

of law that is characteristic of Western legal systems, Ali Gomaa explains why the jurists of Islam are 'directly and overtly governed by the foundational texts of their religion' (p 179). In discussing sharia and the rule of law, Anver M Emon first adopts a historical analysis under which rule of law is 'a claim space within which arguments of justice are made' (p 198), before exploring the boundaries governing religious minorities that ranges from the provision for Jews in Chapters 10 and 11 of Magna Carta to the ancient rules in sharia that applied to non-Muslims in the Ottoman Empire.

Other chapters, which are no less stimulating, cover subjects that include thoughts from India on the relation between democracy and the power of religion (Sudipta Kaviraj), an analysis of whether the case law of the Strasbourg Court on freedom of conscience and religion under the European Convention on Human Rights discloses a Christian bias (Javier Martínez-Torrón) and a reasoned argument by Lord Sacks that Magna Carta 'was first and foremost a *religious* document', its primary role being as 'as an English Deuteronomy, establishing a three-way relationship between God, king and people' (p 308). In a brief coda, Lord Dyson reflects that 'the equality of all religions under the state's secular law is the best guarantee in a secular society of equal freedom for each religion and its adherents' (p 337). An appendix to the book includes English translations of the 1215 and 1225 Charters.

This is a wide-ranging and thought-provoking collection of scholarly essays that does ample justice to the book's title and is designed both to inform and to inspire further reflection. Many of the essays serve as a call for dialogue, a call which it has not been possible to answer in a short review of such a rich volume.

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Religion and Legal Pluralism

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If anything, the reverberations from Rowan Williams' 2008 supernova, rather than dying away into cosmic undetectability, have actually become louder.⁴ On the evidence of this compilation of 15 essays by 14 contributors marshalled by a rising – risen? – star of Norman Doe's stable at the Cardiff University Law

4 R Williams, 'Civil and religious law in England: a religious perspective', (2008) 10 Ecc LJ 262–282.

School, there remains indeed a very great deal to say. From a position that accepts that legal pluralism is both a fact and here to stay, the contributors set about analysing what this means for its religious dimensions.

The essays are grouped into three parts: practice, particular issues and theory. 'Practice' starts with a magisterial account by Mark Hill of the constitutional position of religion in the law of England and Wales, and ends with Sylvie Bacquet's attempt to elucidate the place of religious symbols in the construction of identity. Her empirical sample – 25 interviews – might be small but some real depth is achieved to mount an argument that the state should interfere in these matters as little as possible. In between, Christopher Smith describes how Anglican clerical discipline may have exchanged the bishops' compromised consistory frying pan for the fire of a more independent but too criminal-aligned process. Gillian Douglas reflects further on the issues examined by the Cardiff study of religious dispute resolution, with particular reference to divorce in a situation where the state has continued to withdraw from family issues. Frank Cranmer charts how the independent-minded Friends arrived early and bravely at support for same-sex marriage, an account which itself epitomises the value of religious plurality. A study of Roman Catholic nullity procedures by Eithne D'Auria sheds light on what appear rather dark places.

The four essays in 'Particular issues' range widely. David Pocklington's innovative study of quasi-law and religion ventures into sometimes surprising ground, concluding, like most early explorers, that the mapping needs improvement. In one of the shorter contributions, Amina Hussain advances the importance of taking account of the existence of minority legal orders – Buddhism and Romani/Gypsies are instanced – lest understanding be skewed by concentrating too exclusively on the larger communities. That the boundaries of minority legal orders should be extended to include internet-based new religious movements is the case advanced by Beth Singler, concentrating on Scientology and Jedism. Finally, a sturdy review by Dorota Gozdecka of religious pluralism as a legal principle analyses the impact of Council of Europe bodies on the topic. Majoring on the *Lautsi* case, and quoting a particularly apt piece of aggressive condescension voiced by Judge Bonello (p 191), Gozdecka interprets the outcome as privileging margin of appreciation over the claims of pluralism, with the result that 'The application of religious pluralism in practice has actually strengthened existing and established dominant identities' (p 193).

'Theory' grapples with the very nature of law in its social context and variously seeks to establish viewpoints that deal most comprehensively with the religious interests and behaviours concerned. Amy Codling argues for a subjective legal pluralism and illustrates this perspective by an account of focus-group discussions with Muslim women in Britain wearing a headscarf (hijab) or face veil (niqab), which revealed a considerable variety of motivations. She concludes that, in religious dress cases, judges should listen to the narrative accounts of

litigants rather than simply assuming what they believe. Celia Kenny also explores veiling issues, reinforcing Codling's understanding that, particularly from a feminist standpoint, veiling is not inherently problematic and can be validly interpreted in a variety of ways not necessarily dependent on ultimate truth claims, political messaging or essentialist definitions of femininity. Margaret Davies discusses matters at a very different level of abstraction, viz 'an overtly idealist position regarding the co-existence of secularism with a religiously pluralist society' (p 23). In a highly condensed discussion, and accepting a real-life world's inherent messiness and contradiction, she argues that a non-dogmatic, pluralist secularism – based on four principles – offers a route to the best approximation to a necessary state neutrality. The principles are reflexive secularism; non-exclusion of religious voices – the more diverse the better – from public debate; state action to promote participation of *all* religious voices, not just the loudest; and the maintenance and strengthening of policies of institutional separation and non-discrimination so that 'social goods applying to all citizens ought to be based on non-religious grounds' (p 231).

Russell Sandberg has the last as well as the first word. In his Introduction he criticises the 'unprincipled' approach of the courts to dress issues as based on an inadequate understanding of the multi-layered character of the issues – forcing an 'impossible compromise' between being a citizen and a believer. This point is one of the perceptions underpinning Ayelet Schachar's call, which Sandberg finds compelling, for the recognition of 'joint governance'. In the final chapter – 'Religious law as a social system' – he picks up from his earlier discussion of HALOs (heterogeneous and autonomous legal orders) as descriptive of the true range of legal plurality, accepting that the concept does not, however, identify a means of operationalising 'joint governance'. Ventures into perhaps remoter parts of the sociology of law emphasise the need for taxonomic stabilisation and, operationally, the paramount procedural requirement for consent, whose protection by means of a draft bill, jointly prepared with Frank Cranmer, forms the chapter's appendix. While this reader doubts whether a bill should criminalise rather than void procedural deficiency, it is certainly right to consider that course.

All compilations are mixed bags but the apt and thoughtful variety evidenced here, to which it is hoped hectic condensation has not done injustice, needs no defence. Sandberg has elsewhere argued for such studies to incorporate the insights of disciplines outside the law and goes a good way to succeeding in a well-produced volume with good bibliographies. If the Home Secretary's promised review of sharia ever gets underway, this book should be high on the review's reading list.

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