

by rulers who are unbound by it. Perhaps the distinction is that law and order implies a commitment to a specific ideal—the maintenance of order—whereas rule by law may encompass any instrumental use of the law by the sovereign. This distinction does not seem substantial enough, but suggests that law and order is simply a guiding principle in criminal law, subsumed into a broader rule by law doctrine.

For me, the book's main contribution is the original, conceptually and empirically rich discussion of criminal justice in Myanmar. Despite focusing on one country, the book should be of great interest to anyone who studies legal culture and practice in authoritarian settings. As a scholar of Soviet and post-Soviet authoritarianism, I found insightful discussion of several analogous phenomena, which I had thought might be typically (post)-Soviet. Cheesman discusses the exercise of "sovereign *cetana*," the ability of the sovereign to "qualify, delimit, and withdraw citizen's rights in response to policy imperatives" (p. 99) and its corollary—the identification of public enemies who are perceived as "higher in the hierarchy of threats to law and order than other persons" (p. 99). These concepts provide a generalizable framework, through which we could understand why Russia's criminal justice system overreacted to an obscure punk rock band's profanity-laced performance by jailing the singers for 2–3 years. Using Cheesman's conceptual framework, we could see that by insulting Putin and Putinism, the Pussy Riot punk rockers had transformed themselves into public enemies, which is why they were dealt with much more harshly by the courts. Cheesman's discussion of presidential pardons in Myanmar (pp. 127–129) could be used word for word to understand Putin's 2014 pardon of Russia's most famous political prisoner, former oil tycoon Mikhail Khodorkovsky. As Cheesman argues, the pardon perfects the exercise of sovereign *cetana* by "magically restoring something arbitrarily withdrawn, not by correcting the wrongs done to the person, but through dogged insistence that no wrongs have been committed at all—other than by the person pardoned" (p. 128). The discussion of the secrecy shrouding politically sensitive trials, the use of hired thugs alongside regular security forces to intimidate protestors extra-legally, the tales of the mechanisms of judicial corruption, and the use of courts for reprisals against complainants and protestors is insightful and illuminating of many similar post-Soviet practices.

I would have liked to see more discussion of political factors and variables, though to be fair, the focus on social variables is logical given that the book is part of the Cambridge Studies in Law and Society series. Still, it would have been interesting to see Cheesman's take on the politics of democratization during the last few years as political competition seems to be slowly returning to Myanmar. For example, he asserts that there has been a change towards openness to investigative journalism and

even bona fide legislative investigations into judicial corruption since 2011 (p. 244), but we do not know which political actors initiated these changes and why.

Even though this is not one of Cheesman's goals, his study contributes to the research agenda on authoritarian constitutionalism that motivates Ginsburg and Simpser's volume. In my interpretation, Cheesman offers a complementary answer to the question of why authoritarian leaders would bother to provide rights on paper if they do not intend to respect them in practice. The sovereign *cetana* principle suggests that one of the roles of rights codification is to differentiate between those citizens on whom the regime magnanimously bestows some of these rights, some of the time, and the public enemies whose rights are swiftly withdrawn or delimited. With the pretense of the existence of rights, the act of abrogating them assumes greater meaning and visibility.

**Nations Under God: How Churches Use Moral Authority to Influence Policy.** By Anna Grzymala-Busse. Princeton, NJ:

University Press, 2015. 440p. \$95.00 cloth, \$29.95 paper.  
doi:10.1017/S1537592716002462

— Jonathan Fox, *Bar Ilan University*

*Nations Under God* examines the extent and nature of the political influence of churches on national policy. Its central argument is that rather than influencing policy through electoral politics or the use of public pressure, churches are most influential through backroom politics and institutional access. In fact, churches are most successful at influencing policy when they meet two criteria. The first is appearing to be above politics: "Churches gain their greatest political advantage when they can appear to be above petty politics—exerting their influence through the secret meetings and back rooms of parliament rather than through public pressure and partisanship" (p. 2). The second is that they are considered by politicians and society to have moral authority which, according to Grzymala-Busse, is best gained through a historical record of defending the nation. These factors explain significant variance in success at influencing policies in countries that have otherwise similar patterns of religious belief, belonging, and attendance.

Institutional access is also the most reliable means for influencing policy. Public advocacy, especially when on behalf of narrow church interests, can undermine a church's moral authority in society. Alliances with political parties can be short lived and these parties can have other priorities. Voters, even in religious countries, do not always agree fully with church views and may vote based on their economic interests rather than their religious views. Thus, if done quietly, the use of institutional access and backroom politics can be the most effective and long lasting means to pursue a church's political agenda.

This argument is supported by examining three pairs of states in which churches have had different levels of influence, despite the populations of these states being religiously similar. In Chapter 3, Grzymala-Busse argues that despite similarly religious populations, “the Irish Catholic Church has dominated politics and policy far more consistently than its Italian counterpart” (p. 62). This is because in Ireland “the first government’s strong need for the support of a church with great moral authority promoted direct institutional access: parliamentary consultations, policy committees, and personal calls on policy makers. In Italy, the Christian Democratic Party was in dire straits after the war and offered a coalition to a church” (p. 65) which undermined its moral authority (p. 65). Chapter 4 demonstrates that despite similar levels of moral authority at the end of the communist era, the “the Roman Catholic Church has influenced policy in Poland far more than it did in Croatia” because “while in Poland the church relied chiefly on institutional access, in Croatia it was dragged (more or less willingly) into a public and costly coalition with the ruling party,” (p. 145) which undermined its moral authority. In Chapter 5, the book examines the United States and Canada, which have similarly religiously diverse populations; however, these religious groups have had more success in influencing policy in the United States than in Canada. In these cases, religious identities melded and interdenominational coalitions filled roles similar to that of a majority religion and the churches engaged in party politics, but the diffuse nature of the coalitions protected them from erosion of their moral authority. The key difference is that in the United States, religious identity fused with national identity, while in Canada it did not.

The author uses primarily a classic comparative political approach to develop and support her argument, which she supplements with extensive descriptive statistics drawn from surveys and data from other studies. The book’s central arguments are developed in incredible detail. While the theory section is a bit repetitive, the author demonstrates a deep and detailed knowledge of the six cases included in this study. This level of detail is the book’s greatest strength and perhaps also contributes to its most significant limitation—that it does not actively address significant aspects of the larger literature on religion and politics. To be clear, the author addresses the specific literature on the nature of church influence in democracies, contrasting her theory with more classic theories that argue this influence is achieved through public pressure and alliances with political parties. It also addresses in the conclusion chapter the sociological rational thought literature, which argues that religious monopolies lead to less religious populations. In addition, the author shows an awareness of the larger literature on politics and religion and does reference it frequently, but this literature is cited mostly in support of the book’s

central arguments with little effort to compare and contrast these arguments with competing and perhaps complementary arguments in the larger literature.

For example, Grzymala-Busse’s theoretical arguments are based to a great extent on the interacting interests of politicians and church leaders. Perhaps the most prominent recent discussion of how the interests of politicians and church leaders interact is Anthony Gill’s book *The Political Origins of Religious Liberty*, which the book cites but only in passing. The study’s arguments overlap to a great extent with Gill’s arguments and I’d have expected more reference to Gill’s book in the development of these arguments. Yet, Gill has a very different perspective on the issue and the author misses an opportunity to compare and contrast her arguments to his, especially regarding the motivations for entering into various types of church-state relationships. In addition, Gill’s more systematic presentation of the interests of politicians could have been combined with Grzymala-Busse’s more nuanced view of the interests and motives of religious institutions to form a more complete theory.

Similarly the book does not address the normative implications of the study’s findings. How does this theory of church-state relations in democracies relate to notions of the relationship that many argue ought to exist. It seemingly contradicts the arms-length relationship advocated by theorists such as John Rawls and Alfred Stepan. In a related question, what does this real-world relationship say about the role religion plays in democracy on a more general level?

Another limitation of the study is that it focuses exclusively on Christian majority countries in the West, including the former Soviet bloc, four of them Catholic majority countries. Although the book does briefly discuss examples from other countries, most of these examples are Western countries. While there is certainly reason to believe that the arguments in this book are applicable to Christian majority countries in Africa and Latin America, the author missed an opportunity to include cases from these regions, which may have increased the impact of her argument. Similarly, it is possible that this argument has some weight in explaining non-Christian majority democracies, but since the issue is never examined, this remains an open question. In fact the study is even narrower in that it focuses on Church influence on a limited number of issues that are particularly relevant to Western Christian churches: education, divorce, embryonic research technologies, and same-sex marriage.

To be fair, no single book can do everything and despite these shortcomings this book presents an original and insightful argument that is essential to understanding the role of religious institutions in politics. It also sets a research agenda for testing the hypotheses presented in the study in a wider variety of settings.