

BOOK REVIEWS

DEBATING—AND CREATING—AUTHORITY: The failure of a constitutional ideal in Massachusetts Bay, 1629-1649 by ELIZABETH DALE. Dartmouth Publishing Company, Aldershot, 2001, vi + 167 pp (hardback £45.00) ISBN 0-7546-2126 X

This is an account of the transition, in the early years of the Puritan colonisation of Massachusetts Bay, of the philosophy of government from a theocratic ideal to a structure of human authority. The former system is the 'failure' of the subtitle, and the latter was the end-result by the mid-seventeenth century.

The technique of the book is to paraphrase and analyse the principal judicial cases of the colony, in chronological order, and to outline the contemporary commentaries on them by key legal and political figures like John Winthrop, the colony's original governor. Most of the material described belonged in the civil jurisdiction, but there followed ecclesiastical cases in some instances; and, of course, the theological perspective was central to both forms of law.

The fundamental necessity of a theocracy is a universally accepted system for discerning God's will; and for a Puritan community this meant in practice a convincing system of discernment of those able to interpret Scripture. Dale's text traces the case law of episodes where disputes arose in law over the interpretation and application of Scripture; these were the moments when the community faced the threat of anti-authoritarianism, and in time these were to prove the causes of the collapse of theocracy as the model of community government.

The heart of the book is a sustained discussion of the case of Anne Hutchison (1637–38), which hinged on the question of her ability to interpret Scripture for herself and for others, and the correctness of her conclusions. The magistrates' disagreement and frustration in settling the question of her authority is demonstrated to be the turning point towards a new basis of understanding. If an ordinary woman could claim to interpret the Bible, what would become of the exclusive authority of the magistrates?

The resulting system of rule was also a theological one, but based on the idea of order and human authority as Christian virtues, and by the middle of the century the colony could be regarded as an oligarchy, not a theocracy.

The refreshing strengths of this treatment include the interesting balance of historical, legal and theological elements, making it useful for a reader from any one discipline, who does not need to have particular expertise in either of the others. And it is impressive to be free of the temptation of some scholars to write this kind of analysis against the presumption of a democratic ideal—a form of the 'progressive' view of history: Democracy may be

regarded in the modern secular world as self-evidently desirable in social organisation, but Dale is right not to assume that it must figure in a society founded on theocratic, or even generally theological, ideals. (Those of us who tend churches' legal systems find ourselves finessing e.g. Presbyterianism as 'a special kind of democracy'; but that is stretching the definition of democracy to avoid alarming people.)

The main weakness of the book is that the analysis tends to make the same points many times and does not suggest the lessons that could be learned by political science. In a £45 book with fewer than 120 pages of text (net of end-notes), more food for thought might have been expected.

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WORLDS COLLIDING, CONSERVATIVE CHRISTIANS AND THE LAW by REX AHDAR. Ashgate, Dartmouth, 2001, xii + 296 pp (hardback £50.00) ISBN 0-7546-2200-2.

The two worlds referred to in the title are what Professor Ahdar calls conservative Christians and liberalism. He describes conservative Christians as Christians with a particular mindset or attitude towards their faith and culture. They defer to, and endeavour faithfully to obey, 'authority'. For the Protestant conservative Christian, authority is Scripture, for the Roman Catholic conservative Christian it is Scripture and tradition. Conservative Christians believe in moral absolutes. They are restorationists: they seek to transform or restore society. They oppose the prevailing ethos or 'spirit of the age'. In contrast, Professor Ahdar describes the central tenets of liberalism as individualism, neutrality as to conceptions of the good life, confining religion to a person's private life, rationality, and belief in progress.

Until the 1960s the prevailing New Zealand culture was based on Protestant Christianity. Over the last forty years, New Zealand culture, law and government has embraced the liberalism ethos, at the expense of Christianity. How do the conservative Christian and the liberal, modernist 'worlds' co-exist? By and large, amicably. But in a number of areas the two worlds collide, in particular over the human rights movement, children's rights, and gay rights. Professor Ahdar considers the rights of parents to control the religious upbringing of their children, and to administer corporal punishment to them. He examines the right of churches to refuse to employ or to ordain homosexuals—a refusal which liberalism regards as archaic bigotry. He describes the New Zealand Church's recent challenge to the introduction of laws permitting same-sex marriages. In his conclusions, Professor Ahdar looks to the future, and argues that the ultimate security for conservative Christians' religious freedom (apart from God) is not the state, nor the judiciary, but lies in the hearts of people.