

the late nineteenth and early twentieth centuries, to cultivate *rāṣṭrīya kīrtan* “from above,” turning traditional musical devotional performances of a largely religious nature into a vehicle for cultivating nationalist sentiment among the Indian masses, the *kīrtankārs* have been effective agents as well, using their art form to shape the nationalist discourse “from below,” infusing it with local ideas and themes not always in complete alignment with the agendas of Hindu nationalist parties. In the process, she reveals the complex reality that underlies and infuses what is all too often presented as a monolithic *Hindutva* ideology.

***Varieties of Religious Establishment.* Edited by Winnifred Fallers Sullivan and Lori G. Beaman. Burlington, VT: Ashgate 2013. xi + 232 pp. \$99.70 Cloth**

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This rather eclectic collection is based on papers presented at a workshop at St. Thomas University (New Brunswick) in 2010. To the extent that there is an underlying theme to the chapters comprising this volume, it appears to be that religious establishment in some form is a fact of political life, and that genuine neutrality among religions, or genuine church/state separation, is impossible as a practical matter. The most interesting questions concern the manner in which establishment is conceived, and the nature of the manner in which religion relates to the public life of a given polity. Even in the United States, in which the value of religious disestablishment is a constitutional principle, the privileging of some religious traditions is a matter of custom and history, rather than formalized law. More generally, religious establishment is a concept that transcends mere legalities, and the analysis of this concept must be broadened to include cultural and behavioral manifestations of the public face of religion.

After a brief introductory essay by the editors, the book is divided into three parts. The first, entitled “Theory and Structure,” contains essays by Robert A. Yelle, Benjamin I. Berger, and Greg Johnson. However, even the title of this section is a misnomer: the essays by Yelle and Johnson

are case studies of religious freedom and establishment in Ancient India and Hawaii, respectively. In the former, Yelle uses the “axial” age of Indian history to show that familiar western conceptions of religious/secular tension are actually quite dynamic, and that the form of religious freedom is radically dependent on the nature of religious alternatives available in particular contexts (this is what Yelle appears to mean by “spiritual economy”). Johnson’s study of religious politics in Hawaii draws a distinction between three types of religious establishment: “naturalized” establishment represents the *de facto* establishment of a dominant religious tradition, while statutory establishment refers to more familiar legal privileging of particular religious bodies or values. Johnson’s notion of structural establishment occupies an intermediate position between these two, and suggests that religious concepts dominate the nature of the institutions in which public values are translated into public policy. Johnson uses controversies over burial laws to illustrate the tensions among these senses of religious establishment. Benjamin Berger’s account of the aesthetics of religious freedom shows that legal structures and principles regarding the public role of religion are based on implicit assumptions about the nature of time and space, which are in turn often based on religious orientations.

A second section, entitled “Retelling Religious Histories,” consists of five chapters dealing with cases studies of particular nations. The case studies by Peter Beyer and Mark McGowan deal with religious establishment issues in Canada. Beyer suggests that religious freedom or religious establishment was largely a by-product of the nation-state (an entity created by the Peace of Westphalia), and that the twin challenges of globalization and secularization have made traditional legal and cultural categories obsolete. Religion is necessarily the object of government regulation in an era in which national sovereignty has been largely limited and qualified. Mark McGowan suggests that religiously-oriented electronic media in Canada had largely accommodated a Catholic minority, but that such accommodation has become problematic in an era in which technological changes have rendered access to radio and television much less limited. Three other chapters involve case studies of other nations. Winnifred Sullivan’s account of controversies surrounding Park51 mosque in New York illustrates tensions among religious freedom with other rights, such as those associated with the prerogative associated with property ownership. Andre Laliberte’s analysis of religious establishment in Taiwan shows the extent to which the very meaning of legal concepts (e.g., establishment) depends on the nature of

religious alternatives within a particular national setting. The historical interaction of religious traditions associated with diverse colonial and neo-colonial powers in Taiwan provides a fascinating natural quasi-experiment concerning the mutual relationships among legal principles and the theological content of specific religious traditions. Similarly, Malika Zegahi's description of the interaction between secularism and Shari'a in Tunisia demonstrates the tension that emerges where government seeks to support religious, but also wishes to limit its control over the content of religious values and norms.

The final three chapters comprise a section entitled "Rethinking Law's Capacities." Nancy Nason-Clark and Catherine Holtman deal with the interaction of religious and secular organizations which seek to ameliorate the effects of domestic violence. This chapter represents a work in progress of a five-year, multisite project: The RAVE (Religion and Violence E-Learning) in the United States and Canada. Nason-Clark and Holtman demonstrate that, despite a common agenda, religious and secular organizations often have institutional and ideological differences which render cooperation difficult. Finally, chapters by Peter G. Danchin, and by James T. Richardson and Victoria Springer, address issues of accommodating Islamic religious practices in a setting in which Muslims constitute religious and political minorities. Danchin's chapter deals with Islam and marriage law in South Africa, while Richardson and Springer address the difficulties in accommodating Shari'a law in Western nations in which religious liberty and individual choices are valued. Both chapters address the question of whether granting limited autonomy to different religious groups violates the religious rights of members (particularly marginal members) of those same groups. Danchin's insightful analysis, in particular, shows the potential incompatibility of religious freedom for adherents of minority religions with other Western values, such as gender equality.

An overall assessment of this fascinating volume is difficult, since the editors exert a minimal presence over the collection. Several of the individual chapters are quite interesting and informative. For example, as a student of church-state relations in the United States and elsewhere, Richardson and Springer's chapter allowed me to make sense of the tendency of some American states to prohibit the imposition of Shari'a within their jurisdictions. While I am aware of no movement in the United States that would explicitly establish Shari'a, Richardson and Springer make clear that a concern for the religious liberty of Muslims could result in

the quasi-establishment of Shari'a in limited subject areas, such as the application of family law.

That said, the works in this volume do not really cohere as a collection. Aside from a few brief paragraphs in the introduction, the editors do not offer an interpretive framework, nor, indeed, a concluding chapter. The volume more closely resembles an issue of an academic journal than a thematically coherent set of essays surrounding a common topic. It is unfortunate, because this feature will limit the circulation of this book. A majority of the individual chapters are written by very smart people (many of whose names will be easily recognized by readers of *Politics and Religion*), who have provided readers with excellent and insightful analyses. I am hopeful that this review, all too brief to do the contributors justice, will provide some guidance for potential readers, who may find individual chapters useful for their own work.

***Muslim Women and Shari'ah Councils: Transcending the Boundaries of Community and Law.* By Samia Bano. Basingstoke: Palgrave Macmillan, 2012. 344 pp. \$100.00 cloth**

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Few issues surrounding Islam in the West provoke more anxiety and polemics than the claim to have Islamic law (Shari'ah) recognized under Western state law. Not only Islamists, but the Archbishop of Canterbury, Rowan Williams, in a headline-making statement to the Royal Courts of Justice in February 2008, found the recognition of so-called Shari'ah Councils in Britain "unavoidable," and he pleaded for a "constructive accommodation" of Shari'ah (quoted in *Bano*, 274). The tumult generated by his considerate remarks (which referred less to the Koran than to Western elite academics) betrays a deep amnesia in the West about its own tradition of "legal pluralism," which dates back to the medieval age, when Canon (catholic church) law coexisted with various types of secular law, and which Harold Berman found the