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Olivier Descamps and Rafael Domingo, eds., *Great Christian Jurists in French History*. Cambridge and New York: Cambridge University Press, 2019. xviii + 485 pp. £ 94.99 (hb). ISBN 9781108484084.

Review by Brian Sudlow, Aston University.

This volume of essays by a wide range of legal historians and scholars is a part of Cambridge's Christianity and Law series that already includes tomes on Christian jurists in America, Spain and England. The volume is near enough unique and there is no comparable work available on the topic. Its historical reach is ambitious and incorporates jurists from the eleventh to the twentieth century, a span divided by the editors into the medieval, modern, and contemporary periods. The figures studied herein were selected according to criteria such as the need to cover the main periods of the second millennium, and the desire to include representatives of a range of legal disciplines (including codification, constitutionalism, human rights, public law, etc). The chapters are evenly split between the medieval and modern periods (nine and five chapters respectively) and the contemporary period (thirteen chapters), so there is something for scholars of all historical proclivities, although slightly more for those interested in French history after 1789. The editors are careful to point out that this is not a dictionary of jurists and admit in fact to omitting many distinguished figures in French legal history, as well as fourteenth-century jurists (who were all of the Italian school anyway). The ultimate rationale underpinning the editors' jurist line-up is the fertility of the interaction of Christianity and law in the context of French history. That might come as a surprise to some readers who assume the law of *laïcité* is practically coterminous with its cultural and epistemic counterpart secularism, but all historians deserve a surprise now and again. Another surprise within these pages proves to be what the editors mean by *Christian jurist*, a problem we will return to below.

Since the keystone of the volume is law rather than history, many legal innovations that the chapters outline tend to be framed as features of legislative evolution or jurisprudential progress, rather than as key variables among the roiling waves of France's past. In this sense, the volume's breadth of ambition is also one of its weaknesses since its chapters usually have more to say about the interaction of law and Christianity (to evoke the title of the series) than they do about Christian jurists as neglected agents in French history (to reference the book's own title). This same gap is reflected in the *Table of Contents* where the chapters, which are named for the jurists, are simply numbered one to twenty-seven; undoubtedly the order is chronological but the periodisation only becomes apparent when (and if) one reads the *Introduction* (although the online version helpfully includes the jurists' dates). A more useful presentation of the contents might at least have divided the chapters into medieval, modern, and contemporary sections in order to

direct readers to the chapters most likely to interest them. Few readers after all will read the work from cover to cover.

These reservations notwithstanding, the sweep of this volume promises to make it a valuable reference work in history and law libraries, notably because all French primary sources are quoted in English translation. The volume most convincingly holds its own in the chapters on individual jurists. Essay after essay offers up vignettes that have been prepared with meticulous care, careful referencing, and elegant presentation. The wealth of scholarship on offer is thoroughly impressive and leads the reader—if they have a Latin dictionary at the ready—through many of the complex knots of France’s legal heritage. These knots, attested in various legislative fields from constitutional and canon law to regional or local law, evoke the difficult stories of France’s various constitutions, the roots of human rights, and even adumbrations of European integration. Readers will find here ample evidence of international influences on French legal thought and of how the training of jurists in certain schools (Bourges notably) proved so decisive for the evolution of French legislative thinking. The once delicate balance of Roman law and French custom is also outlined, as well as the long history of the relationship between political power and its legal counterbalances. French law, so seemingly lapidary and domineering, emerges at many points as the fruit of compromise and exception. Tradition, precedent, and innovation vie with each other across the centuries, as do the contrasting and conflicting statuses of citizens, municipalities, cities, regions, and central government. The contributions of humanism to the development of French law are alluded to in many of the chapters on the modern period. Throughout all three periods, the brilliant men of French law—and those included here are *all* men; were there no women jurists to choose from, even in the twentieth century?—battle it out, not only over the nature of law but also over the proper procedures of legal interpretation and the legislative resources on which France can draw.

While it would be invidious to single out chapters for criticism, a few remarks should be made about one or two of the stronger contributions. After the Introduction comes a robust opening chapter on Ivo of Chartres (1040–1115), one of the most important ecclesiastical grandees of the eleventh century. Ivo’s influence was so vast and his legacy so significant that his place in French history should be as iconic as that of Chartres cathedral in France’s architectural landscape (not that Ivo knew the present building, which was built nearly a century after his death). Ivo’s case, explored with clarity here by Christof Rolker, is a useful embodiment of the proximity that once existed—and in some ways still exists—between civil and ecclesiastical legislation. While his legal career as a major canonist may prove exotic to certain contemporary readers, his struggles over the nature of marriage and the importance of spousal consent, as well as his intervention in the debate over the limits of secular and religious authority, are tangibly pertinent to some of France’s more recent legislative conflicts.

Turning now to the contemporary section, we find a fine chapter provided by American jurist Mary Ann Glendon on Alexis de Tocqueville (1805–1859). His most famous work, *De la démocratie en Amérique* is such a decontextualized landmark in the canon of political theory, that its author himself often barely gets a sniff of interest. Not so here. Glendon places de Tocqueville back in his legitimist milieu, outlines the novelty of his analyses, and underscores with nuance the sophistication of insights that make his classification as a figure in the liberal tradition seem too simplistic—although, right on cue, the editors refer to de Tocqueville as a “classical liberal” (p. 12).

As strong as Glendon's chapter is, however, it does exemplify the weakness I alluded to above which concerns how we understand *Christian jurist*. The category of jurist, the editors explain (p. 2), has been interpreted widely in this volume to include not only legal experts but also philosophical or theological writers who engage with law. Having made this reasonable argument, however, the editors then appear to overlook the distinction that surely must pertain between a *Christian jurist* and a jurist who happens to be a Christian (which is in many ways de Tocqueville's case). Given the title of this volume, what can possibly explain the inclusion of a chapter on Pierre de Bellepeche on whose legal thinking "religion had little impact" (p. 6), as the editors frankly avow? In other words, why should we label all these figures *Christian jurists* in the same way, especially in those cases where their Christian credentials are incidental to their juridical labours? That seems about as legitimate as offering up a history of great left-handed jurists.

Having argued that the term "Christian" has been stretched too far by the editors, I would also argue that, in another way, they have not stretched it far enough, or at least not far enough to accommodate some of the major differences between approaches to law attested within the various strains of French Christianity. To treat everyone from Ivo of Chartres to Jean Calvin and Jacques Maritain as *great Christian jurists* probably carries weight in the benignly interconfessional corridors of Religious Studies departments, but in the case of a country whose history has been continually scarred by the long history of battles about grace and nature, destiny and freewill or essence and existence--indeed, in the case of a country where some Protestant jurists probably welcomed the eviction of old monks from their monasteries in the 1880s, just as some Catholic jurists could easily have rioted during the Saint Bartholomew's massacre--such latitudinarianism risks missing the point, or at least the points that historians want illuminated. Lack of precision on the difference between a voluntarist and an intellectualist may also be behind the breezy manner in which the editors affirm Maurice Hauriou's attachment to neo-Thomism while explaining his view of the church as a public service of the state (p. 15). Such contradictions will surely have the neo-Thomist Jacques Maritain spinning in his grave, even if his inclusion in this volume as a *great Christian jurist* (a title well merited in his case) marks a welcome emergence from the shadows of philosophy where historians have let him be for far too long.

All that said, it would be wrong to be surly about the occasional doctrinal inaccuracy or the intellectual gerrymandering at play in the editors' use of *Christian jurist*. There is an admirably vast array of talent on show across the chapters of this volume, frequent reminders of the depth of French legal reflection and the complex nature of legislative sources, a sense of the international dimensions of French legal dispositions (although little relevant to the French empire) and many stories about the contribution made by theology and humanism to the unpredictable paths of legislative development. While it is certainly not the volume historians would have compiled, it is a volume that will surely enhance any historian's library.

LIST OF ESSAYS

Olivier Descamps, Rafael Domingo, "Introduction"

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Kenneth Pennington, "Stephen of Tournai (Étienne de Tournai), 1128-1203"

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Yves Mausen, "Pierre de Belleperche, 1247-1308"

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John White, "John Calvin, 1509-1564"

Xavier Prévost, "Jacques Cujas, 1522-1590"

Mathias Schmoeckel, "François Hotman, 1524-1590"

Christian Hattenhauer, "Hugues Doneau, 1527-1591"

Daniel Lee, "Jean Bodin, c. 1529/1530-1596"

David Gilles, "Jean Domat, 1625-1696"

Isabelle Brancourt, "Henri François d'Aguesseau, 1688-1751"

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Anne-Sophie Chambost, "Paul Viollet, 1840-1914"

Brigitte Basdevant-Gaudemet, Rafael Domingo, "Paul Fournier, 1853-1935"

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Kathleen G. Cushing, "Gabriel Le Bras, 1891-1970"

Laetitia Guerlain, "Jean Carbonnier, 1908-2003"

Luisa Brunori, "Michel Villey, 1914-1988"

Brian Sudlow
Aston University
b.sudlow@aston.ac.uk

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