

individual case. She goes on to defend this position by debating possible objections.

Overall, this work is a comprehensive overview of the topic with some extremely useful material, particularly in the early chapters. The author's style is concise and accessible, which will render this book useful to academics, students and practitioners both within and without the law, although they may wish to read it alongside a more recent discussion of the relevant case law.

ANDREW HAMPLER

University of Wolverhampton Business School

doi:10.1017/S0956618X0900204X

Law and Ethnic Plurality: Socio-legal Perspectives

EDITED BY PRAKASH SHAH

Martinus Nijhoff, Boston, MA, 2007, 250 pp (hardback €85.00, \$122.00)

ISBN: 978-90-04-16245-7

The frenzied media reaction to the Archbishop of Canterbury's speech on sharia law in Britain in early 2008² represents one unfortunately all-too-prominent aspect of the debate about diversity. And for many, news of the long-standing operation of the Beth Din and Muslim Councils in the UK came as a surprise. However, there has for many years now been nuanced and serious research on legal pluralism and diversity undertaken in the leading academic institutions around the world. As the contributions in *Law and Ethnic Plurality* reveal, the issues that pluralism and diversity throw up are highly complex, controversial and require a sound factual footing through field work before comment can be made. As such, the book provides a valuable and important addition to the expanding academic writing on these issues. While the text predominantly focuses on the position in the UK, its themes are topical, universally relevant and will therefore be of wide interest both in the UK and outside.

Mindful of its title, the book takes a diverse approach in its subject matter, the professional backgrounds of its contributors and its themes. It draws on research by sociologists, anthropologists and former legal practitioners, among others. It covers a broad range of issues, from drugs and criminal justice policy in the UK to the history of the negotiations between a Birmingham mosque and the local council over the amplification of the call to prayer (*azan*). Its chapters are individually authored and necessarily do not directly connect or adopt a uniform approach.

2 Reproduced in this *Journal* at (2008) 10 *Ecc LJ* 262–282.

Shah's approach at the outset is consciously to steer away from using religion as an analytic category, reflecting his concerns that its meaning is strongly contested, has arguably strong Eurocentric overtones and is of dubious cross-cultural reference (p 1). He rightly points out that, as 'law is an inherently plural phenomenon', it is important to address the issues from a more holistic, socio-legal perspective. That said, as Shah acknowledges, the term 'ethnic' is not without difficulties. He argues for a wide, encompassing definition, although, while the term is perhaps not as loaded as 'religion', as the House of Lords judgments in *Mandla v Dowell Lee* reveal it is certainly difficult to define. It is also clear during the chapters that follow that the individual authors themselves do not adopt a uniform terminology and do not necessarily make their meaning clear (see, for example, Ballard's reference to the 'native English' (p 82), which would no doubt be contested by a number of the other contributors and which leaves this reader at least unclear as to the people to whom he is referring).

The book opens with a chapter dealing with the scholarship in the area of cultural diversity and the importance of clarifying a normative foundation, drawing in particular on the work of Kymlicka. This is undoubtedly an important beginning topic, although it perhaps leaves more questions open than answered. The following chapter turns to consider the theme of integration and diversity in European Community legislation. This concerns a subject of particular current importance and is necessarily condensed.

The remaining chapters examine different aspects of the diversity and legal sector from a more socio-legal perspective. There are thought-provoking chapters on drugs policy and the implications for the black community, on free expression and religion, on alternative dispute-resolution mechanisms in the Muslim community in Britain, on ethnicity and the senior judiciary in England and Wales, and on the use of expert evidence. The chapter on planning law and mosque development in Birmingham in particular serves to highlight the importance of field research in this area and exposes what is otherwise a rather arcane area of law, rarely subjected to public scrutiny but presenting a significant issue for minority groups and organisations. Shah's own chapter on the treatment of ethnic-minority marriages in the British legal system reveals both the inconsistencies in approach and the challenges to society that are inherent in pluralism. It is a subject about which much ink is spilt all too frequently, with a lack of full understanding of the legal intricacies, and the chapter neatly traces the tortuous path of recognition in the legal system.

Overall, the diversity in style and subject matter provides an array of material, which should engage academic, practitioner and those with a particular interest in the field. Its pluralism serves to remind us of the importance of an interdisciplinary approach and the continuing debate in this area. One topic notably absent was any discussion of the state-funded education system. Given its

centrality in society and its inherent pluralism this is perhaps surprising. But plainly there is room for much more scholarship where this book came from. In the words of Rabindranath Tagore: ‘The highest education is that which does not merely give us information but makes our life in harmony with all existence.’³

SAMANTHA KNIGHTS
Barrister, Matrix Chambers

doi:10.1017/S0956618X09002051

The Courts, the Church and the Constitution: Aspects of the Disruption of 1843

LORD RODGER OF EARLSFERRY

Jean Clark Memorial Lectures, Edinburgh University Press, Edinburgh, 2008,
xvi + 142 pp
(paperback £30.00) ISBN: 978-0-7486-3754-6

At a discussion in the immediate aftermath of the 1992 General Synod vote on the ordination of women to the priesthood, some of those present were musing on what would happen if Parliament refused to approve the draft Measure. I suggested rather diffidently that, if the legislation were rejected, the Church of England would have to think very hard about its relationship with the state and that the result might look something very like the Disruption. To my astonishment, their reaction was one of blank incomprehension, so I told them the story with which Lord Rodger begins these lectures.

In a prearranged gesture at the opening of the General Assembly of the Church of Scotland in St Andrew’s Church in 1843, the retiring Moderator, Dr Andrew Welsh, led the assembled fathers and brethren in prayer before reading them a long Protest. Following this, he led some 200 ministers of the evangelical party down to Tanfield Hall, where they declared themselves ‘The Church of Scotland Free’ and appointed Dr Thomas Chalmers as Moderator of what they regarded as the ‘true’ General Assembly. Eventually, almost two-fifths of the ministers of the Kirk joined them; and the schism was not finally resolved (and even then not wholly so) until the reunion of the Church of Scotland with the majority of the Free Church in 1929. But though the effects of the Disruption can still be seen and felt today, very few people outside Scotland have ever heard of it; and Lord Rodger sets out both to tell the story in considerable detail and to disabuse readers of any notion that it is merely a mildly interesting and obscure historical byway.

3 R Tagore, *Personality* (London, 1917), p 142.