

brought together by O and J O'Donovan⁵), modern Christian thinkers have not managed to overcome the marginal situation in which the deconfessionalised state has placed Christianity. With the present battles over abortion, gay marriage and stem-cell research, one would like to know, in a precise manner, how much can and should the secular law do? How should the relationship between divine law, positive law and politics be understood by a Christian? On these all-important topics, every one of the thinkers included in the book is nearly silent.

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The Trials of Art

EDITED BY DANIEL MCCLEAN

Ridinghouse, London, 2007, 352 pp, 30 b&w illustrations (paperback £25.00)

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This well-illustrated book explores the relationship between art and law by analysing a number of the more interesting trials involving art. This is done through a selection of newly commissioned essays by art historians, lawyers and cultural theorists. The book deserves attention by the readers of this *Journal* because a substantial number of the trials discussed involve the relationship between law and religion, and the boundaries of censorship, whether on the grounds of blasphemy, obscenity or (in the case of *Re St Stephen Walbrook* and the Venetian Inquisition's process against Paolo Veronese's painting of the Last Supper, subsequently re-named *Feast in the House of Levi*) doctrinal grounds.

A number of the essays touch on the provocative work by Andres Serrano, *Piss Christ*, the subject of legal action in both the USA (where issues of federal funding arose) and Australia (where a claim of obscenity was defeated because the work had artistic merit, and a claim of blasphemous libel failed). The work is the subject of an essay by Anthony Julius, which analyses it as the epitome of a 'transgressive work' and explores the classic defences used to justify the creation of such works – art is special (the aesthetic defence or 'alibi') and freedom of speech – but also other defences: that works of art should be challenging and shock us to grasp some new truth about art, the world or ourselves (the estrangement defence); that disturbing new art works are successors to familiar, established works and should be judged by reference

5 *Bonds of Imperfection: Christian politics past and present* (Grand Rapids, MI, 2003).

to them (the canonic defence); and that art exists in its own sphere and is not to be confused with polemic or propaganda (the formalist defence).

Of course, the vast majority of art is not transgressive and an aesthetic based on ‘the shock of the new’ should be questioned, but art’s continuing power to shock religious and other sensibilities and to create legal issues, from sixteenth-century Venice and the Inquisition to twenty-first century Russia and the Orthodox Church (*Russian Federation v Samodurov and Vasilovskaya*), is a fascinating area for legal and cultural analysis, which this book ably provides.

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Religion and the Individual: Belief, Practice, Identity

EDITED BY ABBY DAY

Ashgate, Aldershot, 2008, x + 204 pp (hardback £50.00) ISBN: 978-0-7546-6122-1

The papers in this collection originated from the 2006 and 2007 conferences of the Sociology of Religion Study Group of the British Sociological Association, and most of them are likely to be of only marginal significance to lawyers. But the boundaries of pure ‘ecclesiastical law’ are enlarging as commentators become increasingly concerned with broader issues of law and religion; and Michael Keenan’s ‘Freedom in chains: religion as enabler and constraint in the lives of gay male Anglican clergy’, for example, provides an interesting perspective on a problem that has serious implications for Anglicanism and, not least, for its canon law.

Of particular interest to readers of this *Journal* will be Russell Sandberg’s ‘Religion and the individual: a socio-legal perspective’. For some time, Sandberg has been arguing for the importance of a more rigorous approach to the sociology of ‘law and religion’, on the grounds that, as religious practice – certainly in the UK – becomes increasingly entangled with human rights issues over matters such as religious dress, it is crucially important to have regard to existing definitions of ‘religion’ in order to decide what aspects of practice are properly to be regarded as religious and what are merely cultural. Recent cases have illustrated this tension vividly. In *Eweida*,⁶ an employment tribunal rejected the

6 *Eweida v British Airways* [2007] Employment Tribunal Case Number: 2702689/06 (19 December 2007).