

For those unfamiliar with Free Exercise Clause debates in the US, *God vs. the Gavel* makes for a lively and informative read. Hamilton writes with the passion and outrage of a lawyer who has experienced first-hand how religious entities can abuse their freedom from the law. However, for the reader anticipating a work to advance our theoretical understanding of the complexities involved in religious accommodation, the lack of depth and detail in the treatment of these issues may disappoint.

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The Teachings of Modern Christianity on Law, Politics and Human Nature

EDITED BY JOHN WITTE JR AND FRANK S ALEXANDER

Columbia University Press, New York, 2006, 2 vols, 806 and 582 pp (\$80.50 per volume) ISBN: 978-0-231-13718-8 (set)

These two volumes are the product of an ambitious three-year project of the Law and Religion Program at Emory University. The first volume offers a collection of essays on twenty major political thinkers in the roman catholic, protestant and orthodox traditions, drawn mostly from the twentieth century. The second volume offers an anthology of extracts from these thinkers' writings to allow them to speak for themselves.

This is a most impressive collection of essays, written by some of the most eminent scholars in their fields. It offers a very useful introduction for students and a helpful set of references for more accomplished scholars. It includes three particularly helpful introductions to each of the three major Christian traditions. Paul Valliere's essay on orthodoxy shows how the Russian revolution impoverished orthodox political thought and how the only orthodox thinker who deals in a systematic way with questions concerning the relationship between politics and religion is also the farthest removed in time, Vladimir Soloviev. Russell Hittinger's introduction to modern catholicism stands out for its masterful range, originality and ambition. Mark Noll offers an impressively comprehensive account of the breadth of protestant political thought. In the essays devoted to particular political thinkers, along with the best-known figures (Karl Barth, Reinhold Niebuhr, Jacques Maritain, Vladimir Soloviev), some less well-known figures make a welcome appearance: Susan B Anthony, a Quaker who counselled legal disobedience; William Stringfellow, who spent much of his career representing the interests of the poor and needy in

Harlem; the Romanian theologian Dumitru Staniloae, who drew from the Church fathers a theory of human freedom while supporting Romanian ethnic nationalism. Some of these essays on political thinkers are better than others, and one can always quarrel with the choice of subjects, regretting the absence of one or other (Charles Péguy or Aurel Kolnai, for instance). Yet, George Hunsinger's piece on Karl Barth offers an excellent and thoughtful account of complicated debates.

Taken as a whole, the book leaves us with admirable figures of heroism (Bonhoeffer and Maria Skobtsova, among others) but fewer general ideas than one would expect from a book devoted to the 'teachings' of Christianity on law, politics and human nature. The chosen thinkers all aspire to explain how Christian teachings can influence law and politics, despite the fact that canon law is no longer considered a source of common or civil law; they all aim to explain how Christians can continue to mould the societies in which they live, how Christianity can remain or become a culture-shaping force. But very few of these thinkers have made a distinctive and substantial contribution to either political or legal thought that is widely respected outside Christian circles.

Political philosophers who are not Christian lose a great deal in ignoring Augustine, as do legal philosophers who are not Christian in not reading Aquinas. But can the same be said of the consequences of ignoring the work of Maritain or Barth? What does Niebuhr say that is not already familiar to readers of Augustine and Hobbes? How much do political thinkers and legal philosophers lose by not reading what any of these 'major figures' (by the standards of Christian political thought in the twentieth century) have to say? A reader of this collection is left concluding with sadness: not very much. The transformation of Karl Barth's attitude towards the state marks an important shift in the protestant tradition that he embodied, but it does not teach non-Christians anything about the state that is unavailable to them through other means (although it does give them an important guide to the attitude of protestants towards the state). One learns more from Tocqueville – not a noted theologian, nor even a believing Christian – about the usefulness of Christianity for democracy than from John Paul II or Kuyper: how without belief a people tends to lose its freedom.

In an odd way, this book is an indictment of Christian legal and political thought in the twentieth century. Particularly striking – especially given the title and proposed focus of the book – is how little any of these thinkers have to say about law. Valliere laments 'the absence of work on the philosophy of law by Orthodox theologians', but Mark Noll and Russell Hittinger could say nearly the same in their eloquent introductions to protestant and roman catholic thought. In contrast with pre-modern Christian thinkers, who had a rich legal understanding and teaching (witness, for instance, the recent collection

brought together by O and J O'Donovan⁵), modern Christian thinkers have not managed to overcome the marginal situation in which the deconfessionalised state has placed Christianity. With the present battles over abortion, gay marriage and stem-cell research, one would like to know, in a precise manner, how much can and should the secular law do? How should the relationship between divine law, positive law and politics be understood by a Christian? On these all-important topics, every one of the thinkers included in the book is nearly silent.

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The Trials of Art

EDITED BY DANIEL MCCLEAN

Ridinghouse, London, 2007, 352 pp, 30 b&w illustrations (paperback £25.00)

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This well-illustrated book explores the relationship between art and law by analysing a number of the more interesting trials involving art. This is done through a selection of newly commissioned essays by art historians, lawyers and cultural theorists. The book deserves attention by the readers of this *Journal* because a substantial number of the trials discussed involve the relationship between law and religion, and the boundaries of censorship, whether on the grounds of blasphemy, obscenity or (in the case of *Re St Stephen Walbrook* and the Venetian Inquisition's process against Paolo Veronese's painting of the Last Supper, subsequently re-named *Feast in the House of Levi*) doctrinal grounds.

A number of the essays touch on the provocative work by Andres Serrano, *Piss Christ*, the subject of legal action in both the USA (where issues of federal funding arose) and Australia (where a claim of obscenity was defeated because the work had artistic merit, and a claim of blasphemous libel failed). The work is the subject of an essay by Anthony Julius, which analyses it as the epitome of a 'transgressive work' and explores the classic defences used to justify the creation of such works – art is special (the aesthetic defence or 'alibi') and freedom of speech – but also other defences: that works of art should be challenging and shock us to grasp some new truth about art, the world or ourselves (the estrangement defence); that disturbing new art works are successors to familiar, established works and should be judged by reference

5 *Bonds of Imperfection: Christian politics past and present* (Grand Rapids, MI, 2003).