

Book Review

Christianity and Constitutionalism

Christianity and Constitutionalism. Edited by Nicholas Aroney and Ian Leigh. Oxford University Press, 2022. Pp. 496. ISBN: 9780197587256.

Review by Benjamin B Saunders*

Christianity has had an immense impact on constitutionalism in the West; this impressive volume aims to explore and unpack that impact. It is organised into three sections: the first explores the historical influence of Christianity on constitutionalism; the second offers Christian perspectives on constitutional doctrines (sovereignty, the rule of law, democracy, the separation of powers, judicial review, liberty, rights, freedom of conscience, and federalism); the third examines the implications of theological doctrines (revelation, the Trinity, justice, Christology, natural law and rights, subsidiarity, and eschatology) for constitutional thought.

The chapters are written by leading scholars and are of uniformly high quality, with an impressive breadth and depth of learning on display. Familiar names line the pages: the towering legacy of Augustine and Aquinas on Christian political and legal thought is apparent; the contemporary writer most frequently referred to is Oliver O'Donovan. One strength of the book is that many of the chapters bring Christianity into conversation with contemporary and non-Christian legal theory, casting fresh light on well-worn territory.

It is difficult to summarise tidily a rich, complex, and nuanced book of this length. If one main theme is to be discerned from the various chapters, perhaps it is the fruitful tension between the two main poles of Christian political theology, namely the recognition of the legitimacy of civil power on the one hand, and on the other the profound ambivalence of Christianity towards civil power and law. Not only are civil rulers frequently depicted in scripture as in opposition to God, but the establishment of the kingdom of Christ eclipses civil rule, placing its concerns into the background of history.

This ambivalence places the pretensions of civil law and constitutionalism into their proper perspective. If Christ is Lord, then no merely human institution or officeholder can truly be sovereign. One important theme, therefore, is that power must be constrained, and its exercise held accountable. Rulers themselves are subject to the law. Constitutions ought to provide for power to be exercised by different institutions and levels of government. There must be areas of freedom where civil laws cannot transgress. Civil rule can be justified only insofar as it promotes justice and the common good. Themes of authority, justice, and sovereignty recur many times throughout these pages.

Christianity has a lot to say on these matters, but its key text, the Bible, is not and is not intended to be an encyclopaedia of constitutional thought. Recognising both the prophetic insights to be drawn from Christian reflection as well as the limitations of those insights is a crucial feature of any successful Christian approach to constitutionalism. The book does well at maintaining this balance, leaving many fruitful threads for the reader to ponder.

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Some of the most important contributions of Christianity to constitutionalism are given surprisingly short shift. While there are references to natural law scattered throughout the book, on the whole, it is underplayed; the chapter dedicated to natural law is subsumed within a discussion of the question of whether natural law includes natural rights. The parallels and differences between civil and ecclesiastical power have been the source of some of the most productive developments in constitutionalism given that developments in one realm often spill over into the other. Further reflections on things such as natural law, conciliarism, and human nature would have been welcome. Of course, the book amounts to nearly 500 pages and expressly disclaims any attempt at comprehensiveness; it may therefore be unreasonable to criticise the book for sins of omission.

The book is an excellent volume and is highly recommended for anyone interested in exploring the relationship between Christianity and constitutionalism.