their contents. Weir calls these documents covenants because they involved obligations to God as well as among people. He tells us that he pursued two “fundamental questions” in his analysis: “were the . . . civil covenants primarily theocentric, christocentric, or secular” and “how do the covenants, both church and civil, relate to [Perry Miller’s account of covenant theology]?” (2).

Neither of these two fundamental questions brings path-breaking results. It is not startling to hear that the Connecticut Fundamental Orders displayed a “broad Christian vision” (87), nor that the Providence Plantation civil compact of the late 1630s was “secularized” (103), nor that the 1641 Articles of Confederation of New England “asserted a Christocentric vision for all of New England,” (i.e., the document gave Christianity as the reason for the region’s European settlement) (108). Calling New England a covenanted society does not in itself say much, except that it was officially religious; Weir states that covenanting could facilitate individualism or communalism, archaic restorationism or modernization, separation of church and state or their intertwining, and democracy or despotism, among other dichotomies (222–24). He concludes that “the flexibility of covenant theory and practice can explain . . . the various highways and byways that the covenant concept and the various forms of Puritanism took in both Old and New England” (223). Puritanism and covenantalism were flexible, in other words, because they

were flexible. A quasi-nineteenth-century air of filio-piety tends to build up after repeated flat assertions of how theo- or Christo-centric most of these documents were, and more hard-headedness in the prose would have provided balance. Weir could have noted, for example, that the Confederation of New England's assertion of its Christocentric vision soon involved arranging the murder of the Narragansett sachem Miantonomo. Weir's overt engagement with Perry Miller's covenant account seems to be limited to pointing out that these documents are diverse and do not support the latter's unitary "New England mind," but this observation is only to add another standard-sized nail to a coffin already generously supplied with ironmongery (111, 148). His survey of local credal statements concludes that covenant theology was not ranked among the most need-to-know Christian doctrines (211).

The book is rambling and repetitive. Weir revives without explanation Miller's long-exploded "errand in the wilderness" claim (23, 39–40). His practice of calling New England church rates "tithes" confuses two conceptually and practically distinctive things. Weir asserts that early New Englanders "did not believe that the state could . . . bring about significant societal change, whether it be moral reform, economic reform, social change, or religious transformation"(134), an assertion that leaves seemingly unaccountable the plethora of disciplinary laws, unfunded educational and religious mandates, banishments and executions of religious dissenters, control over town settlement, and efforts at economic regulation the region's governments attempted.

More plausible is the change over time that Weir detects in his documents. Early civil covenants, Weir generalizes, tended to be makeshift, and they could depart drastically from European models, most notably in Rhode Island and New Haven. As colonial governments became more centralized and imperial control increased, local "civil covenants" became more legalistic and uniform. On the other hand, religious diversity increased. On the basis of these changes, Weir concludes his text with a familiar trope: "The New England Puritans had now become Anglicized Yankees" (242).

One wishes that Weir had found more fruitful fundamental questions for these documents and that he had held his manuscript back for one or two more rewrites. Nonetheless, it is useful to have discussions of so many foundational documents in one place, and many of Weir's analyses are helpful. The book has an extremely generous amount of supplemental material: a sixty-one-page appendix entitled, "A Listing of Seventeenth-Century Towns, Churches, and Native American Praying Places in or Related to New England, Including a Checklist of Covenant and Foundational Activity, 1620–1708," a fifty-page bibliographical essay, and over eighty pages of notes. These alone assure that *Early New England* will be an invaluable resource for future researchers.

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