

consciously like NGOs – for example, in lobbying for causes – they sometimes act entirely altruistically. He contends that the churches' level of influence, while not to be exaggerated, is unique and deserving of further academic attention. In arguing this he examines in detail the representative church structures in Brussels, their origins and their purposes. He especially singles out, with supportive argument, the work of the Commission of the (Catholic) Bishops' Conferences of the European Union (COMECE) and the Conference of European Churches – Anglican, Protestant and Orthodox (CEC).²

In the second part of his book, Mudrov gives us two excellently detailed case studies. The first is on the role of the churches in the reform of the treaties of Maastricht (1993), Amsterdam (1999), Nice (2003) and finally Lisbon (2007). This is much, much more than whether the (failed) European Constitution should have referred to God. The Lisbon Treaty speaks of the religious and cultural heritage of Europe, and Article 17 explicitly established that there shall be dialogue between religious representatives and the European Institutions – as also with other philosophical movements. For the detailed work of COMECE and CEC in achieving this, Mudrov gives full chapter and verse. Finally, he looks at the work of the churches in Europe in relation to asylum and migration. He particularly singles out the Churches Commission for Migrants in Europe (CCME), which is an associated body with the CEC. This particular case study is important not only because of the sad topicality of the escalating tragedy of migrants in and on the borders of Europe but also because it gives the lie to the suggestion occasionally heard that the churches' representation in Brussels is merely by reason of self-interest. Rather, the work for migrants is a very concrete example of the Christian duty to love neighbour as we love God, and of remembering how widely the Lord teaches us to determine who our neighbour is.

CHRISTOPHER HILL

President of the Conference of European Churches

doi:10.1017/S0956618X1600123X

Christians and the State: A Catholic Perspective for the 21st Century

JOHN DUDDINGTON

Gracewing, Leominster, 2016, x + 225 pp (paperback £12.99) ISBN: 978-0-85244-829-8

This book reflects the author's wide learning as a Catholic thinker and his 40 years' experience as a lawyer. He has also, for over 20 years, edited *Law and*

2 This reviewer declares an interest as the current president of the latter, which works constructively with the former.

Justice. His title's 'perspective' owes its origin to Catholic views on conscience, the relationship between faith and reason and the primacy accorded to natural law. He asks how Christianity could and should contribute to political debate in this country. His view is that a public life that fails to accord weight to religious views is impoverished and his concern is that the Christian church's mission of preaching the gospel is beset with challenges.

Duddington concludes his discussion by proposing a three-point programme to deal with religion in the public sphere: a campaign by churches to establish rights to be heard in public debate and to seek to influence legislation; a recognition that churches should be granted the right to have their own personal legal systems in some areas; and a concordat between religious groups and the state setting out each other's respective rights and duties. He arrives there after an opening chapter giving a historical perspective of the relations between Christians and the state, a second chapter offering a general assessment of the church and state in today's world, concluding that in the UK the relationship is one in which religious organisations are free to operate as voluntary associations, and ten chapters on various aspects of Christianity, the state and the law.

Much ground is covered but the price of the book's relative brevity is that the themes and ideas in some of the chapters (in particular the first) are not developed as fully as perhaps they might have been. Chapter 3 asks whether English law is based on Christianity. It is said that, historically, our common law was influenced by Christian concepts, as was (and, it is said, still is) the 'conscience' element in equity. The discussion of the modern-day position is brief, but the author asserts that the basic precepts of Christianity are still relevant to our legal system. One is 'the idea that law is not just the expression of the will of the sovereign' (p 51). Another is that a key principle said to be still alive in our modern law is that the validity of our laws is assessed against the touchstone of natural law, defined by Thomas Aquinas as 'nothing else but a participation of the eternal law in the minds of rational creatures' (pp 51 and 65). The author argues that both ideas have become part of our legal system with the passage of the Human Rights Act 1998. While the place of human rights in our law is well understood, as are the limits on the sovereign's powers, many would question whether natural law (as opposed to natural justice, which is about procedural fairness) has any role in our law today.

Chapter 4 engages in a philosophical discussion about faith and reason. Chapter 5 returns to natural law, now expanded by reference to the dicta of Christian writers, but which I think comes down to a law discoverable within our consciences. In his introduction to this chapter, Duddington perhaps suggests that an Act of Parliament passed in fundamental breach of natural law would be a nullity. If he means that our courts would so regard it, I believe

that most would prefer the conventional view that it is not open to the courts to deny the sovereignty of Parliament – which the author apparently recognises in Chapter 3, just as in Chapter 5 he recognises the Abortion Act 1967 as valid law. His primary stance in relation to natural law may perhaps rather be that its principles should guide Christians towards achieving laws that reflect, for example, the principles of human dignity (proclaiming the sanctity of human life) and the common good (he applauds our anti-discrimination laws), linked by the upholding of the relationships essential in a healthy society.

Chapter 6 is about ‘Christians, conscience and the law’. Regarding its Charles/Sue example, I would question whether a principle of Christian ‘conscience’ would give Sue a share in the house: she would probably only have one if she could prove that that was her and Charles’s common intention, as explained in Chapter 5. Chapter 7 focuses on ‘Law and justice’. The premise is that our law does not always provide justice and that we should strive for a system of justice that matches God’s justice, although there is no explanation of the standards of the latter. The debate, it is said, should not be about personal autonomy but about achieving justice for the individual and for the common good. Duddington favours linking the idea of justice to an individual’s inalienable human rights. He makes the point – with which many will agree – that the reduced availability of legal aid wrongly bars many from access to justice. I would question whether *Inwards v Baker* [1965] 2 QB 29 merits citation as an example of justice tempering strict law: was it not simply an application of the principles of proprietary estoppel, which had by then been established as part of our law for about a century?

Chapter 8 deals with ‘The state and morality’, as to which the author’s conclusions may be said to be on the vague side. Chapter 9 covers ‘Religion and public debate’ and Chapter 10 considers ‘Christianity, equality and human rights’, opining after discussion that it is ‘a sham for politicians and others to say that the UK promotes equality’ (p 143). Chapter 11 addresses ‘Christians and religious liberty’ and Chapter 12 ‘Christians and the law’, including a discussion of cases on religious discrimination.

The author’s views are interesting and challenging, they provide plenty of food for thought and some are likely to be controversial. If, however, the book’s overall objective is to provide practical arguments for the advancement of Christianity in the life of the state and the law, I have my doubts as to the strength of the case it makes.

SIR COLIN RIMER
Former Lord Justice of Appeal

doi:10.1017/S0956618X16001216

REVIEWS ONLINE

The following book reviews may be found online at journals.cambridge.org/elj under 'FirstView articles'.

The Secularization of Death in Scotland, 1815–1900: How the Funeral Industry Displaced the Church as Custodian of the Dead (A Study of Private Cemeteries, Public Crematoria, and Bereavement Practices in Edinburgh), by Michael Smith (Edwin Mellen Press, Lewiston, NY, 2014)

Review by Stephen White

Annotated Legal Documents on Islam in Europe: The Netherlands, edited by Agnieszka Szumigalska (Brill, Leiden, 2015)

Review by Raffia Arshad

Papal Justice in the Late Middle Ages: The Sacra Romana Rota, by Kirsi Salonen (Routledge, London and New York, 2016)

Review by Robert Ombres OP

American Law from a Catholic Perspective: Though a Clearer Lens, edited by Ronald J Rychlak (Rowman and Littlefield, New York, 2015)

Review by W Becket Soule OP