

Germany, Switzerland, France, England and Spain have dealt with culture and religious identity in family law cases; most previous works have dealt with court decisions from one legal system or country alone. The comparison is most helpful, especially when proffering guidance and solutions, as Buchler has done in the final chapter of her book.

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Augustine and Modern Law

Edited by RICHARD O BROOKS AND JAMES BERNARD MURPHY

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If the latest, 2008, edition of *Lloyd's Introduction to Jurisprudence* can be taken as a reliable standard guide to how jurisprudence stands today, then St Augustine (354–430) makes fleeting but necessary appearances in relation to just war, to natural law and to the justness or otherwise of law. Most recently, he has featured in discussions of postmodern jurisprudence. The abiding relevance and challenge of Augustine are now fully endorsed by the book under review.

This fine volume is self-standing, but part of a series designed to show how the works of various major philosophers have been applied to scrutinise law and legal systems. The two editors provide a brief introduction, followed by an anthology of 23 texts, a select bibliography by Carl Yirka and an index of names. The anthology is gathered into five parts: Augustine's life and world; 'the two cities' – that is, justice in the early and divine community; Augustine's philosophy of political authority and law; selected fundamental principles of jurisprudence and political theory; and the application of Augustine's thought to selected legal topics. The texts reprinted date from 1933 (Lardone on Roman law) to 2009 (Reid on marriage).

The editors dodge nothing, beginning their introduction on Augustine in a series of 'Philosophers and law' by noting that, fundamentally, Augustine was a theologian who wrote no treatise on law. They then go on to argue convincingly for his value to contemporary jurisprudence, not least in an age of disillusioned idealism. (Were they right in not including essays on love and law, though the theme does crop up in their anthology?) The editors, rather like Augustine, are alert to world events and the centrality of language.

Anthologies are compiled selectively, and are probably read in the same way by many people. The text to begin with might well be Anton-Hermann Chroust's

article on the fundamental ideas in Augustine's philosophy of law. In contrast to some reductionist views of 'law and order', we can consider the richness of meaning that 'order' has for Augustine, standing for the fundamental norm or standard in accordance with which the whole creation acts and exists. It also signifies an internal harmony, the sort of mutual 'peace' that must exist among all creatures. This peace is, in the final analysis, the tranquillity of orderliness. 'Orderly deportment' is a conduct that conforms to a fundamental norm, a norm applying to the physical and moral universe. This moral universe encompasses the basic moral norms, precepts and dictates that define our practical relations to God, to the universe and to our fellow human beings.

The editors, in fact and intriguingly, select as a major theme Augustine's challenging reflections on law and order as bearing on the modern welfare state. They hope for a modern 'jurisprudence of order' worked out with as much sustained attention as has been given recently to justice. Related to this, Augustine has a deep and difficult view of freedom (see the paper by Whitney J Oates), unavoidably raising issues of good and evil as well as punishment. These are all matters of obvious concern to jurisprudence, be it applied to Church law or to secular law.

If a review can be a mini-anthology, this one can perhaps conclude with a paraphrase of Reinhold Niebuhr on political realism, an extract that invites reflection (pp 296–298). Augustine's approach is superior to most others partly because he relied on biblical rather than idealistic or naturalistic conceptions of selfhood. Secular thought has difficulty in approaching Augustine's realism without falling into cynicism or, in avoiding nihilism, without falling into sentimentality. A realism such as that of Hobbes failed to recognise that the self is a corrupted and not a 'normal' self. Modern realists know the power of collective self-interest but do not understand its blindness. Modern pragmatists understand the irrelevance of fixed and detailed norms but do not understand that love must be the final norm for these inadequate ones. Modern liberal Christians know that love is the final norm but fall into sentimentality because they fail to measure the power and persistence of self-love.

Niebuhr, a prophetic theologian known for his 'Christian realism', recommends Augustine as a guide to a generation that finds its communities imperilled and in decay from the smallest and most primordial community, the family, to the largest and most recent, the potential world community. This was written in 1953 and keeps its relevance.

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