

democracy itself. The collection is recommended as an accessible and thoughtful contribution to that debate.

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State and Religion: Re-Assessing a Mutual Relationship

SOPHIE VAN BIJSTERVELD

Eleven International Publishing, The Hague, 2018, 198 pp (paperback £45)
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State and Religion: re-assessing a mutual relationship is a spry and engaging contribution to modern constitutional theory. The central thesis of the book is that important, controversial questions about the place of religion vis-à-vis the state and society need working answers. Such has been the effect of Islam upon Western societies that traditional principles governing Church–state relations – such as the strict separation of Church and state, state neutrality and the right to religious freedom – are being called into question like never before and can no longer simply be taken for granted. Rather, van Bijsterveld argues in the Introduction that they need to undergo serious re-examination if growing social tensions are to be addressed with humane, proportionate and effective public policy.

Chapter 2 focuses on the long-held liberal notion that religion must be a private affair with little, if any, rightful place in the public domain. For van Bijsterveld this is too simplistic, too absolute and too restrictive, given that the collective dimension to religious practice – even if worship is held in private – has social consequences which compel the state to commit to a position as to the acceptable forms that religion can take. Chapter 3 argues that fruitful insights into the state–religion relationship are unlikely to be gleaned from studying only one aspect of the multi-faceted social order. Rather, it is necessary to move beyond a bare view of constitutional democracy in which holding elections and protecting rights are the be-all and end-all. Individual freedoms are given depth in their cultural, moral and political context, and societal health depends as much upon civil society as upon any mere collection of rules, rights and procedures. The state has a legitimate prerogative to preserve itself and so cannot afford to simply ignore the evolving social climate and ominous tensions created by Islamists. It must take proportionate action against any groups, religious or otherwise, that threaten its integrity, while positively promoting the values implicit in democratic constitutionalism.

Chapter 4 illustrates the various ways in which the state can recognise religions. The concept of recognition is not an all-or-nothing affair but rather an ongoing process. All religions must pass through the state's criteria for recognition, although these will vary across sectors as well as across time, depending on how familiar the given religion is to society. As such it is not unfair to expect that Judaism and Catholicism, having been in Europe for centuries, currently enjoy more accommodating arrangements than Islam, which is relatively new to Western societies. Chapter 5 examines the financial relationship between the state and religions. The author argues that some kind of financial relationship, be that subsidies for service provision or tax breaks, is inevitable and can be legitimised in different ways. The goal is not simply to provide money to ensure equal treatment but also to facilitate concrete measures when interests converge (such as counter-radicalisation programmes) and to promote participation of religious organisations in service provision (such as public sector chaplaincy).

Chapter 6 expands and qualifies the concept of equal treatment. True equal treatment applies only if the circumstances are equal, and must account for the social context in which religious individuals and groups exist. For example, the size and practices of religious groups will often change over time, as will the prevailing values of society; the state must allow for this and adjust its arrangements accordingly with the religion, so that effective communication and co-ordination can continue. Chapter 7 warns against the modern tendency to place excessive faith in general legislation and bureaucratic supervision. The author argues instead for targeted, proportionate measures to address specific problems within particular religious groups. For example, if Islamic schools are especially problematic, then the state should address them directly rather than passing wasteful legislation applicable to any and all religious schools; managing problems of religious diversity requires a sense of differentiation. Setting appropriate limits on pluralism and religious freedom is an ongoing process characterised at times by co-operative dialogue and at others by confrontation, as exemplified by the struggle over freedom of expression in the wake of Islamist violence across Europe (Chapter 8).

Van Bijsterveld concludes the book by noting that the state cannot avoid entanglement in the serious moral questions that inevitably arise from its interactions with myriad religious groups. The traditional liberal obsession with abstract binaries (individual/state, public/private and so on) obscures the enmeshed social nature of religion. In other words, the state must strike a principled balance between distance and involvement in religious issues, not treating religion as isolatable from surrounding social phenomena and not undervaluing or overvaluing its role when formulating policy. The book finishes with a neat summary of sensible recommendations drawn from earlier chapters.

Van Bijsterveld's book fits into an encouraging trend in Dutch scholarship – another good example of which is Hans-Martien ten Napel's *Constitutionalism*,

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.