

assumption that disestablishment this time around would not include any form of disendowment (admitted by the author as ‘perhaps optimistic’), contrary to the previous experience of both occasions of disestablishment within the jurisdiction, may seem utopian to readers west of Offa’s Dyke.

The book is meticulously noted, although many of the notes are so important to the flow of the argument it would have assisted for them to have been included as footnotes, rather than compiled at the end of each chapter. Whilst Parliament and Synod perhaps have more immediate concerns, this is a debate which will forever bubble not far from the surface of their interactions. Both the notes and the acknowledgments show that the work has been crafted and tested in the crucible of discussion and debate with many of the foremost defenders of the *status quo*—the ball is now very much in their court to provide a similarly robust, articulate and persuasive response.

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Christianity and Global Law

EDITED BY RAFAEL DOMINGO AND JOHN WITTE, JR

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It is estimated that there are about 2.4 billion Christians on the planet, which equates to about 31% of the global population, making Christianity the largest religion in the world. It is, therefore, entirely fitting that there should be produced a publication entitled *Christianity and Global Law*.

In this collection of essays, expertly edited by Rafael Domingo and John Witte, Jr, the contributors explore a range of historical and contemporary Christian sources of ‘global law’, by which the editors mean ‘the emerging common law of humanity that transcends both the law of individual states and the international law between and among nations and regions’ (p 1), whilst at the same time referring to non-Christian religious and non-religious perspectives. The book is split into three parts. The first, entitled ‘Historical-biographical approach’, reviews the contributions of major Christian figures throughout the centuries. The second, entitled ‘Structural principles of global governance’, looks at the sources of the central pillars of global law, having appropriate regard to the contributions made by the different strands of Christianity. The third, entitled ‘Global issues and global public goods’, addresses some of the very real issues which affect the world today and explores the extent to which a Christian understanding may assist in dealing with these issues.

Part I commences with a contribution from C Kavin Rowe entitled 'St Paul and the moral law'. The chapter focuses on the Pauline passages of the New Testament and the extent to which they have shaped modern day Christian thought about global law. The author helpfully identifies, and comments upon, key passages from Scripture and concludes with some impactful reflections on the concepts of 'Christian freedom' and the need for wisdom. The second contribution is from Josef Lössl entitled 'Augustine and the common good'. Here, the author traces what he describes as the 'major themes' in Augustine's thought and enquires to what extent an Augustinian approach to modern day issues might properly be called for. Next, Charles J Reid, Jr provides an insightful exploration of a selection of Thomas Aquinas's major jurisprudential ideas in 'Thomas Aquinas: Definitions and vocabulary in his *Treatise on Law*'.

Andreas Wagner is the author of chapter 4, entitled 'Francisco de Vitoria and the global commonwealth'. Wagner provides an informative introduction to the 15th/16th century philosopher and theologian who is perhaps best known for his theory of 'just war'. The chapter comprises a well-balanced analysis of the pros and cons of Vitoria's views and ideas and the extent to which they have informed approaches to public international law today.

The theme from the preceding chapter continues in chapter 5 entitled 'Francisco Suarez on the law of nations and just war' by Henrik Lagerlund. Perhaps better known to scholars and academics as the *ius gentium*, readers are introduced to the thoughts enunciated by Suarez on what in common parlance is often described as the law of nations.

The next contribution is a joint effort by Rafael Domingo and Giovanni Minnucci on 'Alberico Gentili and the secularization of the law of nations'. Like the approach taken by other authors in this Part, the chapter commences with a (reasonably detailed) biographical account of Gentili before moving on to a summary of his main contributions to this field.

One of the outstanding contributions to Part I comes in the form of John Witte, Jr's piece on 'Johannes Althusius and the universal rule of natural laws and rights'. The chapter introduces readers to the 16th/17th century Calvinist jurist Johannes Althusius and his classification of laws as either 'natural' or 'positive' at a time when religious conflict was high.

A number of the chapters up to this point have referenced Hugo Grotius but next, courtesy of Jon Miller, is a chapter devoted to 'Hugo Grotius and the makings of modern natural law'. Whilst the chapter is dedicated to a treatment of Grotius's life and works, the author chooses, interestingly, to include an evaluation of the extent to which his ideas and writings were influenced by Martin Luther.

Next, Lawrence Pasternack introduces readers to the German philosopher Immanuel Kant in 'Kant's Religion and Perpetual Peace'. Although a well-

known figure, the author focuses on what he describes as some of the religious themes apparent from Kant's published works which have perhaps hitherto been overlooked.

Chapter 10 brings readers into the 20th century with a piece entitled 'Jacques Maritain and the Universal Declaration of Human Rights' by William Sweet. The author begins with a biographical introduction to Maritain and his family before moving on to an analysis of Maritain's views on human rights and the interesting blend between humanism and spirituality which he considered an essential response to the growing secularism in Europe.

The final chapter of this Part is by one of the editors, Rafael Domingo, on 'Robert Schuman and the process of European integration'. The author devotes much of the chapter to setting out a quite detailed biography of Schuman, noting that, to date, no full biography has ever been written in English about him. He then turns to Schuman's attitude towards Europe and his strongly held desire to achieve peace among nations.

Part II commences with a piece entitled 'Christianity and the global rule of law' by Neil Walker where the author looks at the contrasting relationship between secular and religious narratives when it comes to the global rule of law. The chapter can perhaps fairly be described as a general overview of the Part.

Next is a contribution by Martin Schlag on 'Christianity and the principle of dignity' where the author ponders the importance of human dignity as a legal, ethical and political concept, noting that it is much misunderstood and consequently undervalued.

Chapter 14, entitled 'Christianity and the principle of equality in global law', is an addition made by the much-respected Julian Rivers. The author dissects the relationship between Christian political thought on the one hand, and equality and global law on the other, in a manner which is characteristically both informative and enjoyable.

Next is a chapter by George Duke on 'The principle of the common good'. Here, the author successfully compares medieval Christian theories of the common good with more modern day theories to explore the themes that run throughout them.

Chapter 16, entitled 'Christianity, sovereignty, and global law' by Nicholas Aroney, involves an exploration around the tricky subject of sovereignty and its relationship with global law. The author poses a series of questions which he then answers by reference to the place of sovereignty in international law.

The penultimate chapter of this Part, 'Christianity and the principle of solidarity', by Ana Marta Gonzalez, explores the meaning and origins of solidarity and how it might be utilised within a framework of what others in this book have referred to as global law.

Part II ends with a contribution by Thomas C Kohler on 'Christianity and the principle of subsidiarity'. Here, the author seeks to discern the sources of

subsidiarity from a predominantly Catholic perspective, before turning to look at its purpose as well as its relationship with the principle of solidarity which was explored in the preceding chapter.

The final Part of this book, Part III, begins with an explosive piece entitled 'Christianity and human rights' by Samuel Moyn. Explosive because whilst the title might lead the unwary into thinking that the chapter narrates the strong bond between Christianity on the one hand and human rights on the other, it in fact does the opposite. The tenor of the argument appears to be that there existed a wide gulf between the two which has only narrowed with the advent of the modern Christian. A provocative, but nonetheless thought-provoking, read.

The next chapter focuses on 'Christianity and the international economic order' where Daniel A Crane narrates the depressing economic times the world is facing but amidst the chaos enquires as to how the Church, and Christians generally, should respond when faced with such challenges.

Chapter 21, entitled 'Christianity and a global law for migration', is by Silas W Allard who focuses on the ever-topical issue of migration, with an emphasis on the millions of refugees and asylum seekers around the globe who are seeking to find safer havens than those which they have fled.

As one approaches the end of the book, readers will be pleased to see that the critical issue of climate change has not been overlooked. Chapter 22 is a dual effort by Mark Somos and Anne Peters on 'Christianity, global environmental protection, and animal law' which identifies from the outset the important stewarding role that Christians and others have over the world and its inhabitants.

Chapter 23 is entitled 'Christianity and the use of force: *Lex and Pax Christi*' by Mary Ellen O'Connell. The author takes as her starting point a core Christian principle of showing respect for human life and nature by rejecting violence, but then moves swiftly on to consider the rise and fall of the concept of just war before turning to consider the importance of natural law.

The final chapter of this Part and, indeed, the book is by Johan D van der Vyver on the subject of 'Christianity and international criminal law'. The author traces the development of international criminal law and the extent to which Christianity has influenced it, with some interesting observations on the rise of the International Criminal Court.

Overall, this book is a fascinating, if at times exhausting, read. Whilst it has been necessary, for the purposes of this review, to read the book from cover to cover, many readers may consider that it is a book best dipped into than read from start to finish. Although the contributions all fit nicely within the context of Christianity and its relationship with global law, each chapter is free-standing and there is no need to read them in any particular order. Moreover, the different parts which make up this chapter may appeal to different

audiences. In short, this book is an excellent collection of carefully selected essays and has much to commend it.

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The Cambridge History of Medieval Canon Law

EDITED BY ANDERS WINROTH AND JOHN C WEI

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Readers of this journal should need no encouragement to consider the Medieval Canon Law as an important source for the development of political, social as well as legal concepts and practices within western Europe over the past millennium. This collaborative venture brings together a score of scholars to illuminate this potent but generally under-recognised history. There are many general accounts already available, for example James Brundage's excellent little survey and Richard Helmholz's *Spirit of Classical Canon Law*, to name but two.¹ If this larger volume has an edge it is in the strength and variety of its contributors, many of them already considerable contributors to the detailed exposition and understanding of aspects of the subject.

A review cannot engage with all of the elements of an encyclopaedic work, and any selection betrays the bias and interests of the reviewer. Nevertheless, some elements can be usefully highlighted. The volume starts with surveys of the chronological history of the subject from antiquity through to the end of the fifteenth century. Although it is perhaps surprising to find a book on medieval history beginning with the Roman emperor Domitian (81–96 AD) this does permit Caroline Humfress to provide a stimulating account of law in the early church, stressing the importance of local traditions of living law and regulation, particularly in the period before the Constantinian revolution in church affairs.

Anders Winroth, whose writing has revolutionised our understanding of the author(s) of the *Concordia Discordantium Canonum*, provides a masterly summary of the renewal of the twelfth century. Together with his chapter on Legal Education and Gero Dolezalek's chapter on Roman law in the second section, this provides an elegant if compressed account of the essential period

1 J A Brundage, *Medieval Canon Law* (London, 1995); R H Helmholz, *The Spirit of Classical Canon Law* (Athens, GA, 1996).