

Book Review

The Oxford Handbook of Christianity and Law

The Oxford Handbook of Christianity and Law. By John Witte, Jr. and Rafael Domingo (eds.). Oxford University Press, 2024. Pp. 864. ISBN: 019760675X.

Review by Alex Deagon*

There is a voluminous literature discussing the relationship between Christianity and law.¹ One might think that there is not much more to say. One would be wrong. Witte and Domingo have produced as comprehensive a collection as one could hope for in a single volume. *The Handbook of Christianity and Law* ('*Handbook*') provides an authoritative and accessible analysis of interaction between Christianity and law across disciplines, jurisdictions, and history. There are 60 chapters resulting in more than 800 pages commissioned from a diverse group of 65 scholars, both early career and established, male and female, and ethnically varied. Disciplines represented include law, jurisprudence, theology, religious studies, political theory, philosophy, ethics, sociology, and economics. Six continents and dozens of individual countries are discussed. Examination ranges from Ancient Greek and Roman philosophy through to the early Christian era, the patristics, the scholastics, the Enlightenment, and current debates.

The *Handbook* is divided into six main parts. Part I considers historical interactions between Christianity and law (such as Christianity and Roman law), Part II considers the contemporary interaction of Christianity and law across the globe (such as Christianity and law in Africa), Part III considers the interaction between Christianity and traditional legal subjects (such as Christianity and property law), Part IV considers Christianity and law in the context of canon law, human rights and religious freedom, Part V considers Christianity and emerging areas of law (such as Christianity and the law of biotechnology), and Part VI considers Christianity and enduring legal principles (such as Christianity and equality). Christianity is broadly defined to include the Catholic, Protestant, and Orthodox traditions and the various denominations within them, including non-traditional manifestations in the Global South and East. Law is broadly defined as normative order in human existence and relationships, including general principles of justice, power, and freedom, and more narrow doctrinal considerations of contract and criminal law. Natural law, biblical law, and the laws of organisations and nations are considered equally.

Witte and Domingo engage in understatement when they acknowledge that this is a hefty volume. It really is an outstanding achievement to cover such a range of topics with so many authors. The *Handbook* focuses on breadth rather than depth, yet each chapter yields fascinating insight into its topic. In general, the chapters are readable and digestible. They are not heavily referenced, but there is a helpful recommended reading list at the end of each chapter. For the rest of this brief review, I will concentrate on the freedom of religion and natural law chapters where my personal expertise is, in conjunction with making some miscellaneous points.

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¹ For example, the *Cambridge Studies in Law and Christianity* series has resulted in the publication of over 30 books in the last 10 years, not to mention dozens of other books and hundreds of articles on the topic.

Chapter 42 considers natural law. As is characteristic, the chapter provides an appropriately broad outline of Christianity and natural law, considering the Ancient Greeks and Aquinas, and includes recommended reading. The brief discussion of natural rights, however, seems out of place, and the chapter would have benefited from focusing a little more on Catholic and Protestant responses to natural law, and engagement with contemporary theological approaches to natural law. The referencing was also quite sparse and more direction on recommended reading to delve into some of the points made (for example with respect to modern natural law on pp 587–588) would have been appreciated.

Chapter 44 considers religious freedom. Similarly, this chapter provides a broad outline, or perhaps more accurately a genealogy, of religious freedom. It considers Christian perspectives and is usefully referenced. It focuses on the historical genesis of religious freedom in Christianity, and its legal nature. Though the Christian foundations of religious freedom are acknowledged, one area which could have received greater attention is theological justifications for religious freedom.²

Regarding some other miscellaneous points, in chapter thirty on Christianity and Contract Law I would have expected mention of Calvin in the section covering Protestant perspectives on contract law, especially considering Calvin's background in law. There is mention of Calvinist thinkers, but not Calvin himself. I was also surprised that there was no Christianity and Evidence chapter in Part III of the book. Some aspects of evidence are mentioned in Chapter 27 on Christianity and Procedure and Chapter 29 on Christianity and Criminal Law. Evidential issues are also mentioned in Chapter 10 on the Protestant Reformation and Law (coerced confessions) and Chapter 14 on Christianity and Law in the Enlightenment (certain developments in criminal law). However, in my view, Christianity and Evidence would be worthy of its own chapter, considering the deep roots of the Western common law of evidence in Christianity.³ One issue for consideration might be the gradual transformation of the common law rule requiring oaths for witness testimony sworn with reliance on God (and theologically grounded exceptions to this rule which nevertheless effectively excluded atheists from providing sincerely sworn testimony) to allowing solemn affirmations with no religious language.⁴

Of course, the editors themselves note that the book could have included more, so I am in one sense just being partial to my own preferences. My hope is some of these issues may be addressed in a future edition, and the editors suggest the *Handbook* will need an expanded edition or weighty sequel. I will eagerly await that development, and in the interim I heartily recommend this *Handbook* for anyone interested in law and religion.

² On the other hand, theological justifications for religious freedom is an area of emerging scholarship. I am currently writing a book on this project. For an initial summary of the book, see Alex Deagon, 'Christian Natural Law and a Foundation for Religious Freedom: Love, the True, and the Good' (2024) 4 *Australian Journal of Law and Religion* 34. I will also outline Catholic and Protestant responses to natural law and contemporary theological approaches to natural law in this book.

³ See my discussion in Alex Deagon, *From Violence to Peace: Theology, Law and Community* (Hart, 2017) ch 5.

⁴ For an example see the provisions in the still active *Oaths Act 1867* (Qld). For an insightful discussion of the law and religion of oaths in public office, see Nicholas Aroney, 'The Rule of Law, Religious Authority, and Oaths of Office' (2018) 6(2) *Journal of Law, Religion and State* 195.