

and an increase in religious divisiveness. We are asked to consider how far this is removed from Jefferson's original intentions.

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doi:10.1017/S0956618X14001057

## Religion in Public Spaces: A European Perspective

Edited by SILVIO FERRARI and SABRINA PASTORELLI

Ashgate, Farnham, 2012, 384 pp (hardback £70) ISBN: 978-1-4094-5058-0

This volume comprises the proceedings of a colloquium held in October 2010 in Como, Italy, within the framework of the research project RELIGARE (standing for Religious Diversity and Secular Models in Europe: Innovative Approaches to Law and Policy), which in turn is funded under the Seventh Research Framework Programme (Socio-Economic Sciences & Humanities) of the European Commission. It is a rich mixture of theory and empirical work. The first part consists of seven chapters on the theory of religion and public space; contributions by the authors explore the history of the distinction between public and private space and its derivation from different legal traditions, social customs and gender roles. The second and third parts analyse developments in the concrete context of individual states (Turkey, Italy, Bulgaria and France, among many others) on two specific policy issues: religious dress (particularly burqas) and places of worship (such as mosques with minarets). Each of these parts concludes with an explicitly comparative chapter.

One of the two editors (Silvio Ferrari), a professor of canon law at the University of Milan, writes a nuanced appraisal of the issues surrounding the debates on the role of religion in society. He distinguishes between kinds of public space: the common space, where people carry on their day-to-day business; political space, where debate takes place on important issues of public policy; and institutional space, where authoritative decisions are made and enforced (pp 149–152). Ferrari argues convincingly that, in common space, religious dress should not be restricted for the same reason that non-religious dress (such as haircuts, earrings and tattoos) should not; moreover, bans on wearing the burqa in public, for example, restrict the orderly enjoyment of public space and force women to retreat entirely into the potentially repressive environment of the home. Ferrari goes on to argue that political space *must* be free and plural. Restricting religious clothing restricts the pluralism that contributes to debate and discourse here. Finally, it is only in institutional space, where decisions are actually made binding and enforced, that demonstrations of religious

belief or doctrine may be inappropriate. Ferrari questions the Italian practice of displaying crucifixes in courtrooms and classrooms in state schools in this regard. However, he is less critical of *Dahlab v Switzerland* than he is of *Lautsi v Italy* because in the first case the teacher who was not permitted to wear a veil was acting as an agent of the state, while in the second the crucifix, which was required to be displayed in state school classrooms, gave the impression that education might be biased in favour of Christian doctrine. Although not all of the chapters in this part of the book are as clear as his, this chapter demonstrates the level of analysis reflected in several of them.

The book also shows the difficulty of publishing in such a fast-moving area of politics and law. The excellent summary of UK law concerning religious symbols in the workplace by Javier García Oliva was written before the European Court of Human Rights had decided *Eweida v United Kingdom*, which offered more protection than many expected to those who wish to wear religious symbols in their workplace. Nevertheless, García Oliva's chapter is insightful and, drawing on work by Mark Hill and Russell Sandberg, among others, he offers a nuanced criticism of the tendency of the UK courts to find that Article 9 of the European Convention on Human Rights is not triggered by allegedly discriminatory action rather than moving on to force the respondent to defend its policy or conduct under the article (pp 226–227). Also, he is dubious about courts' ability to make decisions concerning religious doctrine, which they do while claiming that this is not the case (pp 229–230).

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doi:10.1017/S0956618X14001070

## Churchyard and Cemetery: Tradition and Modernity in Rural North Yorkshire

JULIE RUGG

Manchester University Press, Manchester and New York, 2013, xv + 427 pp (hardback £70) ISBN: 978-0-7190-8920-6

Dr Rugg has made the academic study of churchyard, burial-ground and cemetery provision and management from the nineteenth century her own. In her 1988 PhD thesis, sadly unpublished but now available for free download via the British Library's EThOS service, she cautioned against the then current paradigm of the academic study of places for the burial of the dead which had been set by the London-centric prosopographical studies of Edwin Chadwick by Finer