

Democracy and Religious Freedom: to be fully human (2017) – which rejects the traditional state–individual binary of Church–state relations in favour of a richer, more holistic approach. Both van Bijsterveld and ten Napel rightly stress the systematic nature of constitutional democracy, whose health ultimately depends as much on civil society activity and positive social norms as on the protection of individual rights.

There are important lessons to be drawn from this challenging book, often contained within throwaway remarks. To note just one without comment, ‘Citizenship and social cohesion are difficult to force. People cannot be ordered to respect other people and to feel secure’ (p 29). The book’s main defect is that the author wastes time throughout posing multiple strings of questions. Given that this is intended to be a concise and punchy statement on religion–state relations, it would have been better to simply get to the point and flesh out the arguments rather than take up space superfluously in this manner. All things considered, however, this is a stylistic quibble rather than a serious flaw. The book remains highly readable, enjoyable and thought-provoking.

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Research Handbook on Law and Religion

Edited by REX AHDAR

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In the twenty-first century the status of religion in constitutions is fervently debated. Religion interacts with an amalgamation of legal disciplines and topics, which causes endless tension and dialogue. These fascinating controversies form the foundations of this research handbook, which offers an invaluable overview of a range of issues generated by the interaction of law and religion.

The twenty-one essays featured are accessible and provide cutting-edge analysis on issues experienced by many jurisdictions (in particular, Australia, New Zealand, India, Canada, the US, the UK, Russia and Turkey). Naturally, the book combines assessments of constitutional law, the International Covenant on Civil and Political Rights (ICCPR) and the European Convention on Human Rights (ECHR). Subsequently, it advances insightful contributions for international and regional researchers of any experience and background.

The book has six parts, each with a specific theme. In Part I, Ahdar provides a summary of what he terms familiar waterways, rivers less travelled and uncharted seas in law and religion (p 1). It also includes Sandberg's methodological discussion on why a sociological lens is a necessary tool when addressing legal challenges within the field.

Part II deals with jurisprudential themes. Smith addresses conflicts between religious and equality norms and discusses what equality means as a legal right. Burnside engages with Bentham's rejection of the authority of biblical law (a new area of research identified by the author; p 54), arguing that it is flawed and should be re-evaluated in contemporary settings. This is followed by Harrison's analysis of Dworkin's thesis that 'religion is deeper than God' and the challenges he presents for religious liberty in an account of political morality. Harrison offers an alternative account, more in line with current understandings of true religion developed by Augustine. Lastly, Koppelman counteracts the unfairness and distraction objections to the legal status of religious liberty made by First Amendment commentators by stating that it is a 'hypergood' that should be protected alongside other universal secular values that meet the criterion.

Part III is the most detailed section and discusses religion–state relations. It examines important conversations on secularism and the impact that these are having and could have on the treatment of religion in legal systems. Dane reflects on the possibility of a normative common denominator in religion–state arrangements by which to evaluate specific regimes. An example is not offered, but Dane demonstrates that, if one could be developed, it could benefit conversations within political and legal systems. Albert and Roznai identify how constitutional conceptions of religion and secularism are made unamendable constitutional principles through constitutional laws, judicial interpretations and political practices in certain jurisdictions (Iran, Canada, Turkey and India). Democratic objections and justifications are examined and are suggested to create a paradox within limitations of constitutional amendments. Neo evaluates the regulation of religious communities in multicultural polities and submits that the main organising factor is the distinction between public or private regulation. She hopes that this can create greater social peace within multicultural conditions. Berger discusses how religion and 'folk' secularism are elements of liberal constitutionalism that threaten its success and reveal general vulnerabilities and deficiencies of law. This is demonstrated through the Canadian experience of proportionality analysis in religious freedom cases and US rights constitutionalism. Napel considers state restrictions on faith-based organisations in Europe that affect their internal autonomy and communal religious practices. He openly omits addressing the problems that organisations would subsequently experience. Ahmed discusses the enforcement of religious laws relating to personal law systems regulating

family matters and religious alternative dispute resolution in India. He shows how the former prevents diversity within certain religious groups, which subsequently impacts on individual autonomy, and explains why the latter may offer a beneficial way of dealing with religious problems in familial contexts.

Part IV examines problems facing judges adjudicating religious disputes. Helfand argues that US judges should expand the justiciable threshold on adjudicated issues involving theological enquiries. Venter adopts a comparative analysis of how courts deal with questions of justiciability in disputes of three categories – state disputes, inter-religious disputes and intra-religious disputes – and suggests that greater objectivity should be instilled within decision-making.

Part V explores international perspectives on law and religion. Taylor considers what scope is available to signatories of the ICCPR to examine the content of religious beliefs in cases, compared with the ECHR. This examination shows that there have been few occasions when it has been necessary, and it is argued to be the correct approach, since it helps avoid decontaminating religions. Kivirorg identifies dangers of the changing narrative of human rights in Europe and indicates why re-writing boundaries of religion and belief as experienced in Russia is a threat to human rights, democracy and security.

Part VI notes specific freedom of religion issues. Hill examines clashes of freedom of religion and secularism in British workplaces in recent cases. Leigh discusses the legal recognition of freedom of conscience of conscientious objectors under the ECHR and ICCPR to medical practices by healthcare professionals. The most interesting and novel chapter in the book is written by Barker, who investigates the attitudes and opinions of Muslim women acting as parties to litigation centred on veils, niqabs and burqas in English-speaking jurisdictions (New Zealand, Australia, Canada and the UK). She argues that this research is essential in helping legal systems better understand experiences which could improve accommodation. Buckingham discusses the Trinity Western University Law School litigation in Canada involving conflicts between religious liberty and LGBT rights. Lastly, Thompson highlights recent jurisprudence on religious confession privileges in relation to child abuse cases in Ireland, England and Australia, concluding that legislation introduced to abrogate privilege would not prevent abuse.

This handbook will ultimately add to the elementary texts of Peter Edge (*Religion and Law: An Introduction* (2006)), Russell Sandberg (*Law and Religion* (2011)) and previous work published by Adhar (*Religious Freedom in the Liberal State* (2013)), co-authored with Ian Leigh), which provide the foundation to any study on law and religion.

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