

**John WITTE, Jr. *God's Joust, God's Justice: Law and Religion in the Western Tradition*. Grand Rapids: Eerdmans, 2006. 498 pp. \$30.00.**

Witte, professor of law and ethics and Director of the Center for the Study of Law and Religion at Emory University, describes himself as a legal historian and only an “amateur theologian,” and indeed most of his work, including this volume, reflects that emphasis on history. His many published works (at least 17 books and over 100 articles at last count) tend to emphasize the historical influence of Christianity on Western law and the law’s need of such influence in the new millennium. This volume is a recent addition to the Emory University Studies in Law and Religion series for which Witte serves as General Editor, and it functions as a nice survey of his recent scholarship.

Surprisingly, in light of the subtitle, this is not really a survey of the interaction between law and religion throughout the history of the “Western tradition,” but rather a sort of “John Witte reader,” giving one a taste of his work in the fields (particularly family law, constitutional law and the American founding, and human rights law) that have engaged his most recent and sustained interest. Each chapter is, at least partially, an excerpt or adaptation from one or more of his other works or lectures, either previously published or scheduled to be published elsewhere. While this gives the volume something of a disjointed feel, the introduction and conclusion help to pull the chapters together and suggest a common theme of the working of God in legal history.

The volume is divided into three parts. The first part examines the contributions of various Christian traditions toward the modern understanding of human rights. The second attempts to show the influence of (mostly Protestant) Christian traditions on the founding of the United States and, in particular, on the development of American criminal law. The third section focuses on the influence of religion, especially Christianity, on particular areas of Western family law, familial relationships, and sexuality. This rather *ad hoc* section includes a lengthy multichapter discussion of marriage as a social, legal, and religious institution (including a defense of “covenant marriage” legislation recently enacted in a few states in the U.S.), as well as shorter single-chapter discussions of illegitimacy laws, clerical celibacy, and even Witte’s recent research canvassing the contents of various Christian behavioral manuals for families and children, published between 1390 and 1900.

Witte’s own perspective is broadly ecumenical, and part of his project is to show how certain useful understandings of law, rights, and duties are shared not only across divisions of Christendom but by other faith traditions as well, notably Jewish and Islamic traditions. A few of these understandings regarding government, however, have in times past been explicitly renounced by many within the Stone-Campbell Movement, which may make some readers feel like outsiders as Witte describes a longstanding common Christian understanding of particular purposes of law and the Christian’s relationship to government. Among the more contested understandings are background assumptions that God wants Christians to shape government and laws in ways that impose the minimal rules of “natural law” and tutor the citizenry in morals and virtue. Witte finds numerous examples of those teachings woven throughout the history of Christendom (despite, as he notes, notorious counterexamples like the teachings of Anabaptist communities), but for the most part his historical analysis of legal theology begins no earlier than the fourth century, the age of Constantine and Theodosius I, Lactantius and Augustine. Those Christians who have prioritized a return to the teachings and practices of the first-century church may understandably tend to discount these later doctrines about the state as misunderstandings of biblical texts written perhaps two centuries or more earlier.

Still, this volume contains much important information and is well worth reading. Witte displays his usual careful scholarship throughout the text, citing a wealth of historical sources from many differing religious traditions. His analysis of Russian Orthodox perspectives toward Western evangelism in Russia, for example, provokes deep thought and serves as a good case study in both the prospects for, and impediments to, a universal Christian legal theology. In analyzing particular American laws, he seems to be on especially firm ground in arguing from a Christian perspective for a continued weakening of illegitimacy laws, even as he documents the origins of such laws in sundry Christian theological arguments of the past. And the short discussion of Roman Catholic and Lutheran perspectives on clerical celibacy is evenhanded and direct, pointing out both the dangers of mandatory clerical celibacy and the dangers of a too-strong Protestant reaction that celebrates marriage as the highest calling of the Christian life and risks turning single Christians into second-class citizens in the kingdom of God.

At nearly 500 pages, this volume is not a quick read, but most readers will no doubt learn a great deal about both the theological and legal history of the West. The earlier chapters on human rights provide a useful comparative perspective that crosses national and religious borders, and those with an interest in the particular areas of law examined in later chapters will find a thorough and well-referenced discussion of the theology that has contributed to the formation and evolution of those areas. The volume could easily serve as recommended reading for courses in Christian legal or political theology, or in courses examining the influence of more universal religious beliefs and traditions on the law. Above all, this volume is a useful introduction to the recent scholarship of a leading figure in the field of law and religion.

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