Pareille entreprise, complexe et difficile, n'implique pas seulement une attitude herméneutique historico-descriptive ou la seule analyse des langages; elle comprend, articulées à celle-ci, une intention performative: la mise en œuvre possible d'une coopération entre la (les) philosophie(s) et la (les) théologie(s) (8). Elle réclame, en cela, de soigneuses délimitations préalables.

Tel est le propos essentiel du livre que rythment les quatorze chapitres structurés en deux parties de longueur inégale. En effet, en manière d'introduction et à titre indicatif, le philosophe et théologien français relève quatre genres de problèmes où l'«alliance» philosophie-théologie, sollicitée à la fois comme catégorie herméneutique et performative, peut être avantageusement mobilisée. Il s'agit notamment des problèmes interculturels, interreligieux, théologico-politiques et bioéthiques (7-11). Le tout se donne à lire, en effet, tel un plaidoyer paradoxal qui organise l'ensemble de l'ouvrage. Les différents chapitres qui le composent sont ordonnés selon deux axes distincts. Le premier, intitulé «Inspirations», met en relief les différents schèmes qui ont inspiré la réception philosophique récente de l'œuvre de saint Paul (15-26), ont structuré en bonne part les rapports entre la foi religieuse et la première philosophie patristique (27-49), ont accompagné l'entrée du néoplatonisme sur la scène philosophique et théologique contemporaine (51-64), ont instruit la problématique des Noms de Dieu chez saint Thomas d'Aquin (65-78), ont inspiré la phénoménologie de la décision religieuse chez Heidegger (79-90), ont suscité la thématique du désir de Dieu chez Nabert et Ricœur (91-101), et ont sous-tendu l'articulation entre l'infini et le Dieu chez Levinas (103-114). Le second axe de réflexions intitulé «dualités», interroge selon une visée systématique les différentes confrontations disciplinaires actuelles entre la métaphysique, la phénoménologie et la théologie religieuse (117-199).

Certes, reléguée pendant des lustres, souvent sciemment ignorée mais de plus en plus réactivée aujourd'hui, la relation multiséculaire entre la philosophie et la théologie exige un nouvel état des lieux et un travail de clarification. En ce sens, l'ouvrage de Philippe Capelle-Dumont répond à cette exigence en ressaisissant cette relation en tant que telle auprès des auteurs, écoles et thèmes de la pensée occidentale et en posant de façon pertinente la question de son statut contemporain. Par sa puissance argumentative et son audace dans l'affirmation de l'«alliance» entre philosophie et théologie aujourd'hui encore, l'ouvrage se recommande à la lecture non seulement pour les spécialistes mais également pour les passionnés de la culture et des grandes questions contemporaines.

R. Ongendangenda Muya

Nils Jansen – Peter Oestmann (eds.). *Rechtsgeschichte heute: Religion und Politik in der Geschichte des Rechts – Schlaglichter einer Ringvorlesung* (Grundlagen der Rechtswissenschaft, 22). Tübingen, Mohr Siebeck, 2014. (15,5×23), xxiii-209 p. ISBN 978-3-16-153108-8. €54.00.

As is suggested by the title of this volume, the religious roots of Western legal cultures are currently witnessing a revival of interest among scholars in the field of legal history, particularly in the German speaking area. This specific book is the product of a lecture series held at the University of Münster in 2012 within the

framework of a research cluster of excellence on 'Religion and Politics in Early Modern and Modern Cultures'. It intends to assess the relationship between religion and politics from a distinctly legal perspective, since both religious and secular authorities used to take advantage of the tool of law to delineate their spheres of power. Unfashionable but timely is the editors' emphasis on the necessity to take a disciplinary approach to the topic. All essays have been written by established legal historians born roughly between the 1960s and 70s, as the editors are careful to point out. A stimulating dialogue between disciplines is impossible without the participants in the debate having a solid grounding in the particularities of their specific field of research. Therefore, this book will provide a good starting point for theologians, historians and philosophers who wish to engage in a fruitful exchange of ideas with their colleagues from the law faculty.

While most contributions deal with the relationship between law, religion and politics in late medieval and early modern times, the volume opens somewhat surprisingly with an analysis of the relationship of so-called postclassical jurists such as Ulpian, Paul and Papinian to the Roman emperors under whom they served. Unless the cult of the emperor is seen as some kind of religion, faith seems to be wholly absent from the legal mindset of jurists working at the threshold of the third century AD. The investigation by Ulrike Barbusiaux (München) remains compelling regardless. She painstakingly reveals the tactical manoeuvring behind jurists' alleged praise of the emperors, leading one to surmise that lawyers had gained at least some kind of independence from the political system. The debate about the constitution of an autonomous clerical sphere of life, independent from worldly entanglements, is at the heart of debates among twelfth-century canon lawyers in Bologna and Byzantium discussed in the next article. In a rare effort to overcome a one-sided approach to the medieval history of canon law, which rarely concentrates on both Western and Eastern scholarship, Thomas Rüfner (Trier) compares commentaries by Rufinus, Johannes Teutonicus, Alexios Aristenos, Johannes Zonaras and Theodor Balsamon on a number of canons prohibiting clergymen from getting involved in secular affairs: canon 17 of the first council of Nicea (interest prohibition), canon 3 of the Council of Chalcedon (prohibition on involvement in business) and canon 7 of the Council of Chalcedon (prohibition on military and political activities).

One of the best instances of the historical interconnectedness between religious, political and legal institutions is offered by Andreas Thier (Zürich) in his analysis of the development of the canon law of the election of bishops. He explains how Cyprian of Carthago laid the foundations of a recruitment procedure for bishops which drew inspiration from Roman law, requiring *iudicium* by the ecclesiastical superiors *suffragium* by the people, and *testimonium* by peers to single out the most worthy candidate. Needless to say, the election of bishops was directly connected to secular interests, at least since the period of the Great Germanic Migration, when bishops were often the only remaining authorities in major cities, as the example of Gregor, bishop of Rome from 590 till 604, shows. Not only were bishops granted their own jurisdiction since Roman times, they also became key figures in the administration of the Holy Roman Empire during late medieval and early modern times. The consequences of the co-existence of ecclesiastical and civil jurisdiction are illustrated in a case study on by Peter Oestmann (Münster). The backlash against this system occurred during the Reformation, the jurisdictional consequences of which are investigated for early modern Scotland by Mark

Godfrey (Glasgow). The demise of the ecclesiastical courts in the early sixteenth century allowed for the centralisation of jurisdiction, notably through the rise of the Court of Session. It facilitated the accumulation of political power in the hands of the kings. This does not mean that religious concerns were off the mind of the increasingly absolutist political authorities. As Heikki Pihlajamäki (Helsinki) demonstrates through the example of the developments of criminal law in Protestant lands, one of the main concerns for the authorities after defeating rival ecclesiastical powers remained to punish individual wrongdoers lest God punish the entire commonwealth.

Well-known are the contributions made by canonists and theologians to the development of doctrines of private and public law. Particular reference needs to be made in this regard to the so-called late scholastics and the School of Salamanca. Their reformulation of late medieval doctrines on power (*iurisdictio*) is analysed by Massimo Meccarelli (Macerata). Tilman Repgen (Hamburg) concentrates on their elaboration of a famous case concerning the impact of changed circumstances on the bindingness of a promise, as in Plato's story about the depositee who is in moral doubt as to whether he should return a sword given to him by a man who has now gone insane. Another issue that was of primary concern to theologians and canonists concerned testaments and the bindingness in conscience of form requirements imposed by public authorities. As Nils Jansen (Münster) explicates, this was a very complex issue, as different sets of norms, often greatly diverging from one region to another, collided in trying to regulate the making of last wills. However, what emerges very clearly from all these essays, is that legal history is a testamant to the profound impact of religion on political and legal thought and practice in the West. It will not come as a surprise that the representatives of the Historical Legal School in 19th century Germany from which legal history as a discipline emerged, were imbued with the spirit of Christianity, as Hans-Peter Haferkamp (Köln) convincingly argues in a brilliant article which closes the volume.

W. DECOCK