

Great Christian Jurists in French History. *Edited by Oliver Descamps and Rafael Domingo.*
Cambridge: Cambridge University Press, 2019. 485pp. 125.00\$

The present volume offers a synopsis of the lives and work of twenty-seven leading French jurists over a period spanning from the 11th century (starting with Yvo of Chartres) to the 20th century (ending with Michel Villey). These French portraits are part of a series on “Great Christian Jurists” meant to comprise ten volumes. A similar format for each chapter (biographical summary; presentation of the most representative work; major themes and contributions and, finally, a list of recommended reading) facilitates cross-reading and enhances the coherence of the volume. Beyond this recurring formal structure, the content of each chapter, in line with the contributor’s interests and the studied scholar’s life, varies widely. The contributors come from a broad range of disciplines and jurisdictions. Their fields of expertise cover History; Law-- Legal History, Law & Religion, Ecclesiastical Law; Philosophy and Political Science and their institutional affiliations are in France, naturally, but also Germany, Belgium, Switzerland, Italy, the UK, Canada and the US. The selected jurists they write about also come from a variety of professions: theologians, professors, pastors, practitioners and politicians, and from a multitude of religious Christian traditions. Christianity thus appears in many of its facets. Whilst a majority of the selected jurists, unsurprisingly, are Roman Catholics, a few are Jansenists, several Protestants (mainly Calvinists) or have affinities or/and conflicts with both Catholicism and Protestant doctrines. Finally, their conception and approach to law is also extremely diverse. A divide thus emerges (amongst others) between those who championed the distinctiveness of French Law and those who called for a more international outlook. Amongst the former group, Charles Dumoulin (1500-1566), Wim Decock tells us (pp 97-116), is for example particularly remembered for his dream of a unified French customary law (Decock, p103) and of an autonomous national church in France (ibid,

p104). Amongst the latter group, the reader will no doubt particularly notice Jacques Maritain (1882-1973) whose influence on the United Declaration on Human Rights is retraced by William Sweet (p 401), and Robert Schuman (1886-1963), one of the major architects of Europe as a supranational entity (Rafael Domingo, p 404).

Given this diversity, what is the thread then that unites the twenty-seven selected jurists? Is it the influence of their (common but diverse) religious Christian faith on their conception of law? If so, evidence of such influence would be delicate to prove. A few jurists explicitly point to biblical references to bolster their legal arguments, and think of law as a manifestation of God's natural order. Most overtly, for John Calvin (1509-1564), John Witte, Jr explains in Chapter 7 (p 119), "the church and state, separately and together, had the responsibility of protecting and promoting the law and liberty of a Godly Christian republic built on divine and natural law". Others, like Maurice Hauriou (1856-1929), are more discrete, yet probably no less driven, in their religious inspiration (Julien Barroche, p 342). At times however, the Christian influence seems imperceptible. Is Cujas' famous quote concerning religion, which Xavier Prévost recalls (p138), "*Nihil hoc ad eictum praetoris*" ("it has nothing to do with the praetor's edict"), not evidence that Cujas' faith played no part in his conception and interpretation of law?

Rather than the impact of their Christian faith on the jurists' conception of law, the more likely thread of the book relates to the issues, which have sparked the selected jurists' interests. In their own terminology and within their own political and social context, these twenty-seven jurists have examined the tensions and relationships between the State and the Church, between State powers and individual liberties, between different normative orders, between tradition and modernity. Interestingly, these are themes that still preoccupy jurists today-- whether Christian or non-Christian. To today's jurists, this volume will not provide a uniform answer to any of these questions. Nor does it seek to. The complexity and diversity of

positions on these problems is perhaps precisely the key lesson of this book. It invites the reader to revisit the myth of an inherent monolithic secularity of French Law and rethink the connections between religious freedom and democracy (on which see my forthcoming book, *Why Religious Freedom Matters for Democracy*, London: Hart Publishers, 2020). As such, the precise and subtle analyses offered in this volume are to be warmly welcome and commended as an important contribution to and source of information on these broader reflections on law and political theory.

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