

Christopher Tollefsen and George: 'Today's arguments opposing same-sex marriage invoke the same rigidities, the same illogicalities and the same absurdities of racism in South Africa's discredited past. They deserve the same opprobrium' (p 479).

George will have none of it and, clearly outraged, produces the only 'Response' chapter in the book:

From his [Cameron's] expressive individualist point of view, defenders of traditional sexual morality are enemies of personal self-realization, and thus of human dignity. I am sure that Professor Tollefsen feels no less insulted and demeaned – I certainly do – when someone like Justice Cameron equates the conjugal view of marriage and sexual morality with bigotry – indeed, with something as ugly and evil as apartheid. From a natural law point of view, expressive individualist ideology undermines human dignity by encouraging people to yield to unworthy desires, thus damaging their own integrity and contributing to the erosion of a cultural environment in which marriage and the norms of sexual exclusivity and fidelity essential to it can flourish. (p 505)

Who says – or thinks – understanding human dignity will, of itself, unlock the great moral, social and legal issues of our time?

As Lady Hale says, the contributors to this book 'may not have supplied all the answers' but they have most certainly 'enabled us to organize our thoughts more coherently on this immensely challenging but also immensely engaging subject' (p xvii).

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doi:10.1017/S0956618X15000538

The Legal Status of *Dimmī*-s in the Islamic West (Second/Eighth–Ninth/Fifteenth Centuries)

Edited by MARIBEL FIERRO AND JOHN TOLAN

Brepols, Turnhout, 2013, 416 pp (paperback €75) ISBN: 978-2-503-54854-8

This edited collection gathers the papers presented at a conference in Madrid in 2011 on the legal status of *dimmī*-s (the Jewish and Christian communities in Islamic lands). Both editors were at the time engaged in related research projects funded by the European Research Council with Advanced Research Grants. John Tolan's project focused on studying the legal status of religious minorities in the

Euro-Mediterranean region between the fifth and fifteenth centuries, while Maribel Fierro's addressed knowledge, heresy and political culture in the Islamic West from the eighth century to the fifteenth. The study of the *ḍimmī*-s had taken place before within broader contexts, but a project specifically examining the status of *ḍimmī*-s in a systematic and comprehensive manner was lacking. The workshop and the book that was born from it aim to address this gap.

After an introduction by Maribel Fierro giving the background for the publication and outlining its content and focus, the book is divided into five sections. The first section presents an overview of legal views on *ḍimmī*-s and includes two articles on the status of non-Muslims in Islamic law (Christian Müller) and on the specific consideration of the Almohad case (Mohamed Chérif). The second section gathers various aspects of the development of the status of *ḍimmī*-s over time. The first two papers in this section (by Alfonso Carmona and Anliese Nef) address the local peculiarities of the tax (*jizya*) imposed on non-Muslims who choose to continue to live in territories conquered by Muslims but who refuse to convert to Islam. This analysis is followed by the study of the legal status of non-Muslim religious buildings in the conquered territories (Alejandro Garca Sanjuán and Jean-Pierre Molénat). The rationale for these norms is to build and preserve boundaries between communities, and it is these boundaries that the following paper explores (Cyrille Aillet). The section closes with a non-legal contribution which explores the reasons behind the silence of historical materials – in sharp contrast with legal ones – on the matter of *ḍimmī*-s (Mara Jesús Viguera).

The third section explores three different legal issues, all concerned with the legal regulation of shared spaces between Muslims and *ḍimmī*-s: burial sites and funerals (Farid Bouchiba), wine trade (Adday Hernández) and the standing of *ḍimmī*-s witnesses in judicial proceedings against Muslims (Ahmed Oulddali). Section four continues the discussion on the judicial standing of *ḍimmī*-s, exploring the relationship between Jewish jurisdictional issues and Muslim courts (Elise Voguet) and the extrajudicial resolution of conflicts (Marina Rustow). The final section looks at various issues from the perspective of non-Muslim sources, in particular the differences between the Jewish and Christian communities in their relationship with Muslim courts (David Wasserstein) and the treatment of Jews in a Christian legal text written under Muslim rule (Ana Echevarra). The last chapter in the book presents the conclusions. John Tolan notes that the overall purpose of the *ḍimmī* system is to preserve the integrity of the Muslim community and it is against this background that the findings need to be understood. He explains that the research published in this book questions a standardised image of the *ḍimmī* system and instead shows a wide variety of local expressions, which in turn leaves many open questions for future research.

The study of the legal status of different communities in the Middle Ages immediately suggests the historical value of this research. Yet, understanding the legal structures and processes which allowed for competing jurisdictions to exist in shared spaces bears extraordinary relevance to our time. The Westphalian model claimed the sovereign power of nation-states over all people in their territories, ending the traditional model of personal status – based on different jurisdictional spaces – that had been dominant since Roman times. As the nation-state increasingly shares its sovereignty with international structures and as different communities seek to live within these shared structures, the Westphalian model is being questioned. At a time that we now call ‘globalisation’, states’ traditional models of dealing with populations are challenged and different legal statuses emerge in competing jurisdictions – as exemplified, for instance, in the European Union’s adoption of legislation on asylum and migration, including the establishment of categories of refugees and of long-term residents with specific status under EU law. A look at the past offers a better understanding of the way in which sovereign powers addressed the challenges posed by the co-existence of different communities ruled by different jurisdictions, thus providing invaluable insight into how to address similar challenges in today’s world.

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doi:10.1017/S0956618X1500054X

Religion, Law and Society

RUSSELL SANDBERG

Cambridge University Press, Cambridge, 2104, Cambridge Studies in Law and Society, xii + 277 pp (hardback £65) ISBN: 978-1-107-02743-5

Forgive me if I begin this review by defending my description of the relationships between law, sociology and religion as ‘an awkward threesome’. I do this as I am taken to task on page 226 of Sandberg’s book for not explaining what was awkward about these relationships and how this awkwardness might be overcome.

Three incidents were in my mind when I used this phrase. The first two had to do with teaching students on a Law and Society (ie Law and Sociology) degree in the 1990s. These were good students, but even the best were stretched as they came to terms with two very different ways of thinking, each underpinned by its own methodology. Even more difficult were the marking criteria. I well remember the questioning of a mark by a senior social scientist because the student in