

and African ecclesiologies which raise the matter not so much of the influence of churches on each other, but rather that of other faiths on ecclesiology. What kind of Church is appropriate in a country where the main focus of religion has always been on the family and the home? In spite of being a Middle Eastern religion in origin, Christianity has often been associated with the West, and missionaries brought Western ways. The question is how inculturation best happens in a place which has traditionally had allegiance to Hinduism, Islam or African Traditional Religion, and which may wish to continue with elements of the spirituality of those religions. Reference is made to Pope Paul VI's visit to Africa and his use of the term 'African church', meaning an African way of living and celebrating the Christian faith. What does that mean in practice, especially now that there are so many million Christians in Africa?

There are gaps in the book; it does not cover some of the work done by the Faith and Order section of the World Council of Churches in pursuit of Christian unity. There is little mention of seminal sociology of religion, such as Paul Harrison's *Authority and Power in the Free Church Tradition*. It is strange that the striking history and theology of the Coptic Church does not appear. The bibliography is very full, but the index is sometimes sketchy: for example (highly relevant for the readers of this *Journal*), there are only three references in the index to canon law, whereas I counted six more.

As a whole, however, this is a fine work, an asset to a library. It is a full and accessible introduction to a part of the theological enterprise which is not studied enough. I read it while the news was full of the trial of Cardinal Pell for child abuse on the one hand and of a pastor in South Carolina who had just given his wife a \$200,000 Lamborghini on the other. There is much to do on the nature and purpose of the Church.

CHRISTOPHER LEWIS

Former Dean of Christ Church, Oxford

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Religious Exemptions

Edited by KEVIN VALLIER AND MICHAEL WEBER

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In a universe where secularisation has been accompanied by religious pluralisation and increasingly ambitious equality legislation, new problems of adjudication arise where the boundaries of religious freedom – guaranteed in all democratic states – have to be defined. In the US, the Supreme Court has

had to wrestle with interpreting demands for religious exemptions case by case against Delphic constitutional clauses and the Religious Freedom Restoration Act 1993 (and its state replicants), itself inspired by judicial refusal to exempt Native American usage of peyote from drug laws. This volume records (together with two contributions from Canada) the attempts by American legal and political philosophers to develop theories of general applicability and guidance. If at times the 14 chapters seem occasionally to exude – albeit with a Rawlsian edge and Leiter dressing – the musty odour of ancient scholasticism, the issues are by no means academic and, indeed, are sometimes urgent. The most frequently granted religious exemption in the US is from public vaccination programmes, the effect of which – for example, in New York – has been to endanger herd immunity from measles.

Most contributions stem from a 2015 conference on the scope of religious exemptions held at the Philosophy Department of Bowling Green University, Ohio. Unsurprisingly, they display a range of views. On the one hand, Jocelyn Maclure (Chapter 1) – Charles Taylor's co-author of *Secularism and Freedom of Conscience* (2011) – argues that 'there is a special category of interests that humans have that has more normative weight and that deserve special legal treatment' (p 11), defending his position against Cécile Laborde's criticism that it involves collapsing religion into a lesser concept of conscience. On the other hand, Andrew Koppelman (Chapter 9) thinks that the American tradition of freedom of religion rests on a controversial conception of the good: namely that religion is valuable and that legal rules 'should be crafted to protect that value' (p 165), adding that 'Free expression and disestablishment, at least in the US, are both devices for promoting religion' (p 168). Other contributions explore, for example, aspects of how far religion can be regarded as deserving special consideration; the extent to which religious schooling should be permitted to opt out of common public socialisation; judicial sincerity testing; vaccination; and criticism of a Canadian Supreme Court split-majority decision to refuse a sexual assault accuser the anonymity of wearing a niqab, contrary to the expectation that a trial should be able to access witnesses' demeanour.

There is no discussion of European or European Court of Human Rights jurisprudence though there is awareness that the religious protection afforded by the 1951 European Convention is virtually identical with that of the UN International Convention on Civil and Political Rights, and there is a passing reference to the 2000 UK Terrorism Act. While the legal environment may at first sight seem alien, the problems discussed are not – even bakers are mentioned – and it is not difficult to discern the shared common law roots.

Ultimately, the collection does not settle on agreed common positions, though – to this reader at least – there seems a mind to be critical of exclusively religious claims for exemption within a debate attempting to find ways of accommodating religious exemptions which do not subvert the principles of liberal

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

R M MORRIS

Constitution Unit, University College London

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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.