traces the development of, and response to, radical Islam in France (p 230) and the United Kingdom (p 233).

Presented together, these essays do provide a useful overview of the widespread impact of the 'war on terror' in a range of countries. The collection, however, illustrates the impossibility of predicting future flashpoints with regard to the treatment of Muslim minorities in Western democracies. Despite the wide geographical scope of the essays, the collection includes only one passing reference to the position of Muslims in Switzerland (p 204). Whilst this may be considered indicative of the limited attention given to this country prior to the referendum result in November 2009 in favour of banning the construction of minarets,[7] it also highlights the need to build upon the platform provided by this collection.

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The Religious Left and Church-State Relations

STEPHEN H SHIFFRIN
Princeton University Press, Princeton & Oxford 2009, 241 pp (hardback £24.95). ISBN: 978-0-691-14144-2

For a mildly left-of-centre English Quaker the very title of this book presents a challenge. 'The Religious Left'? In the US? And exactly what would that be? From where I sit, middle-of-the road Democrats seem to be well to the right of Tony Blair, while right-wing Republicans make the likes of Margaret Thatcher, Keith Joseph and Nicholas Ridley (the politician, not the Oxford martyr) look like woolly liberals. Jimmy Carter and Barack Obama aside, the idea that there might be very much in America resembling the European socio-political liberal left is very hard for some of us on this side of the Atlantic to grasp.

Part of the problem is that many American Christians whom a European might conceivably recognise as coming from the political left-of-centre, such as Daniel and Philip Berrigan, Thomas Merton, John Howard Yoder and (pre-eminently) Martin Luther King, have been members of faith-communities that most theological liberals would regard as religiously conservative. Shiffrin acknowledges this confusion at the outset. By 'religious left' he means those citizens who arrive at liberal political conclusions in accordance with religious

7 See I Traynor, 'Swiss vote to ban construction of minarets on mosques', *The Guardian*, 30 November 2009.

premises 'whether those premises are thought to be theologically liberal or more traditional' and who, typically, oppose a close relationship between church and state (p 1).

Much of Part I is about the inherent tensions between the Establishment Clause and the Free Exercise Clause in the First Amendment to the Constitution, both of which, argues Shiffrin, are designed in their different ways to protect liberty and autonomy. Though equality as between 'religion' and 'non-religion' is important, he suggests that the First Amendment works in the way that it does because the Founding Fathers regarded religion as something valuable in itself. The result is that deviations from strict religious equality are permitted, though, as he explains in detail in Part II, financial aid to religious schools raises serious issues in relation to the Establishment Clause even though, ostensibly at least, it complies with the principle of equality. A staunch supporter of the US publicly-funded school system, he clearly has grave doubts as to the wisdom of the Supreme Court's decision in *Pierce v Society of Sisters*[1] that the right of parents to choose their children's schools (and therefore to opt for private education) is a fundamental liberty protected by the Fourteenth Amendment.

Some of Shiffrin's discussion of the Free Exercise Clause chimes with the experience of the United Kingdom. In *Employment Division v Smith*,[2] for example, the Supreme Court ruled against the religious use of the drug peyote by the Native American Church on the grounds that neutral criminal laws of general applicability are valid even if they burden the free exercise of religion – a decision which, Shiffrin rather tartly suggests, might have been decided quite differently had it concerned mainstream Protestantism and 'reeks of insensitivity to the religious minority' (p 25). The English courts came to similar conclusions in *R v Taylor*[3] and *R v Andrews*[4] about the religious use of cannabis by Rastafarians.

There is a further parallel in Shiffrin's conclusions about the nostalgia of religious conservatives for the time when they were in the ascendant:

> Conservative white Protestants began to develop the sense that they were losing 'their' country . . . [and] were attracted by the view that constitutional interpretation should be based on what the Christian Framers intended in a less pluralistic time . . . But the hope of re-establishing a 'Christian country' was far-fetched from the start, and it will become increasingly unlikely. (p 136)

1 268 US 510 (1925).
2 494 US 872 (1990).
3 [2001] EWCA Crim 2263.
4 [2004] EWCA Crim 947.

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It was the impression that 'conservative white Protestants' thought that they were being marginalised in the United Kingdom that came through most strongly in Lord Carey of Clifton's witness statement to the Court of Appeal in *McFarlane v Relate Avon Ltd*,[5] in which he accused the judiciary of an 'insensitivity to the interests and needs of the Christian community' the effect of which was 'to undermine the religious liberties that have existed in the United Kingdom for centuries'. Carey's proposed remedy was the establishment of 'a specialist Panel of Judges designated to hear cases engaging religious rights'.

In *County of Allegheny v ACLU*,[6] a majority of the Supreme Court held that displaying a Christmas crib in the county courthouse violated the Establishment Clause while a different majority held that displaying a *menorah* alongside a Christmas tree did not. In the principal judgment Blackmun J reiterated his view[7] that endorsing religion:

> ... sends a message to nonadherents that they are outsiders, not full members of the political community, and an accompanying message to adherents that they are insiders, favored members of the political community.

Carey's proposal in *McFarlane* was roundly rejected by Laws LJ in a judgment that had more than an echo of Harry Blackmun:

> The precepts of any one religion – any belief system – cannot, by force of their religious origins, sound any louder in the general law than the precepts of any other. If they did, those out in the cold would be less than citizens. The law of a theocracy is dictated without option to the people, not made by their judges and governments. The individual conscience is free to accept such dictated law; but the State, if its people are to be free, has the burdensome duty of thinking for itself.[8]

Writing from the perspective of the secular and religious left, Shiffrin argues that the Constitution both obliges the state to assume 'the burdensome duty of thinking for itself' on religious matters and, in parallel, values religion in its own right. In Shiffrin's view, it does so because the Constitution is embedded in a culture that itself values religion. Moreover, because the First Amendment is based on a pluralistic view of society it safeguards religious liberty and equal

5 [2010] EWCA Civ B1 (29 April 2010). Lord Carey's witness statement can be found at <http://timescolumns.typepad.com/gledhill/2010/04/carey-warns-of-civil-unrest-over-dangerous-antichristian-rulings.html>, accessed 19 July 2010.
6 492 US 573 (1989).
7 First expounded in *Lynch v Donnelly* 465 US 668 (1984) at 688.
8 At para 24.

citizenship, protects religion from 'the corrupting influences of the state' (p 12) and promotes religion in the private sphere: in short, it is supportive of religion rather than obstructive.

Though this is a short text of 136 pages – albeit accompanied by a whopping 99 pages of endnotes which, incidentally, go slightly out of phase in Chapter 3 – it is emphatically not an easy read. Nor are all Shiffrin's judgments necessarily incontrovertible: to assert, for example, in a throwaway comment that 'the Anglican Church could hardly have benefited from its control by the English government' (p 35) suggests an extremely idiosyncratic reading of English church history.

That said, however, it is worth making the effort to engage with Shiffrin for two reasons. First, he demonstrates the importance for Americans of disputes about the First Amendment that are often underappreciated by students of law and religion on this side of the Atlantic. The second and more compelling reason is this. Although America is an intensely religious society when compared with most of the countries of Western Europe it is becoming ever more pluralistic and, in religious terms, divided. How its legal system handles the problem of accommodating that pluralism while at the same time holding together society at large may well provide some useful insights into problems that the United Kingdom is increasingly being obliged to address.

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Forgiveness and Christian Ethics

Anthony Bash
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In 2002 I officiated at the same crematorium where, on the previous evening, a small funeral had taken place for Myra Hindley. During her long sentence for murder Hindley had publicly stated that she had found faith, joined the Roman Catholic Church, repented and been forgiven by God. However, such was the anger directed toward her in society at large, that when she died it proved difficult to find a funeral director to transport her body from hospital to the crematorium and crematorium staff were nervous of even being present at the time of the funeral for fear of reprisals. Anthony Bash, a solicitor, parish priest and contributor to this journal, approaches the subject of forgiveness with examples such as this in mind. Hindley asked for and felt she had