

## BOOK REVIEWS

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### **Religion, Politics and Law in the European Union**

Edited by LUCIAN N LEUSTEAN AND JOHN T S MADELEY

Routledge, Abingdon, 2009, xv + 223 pp (hardback £95) ISBN: 978-0-415-46627-1

In stark contrast with the situation of the founding European Communities, which were mainly, if not exclusively, a financial enterprise, religion has become an important element within the context of the European Union in the last two decades. *Religion, Politics and Law in the European Union* is divided into four key themes: namely, religious identity, religious and political leaders, religion and law, and religious lobbies.

The first theme comprises five essays. In 'European integration, *laïcité* and religion', Jean-Paul Willaime, interestingly, identifies *laïcité* as a European value and claims that it should not be understood from an exclusively French viewpoint. In 'Religion: a solution or a problem for the legitimisation of the EU', François Foret states that religion reveals the EU's difficulty in dealing with any normative reference. In fact, Foret rightly points out that, at times, religious bodies, rather than being a force for reconciliation, have become unduly nationalistic and this has become an obstacle to the process of European integration. In 'A European battlefield: does the EU have a soul? Is religion in or out of place in the EU?', Carin Laundrup carries out a fascinating comparison between the Council of Europe and the European Union, two institutions born in the aftermath of the Second World War. The author stresses that the former has been, generally speaking, more successful and there is an almost unanimous recognition of the significance of this institution in the protection of values and human rights, while the European Union, in contrast, has struggled to raise the same level of popularity and support in many social circles. In 'From hammer and sickle to star and crescent: the question of religion for European identity and a political Europe', Benoît Challand convincingly argues that, in its process of reconstruction, Europe has always needed a 'rival' in order to enhance its sense of common fate. This paper interestingly reflects on certain biases of secularity and *laïcité* towards the dominant religion in various countries. In the fifth and last paper of the 'identity' theme, 'European enlargement, secularisation and religious re-publicisation in central and Eastern Europe', David Herbert and Max Fras look at the process of enlargement in the last decade and the position of Poland, Hungary and Romania. The evidence suggests that religious influence in public life has grown in those three societies between 1989 and 2007.

The second theme, 'Religious and political leaders in the construction of the European Union', is composed of three essays. In 'Cracks in a façade of unity: the French and the Italian Christian Democrats and the launch of the European integration process, 1945–1957', Linda Risso argues that Christian Democratic parties, traditionally regarded as staunchly Europhile, supported the integration process for very different reasons and to very different degrees. The author undertakes a valuable comparison between the position of the parties in both Italy and France from the end of the Second World War to the launch of the Common Market in 1957. In 'Alcide De Gasperi and Antonio Messineo: a spiritual idea of politics and a pragmatic idea of religion?', Giulio Venneri and Paolo O Ferrara examine, from an interdisciplinary perspective, the parallel lives of a religious scholar who inspired a political leader with his intimate religious convictions. Blandine Chelini-Pont, in 'Papal thought on Europe and the European Union in the twentieth century', focuses on the different views of several popes about European integration. This engaging paper concludes with Pope John Paul II's views. The late pope defended the view that a common Christian identity pre-existed *de facto* and was outside any institutional union. Metaphorically speaking, Europe was a 'spiritual miracle'.

The third theme, 'Religion and law in the European Union', comprises two essays. Norman Doe, in 'Towards a "common law" on religion in the European Union', wonders whether there is a distinct legal category entitled 'EU law on religion'. His remarkable study proposes that a juridical approach provides a concrete insight into the attitude of the EU towards religion. Doe identifies the following key principles in the approach of the EU to religion: value of religion, co-operation with religion, religious freedom, religious autonomy, religious equality, special protection for religion, and religious privilege. In 'Voices in the wilderness: the established Church of England and the European Union', Mark Hill examines the historical inheritance of establishment and the anomalous position of the Church of England. This paper also deals with the position of religion within the European Union as viewed by its institutions and by individual faith communities. In this thought-provoking contribution, the author concludes that the Church of England still has to find its voice in the corridors of Brussels.

The last theme, concerning 'religious lobbies', is composed of three contributions. In 'Religious lobbies in the European Union: from dominant church to faith-based organisation?', Martin Steven analyses the effects of integration on traditionally privileged churches. In 'The European Union and new religious movements', Sabrina Pastorelli discusses how the European Union and the Council of Europe deal with new religious movements. Her contribution considers the case law of both the European Court of Human Rights and the European Court of Justice, while looking at the role of new religions in the

‘transparent dialogue’ with the European Commission. Solid fieldwork has been conducted to find out what new religious movements are dialogue partners of the Bureau of European Policy Advisors. In the contribution, ‘The logic of structured dialogue between religious associations and the institutions of the European Union’, Houston examines the provision for dialogue with religious communities, finally recognised by the Treaty of Lisbon in its Article 17(3). The author questions the logic of this inclusion, the rationale of the role of the European Commission as the body tasked with its co-ordination and its potential role in intercultural understanding, and this reflection leads to the conclusion that there is no justification for a differentiated dialogue provision.

This is a well-structured, interdisciplinary, engaging and thought-provoking book, which will be invaluable to those readers with an interest in law, politics, history, theology or sociology. The diversity of the contributions and its cohesive nature make its reading strongly to be recommended.

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## Religion in Legal Thought and Practice

HOWARD LESNICK

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In a fascinating article in this *Journal*,<sup>1</sup> John Witte has described something of the recent explosion in interdisciplinary scholarship dedicated to the study of the religious dimensions of law, the legal dimensions of religion and the (occasionally fissiparous) interaction of the two. Howard Lesnick’s weighty reader is a stimulating and thought-provoking contribution to the field, with a distinct emphasis on ‘the relation between religion and moral obligations (including obligations to support or oppose, or to obey or disobey, certain legal requirements)’ (p xix).

Professor Lesnick has skilfully gathered together over 100 highly edited and carefully selected pieces from authors as varied as Augustine and Aquinas to Walter Brueggeman, Richard John Neuhaus, Richard Mouw and Pope John Paul II, not so much to provide ‘answers’ – there are very few in this

1 J Witte, ‘The study of law and religion in the United States: an interim report’, (2012) 14 *Ecc LJ* 327–354.