

## Book reviews

### **The 21: A Journey into the Land of Coptic Martyrs**

Martin Mosebach, trans. Alta L. Price

*New York: Plough Publishing House, 2019, 272 pp., ISBN 9780874868395, \$16.99*

Few who saw it can forget the horrific video of 21 Christian men in orange jumpsuits being taken to a beach in Libya to be beheaded by their kidnappers in February 2015. Each one was led by a separate kidnapper while a spokesman announced that the mass execution was a message for the “nation of the cross,” referring to Western acts of aggression against Muslim states and the killing of Osama bin Laden. By this act, the narrator said, his audience would know the “majesty of terror.” Each victim professed his faith in Jesus Christ before dying, making this perhaps the most striking case of modern-day Christian martyrdom in recent history.

Two years later, Martin Mosebach travelled to Egypt to research the lives of the 21 men who died on the beach. This book serves as a meditation on the impact of their martyrdom and an excursus into the life of the Coptic Orthodox Church in which all but one were raised. In a nod to the contemporary iconography of the martyrs he describes, Mosebach separates the book into 21 chapters, each prefaced with a photo of one martyr.

Mosebach travelled to the village of al Aoun near Samalut in Upper Egypt, the childhood home of most of the martyrs. He visited the church established in their memory and met with their family members, learning to his disappointment that “available biographical information was sparse” (84). Church leaders and their families stressed the insignificance of the individual martyrs’ lives. Instead, they described the group’s martyrdom as part of the quotidian experience of the Egyptian church: “They are all the same. . . . We are the Church of Martyrs” (46).

Each of the martyrs’ families, Mosebach writes, “went out of their way to avoid leaving me with the impression that the decapitation of their sons, brothers, and husbands had caused them any misfortune” (91). They did not speak of revenge or of seeking to punish their persecutors.

Mosebach therefore seeks to understand the martyrs as a function of the church in which they were raised. He finds a community that has been preserved largely unchanged since its foundation – indeed, “no one should say too much about early Christianity without first getting to know the Copts” (163). The life of a poor Upper Egyptian Copt is surrounded by the church, the liturgy of which was “the air [the martyrs] breathed” (153). Mosebach emphasizes the immersive experience of the

Coptic liturgy over its catechetical role, arguing that such an experience prepared the martyrs to be a part of the heavenly chorus.

In Mosebach's account, the Copts' lives differ from those of both their Muslim compatriots and their Western coreligionists. Copts are stereotyped and often vilified in Egypt in ways that parallel the treatment of Jews in late modern Europe. They have developed means of surviving in spite of their subordination, and these means reinforce the sense of community among the persecuted.

Mosebach rightly focuses on the monastic tradition as a pillar of the Coptic Orthodox Church, emphasizing how the monasteries contribute to the timelessness of Coptic Christianity. In the garbage recycling village of Cairo, where thousands of Upper Egyptians have migrated to live on the margins of the city, he finds "a symbol of the misery and splendour of the Coptic faith in its astonishing perseverance on the dark side of history" (200). Coptic society, enduring through thousands of years of persecution or marginalization, provides a sort of preparation for martyrdom unseen in the Western church.

Mosebach's profile rightly conveys the unique qualities of the Coptic Orthodox Church and its people. The simplicity of Coptic life in the Upper Egyptian villages clashes with the diversions that distract from the Christian life in Western climes. The author vividly portrays the contrast by depicting his trip to the shopping districts of New Cairo, which seem almost like another planet. The Christian life is nowhere near so immersive among Western Christians who indulge in the latest fashions or secular entertainment. Would those of us who live such jaded lives have anywhere near the level of commitment required for martyrdom?

Although Mosebach is right to emphasize the unique qualities of Coptic Christianity, he provides a somewhat romanticized version of Coptic suffering. Having written extensively on the unique partnership between the Coptic Orthodox leadership and the Egyptian government, I would question his assertion that "the Coptic Church is strictly separated from the secular state," from which it "enjoys no special protections or privileges" (170). First, the Egyptian state is neither constitutionally nor functionally secular. Moreover, though Copts themselves suffer widespread discrimination and even calumny among Egyptians, their church hierarchy has a special relationship with the state, as noted by many scholars. The latest manifestation of this special relationship, as Mosebach acknowledges, is the multitude of church buildings constructed over the past few years. These include the Church of the Martyrs in Samalut in honour of the 21 martyrs and a new national cathedral in Egypt's exurban new capital, built with public money at the behest of President Abdel Fattah al-Sisi. These and other church buildings are guarded by members of the security services. Whether such symbolic acts mean anything for the lives of individual Copts is, of course, another matter.

What does Mosebach's book teach us about religious freedom and martyrdom? A central point of the book is the importance of the quotidian, even mundane preparations that the Egyptian church provides for the suffering of its adherents. The connection between the early Egyptian church and its members venerated in the synaxarion (stories of the martyrs), on one hand, and the lived experience of contemporary Christians on the other captures one's imagination. From the Copts, Mosebach learns that "nothing separates our present day from that of the Diocletian persecutions" of the late third and early fourth centuries (194). Those persecutions were followed almost immediately by the church's deliverance by Constantine. If that is true, "then perhaps the Twenty-One should not be counted among the very last Christians, but rather among the first," Mosebach notes (37). That is, the martyrs may in fact contribute to the expansion and renewal of the church worldwide.

However, if mounting persecution vexes Christians worldwide, perhaps "the path the Western church has taken over the centuries has just been a huge, highly eventful detour that is now leading right back to the fork in the road where the Coptic Church has patiently persevered this entire time" (213). In other words, the violent acts of the persecutors have inadvertently advanced the cause of the very church they sought to terrorize.

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## **Governing the Sacred: Political Toleration in Five Contested Sacred Sites**

Yuval Jobani and Nahshon Perez

*Oxford: Oxford University Press, 2020, 208 pp., ISBN 978-0190932381, \$105.00*

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How might governments best administer sacred places that are torn by conflict? In this illuminating and beautifully written volume, Jobani and Perez explore five models that states have used to address this issue: non-interference, separation and division, preference, status quo, and closure. They carefully explore each model's foundations in political thought and shed light on each one's strengths and weaknesses by means of in-depth analysis of important case studies: Devil's Tower in Wyoming, USA; the Ayodhya conflict in India; intra-Jewish tensions at the Western Wall; intra-Christian tensions in the Church of the Holy Sepulcher in Jerusalem; and Jewish-Muslim conflict over the Temple Mount. The resulting lessons are crucial and insightful. Each model strikes a different balance between key liberal or democratic values such as separation of religion and state, nonpreferentialism, and egalitarianism.

tarianism. The authors clearly prefer some models (especially non-interference, and separation and division) over others, but their most important advice is that states should remain open to implementing hybrid models, adapting to circumstances as they change.

Several caveats are in order. First, despite the title, this is not a book about mutual respect, restraint, or accommodation between religious groups. The authors define toleration as mere coexistence (12), as a political and not a moral value (161). Second and relatedly, the book privileges the state-centric point of view. The focus is not on the preferences of religious communities, though these are often discussed in a nuanced manner. Rather, it is on the state's laws and policies and the preferences of its leaders and bureaucrats who wish to maximize stability and minimize meddling. The preferences of worshippers matter less, and the sacrosanct value of religious tradition is dismissed altogether (107 and 114). Third, though the volume claims to privilege "order" and the reduction of violence, these concerns often take a back seat to the goal of minimizing state interference in religious affairs. For example, the authors consider the Israeli state's nonintervention at the Tomb of the Patriarchs in Hebron to be more appropriate than its interference at the Western Wall, even though the former site is significantly less stable and much more violence-prone than the latter.

The policy typologies that the authors unearth amount to a handbook of sorts for decision makers and offer an analysis of useful techniques and tradeoffs. At Devil's Tower and Bear Lodge in Wyoming, the state abstained from interfering. Instead, it employed specific techniques ("signaling," "nudging," "ushering") to encourage parties to negotiate the conflict among themselves. At the Ram Janmabhoomi/Babri Masjid in Ayodhya, the state engaged in separation and division but did so without showing preference for one party or another, whereas at the Western Wall, the state granted preference to one religious group at the expense of another. At the Church of the Holy Sepulcher, it froze preexisting rights of ownership and usage. At the Temple Mount, it barred one group (Jews) from worshipping at the site altogether.

This fascinating array of policy options opens the door for much future research. First, scholars inspired by this important book will want to apply these typologies to other cases. Since the book explores only five cases (one for each model), it is conceivable that other cases will reveal additional models, including situations in which state power is limited or in flux.

Second, other scholars might explore the pragmatic, and not only the legal and moral, ramifications of each model and how they address the underlying causes of conflict. The volume offers only a vague theory of the causes of conflict over holy sites (we learn that religious sites are "thick," that practices are often "irrecon-

cilable,” and that worshippers display a “heightened sensitivity” at holy sites). It would be good to understand exactly how each model addresses specific causes of conflict. Does one model reduce sensitivity? Does another avoid irreconcilable rituals? If not, how do they work?

Finally, since the book defines toleration as little more than coexistence, the authors’ claim to break new ground in the study of toleration at sacred spaces (13) is overstated. Elazar Barkan, Karen Barkey, Anne Bigelow, Michael Dumper, Roger Friedland, Richard Hecht, and many others have written at length about the coexistence arrangements analyzed in this volume. It would be important to bring the typologies in this book into closer conversation with those prior discussions.

All the disputes explored in this book remain unstable because all continue to involve at least one party (and often more than one) that is deeply dissatisfied with the status quo. Readers hoping to learn how to contain religious conflicts to the satisfaction of the parties involved will find no easy solutions here. But readers who wish to explore the options available and the moral and legal foundations of these options in the thought of John Rawls, Alfred Stepan, or Robert Axelrod will find this book very compelling.

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## **Thou shalt have no other gods before me: Why governments discriminate against religious minorities**

Jonathan Fox

*Cambridge: Cambridge University Press, 2020, 294 pp., ISBN 9781108488914, US \$86.59*

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This is a comprehensive study of the reasons why governments (but more broadly regulatory authorities) and societies single out certain religions for disfavored treatment in law and society. It is comprehensive for two main reasons: it is theoretically thick and geographically broad. The study provides a rich and sound theoretical underpinning, based on empirical data, for the causes of singling out religion *qua* religion for disfavored treatment in law and society. Furthermore, it covers nearly the whole globe, categorizing the world into different regions mainly based on their commonalities and shared characteristics – for example, European and Western non-Orthodox Christian-majority democracies (EWNOCMD) and Muslim-majority states.

This geographic categorization is a novel approach to theorizing the phenomenon of disfavoring religion. It results in some path-breaking outcomes that confirm

what previous studies presumed about the challenging relationship between religion and liberal democracy. Hence, the cases on which this study draws remove the persistent biases about Western liberal democracies, which are usually considered among the most religious-tolerant places around the globe. Fox also amplifies, again based on empirical evidence, the assumption that majoritarian sensitivities across Western liberal democracies play an undeniable role in disfavoring religion *qua* religion (see for example Christian Joppke, Saba Mahmood, Nehal Bhuta, Cécile Laborde and Sohail Wahedi). He does the same with the commonly heard claim of the principled incompatibility of secularism with religious toleration and accommodation. Fox claims that liberal democracies provide on normative grounds (i.e. advancing secularism) conditional protection of free exercise of religion, meaning that free exercise should not violate other liberal ideals such as equality.

The study also breaks new ground by showing that in some African countries, such as Sierra Leone, Senegal and Botswana, there is hardly any discrimination against religious minorities based on their religious beliefs. The reasons Fox gives for this high level of tolerance, especially in sub-Saharan West Africa, are the history of Afro-European colonial relationships, the presence of Sufism, and religious syncretism that fosters interfaith interaction. More fundamental research is necessary to learn from this phenomenon of syncretism and determine whether it could be applied in other locations. Such an effort is certainly needed, since Fox shows that discrimination against religion is broadly present today. He provides an overview of some of the main causes of government-based religious discrimination (GRD).

Among the most delicate causes are religious ideologies that are in essence intolerant of non-majoritarian beliefs and convictions. Also, secular state ideologies usually target religious minority groups, for either political or security reasons. Similar to this approach is the tendency to frame minority practices as objectionable. Fox refers to Muslim headscarves, ritual slaughtering of animals and male circumcision as examples of religious practices that have been viewed as incompatible with liberal standards. This specific ground for unfavorable treatment of religious minorities has been extensively studied and theorized as a mechanism of abstraction from the religious dimension that is omnipresent across liberal democracies, but it has received little scrutiny thus far.

At a more micro level, Fox elaborates on causes of GRD that may target some religious minorities (e.g., Muslims and Jews) but have little to no implications for other religious groups. In this context, Fox refers to nationalistic sentiments and the “securitization” of religious minorities. Both result in singling out religion for disfavored treatment, and in both cases, there is obviously abstraction from the religious dimension. But Fox does not extensively engage in the law and religion debate from a more normative and theoretical angle. This is not a serious omission as his main message is clear, well-argued, and well-founded.

Although Fox is quite clear about the main causes of GRD, his study does not provide a thorough analysis of the causes of societal religious discrimination (SRD) – that is, actions against religious minorities taken by the dominant religious majority groups even though it does not possess any regulatory authority. Fox posits a dynamic relationship between SRD and GRD, stating that GRD is not necessarily caused by SRD or vice versa. He claims that SRD could result in GRD if certain triggers are activated, such as security threats. However, more research is necessary to establish the dynamics between SRD and GRD in practice and the main causes of SRD in society.

*Thou Shalt Have No Other Gods before Me* is an absolute must for anyone interested in doctrines of law and religion, liberal political philosophy, or anthropology. It is a unique contribution to the field of law and religion because of how it intertwines law, political philosophy and sociology. Its focus on forces that disfavor religion in law and society represents not only an asset but a paradigmatic shift in how the relationship between law and religion has been examined.

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## **Freedom of religion or belief under scrutiny**

Heiner Bielefeldt and Michael Wiener

*Philadelphia: University of Pennsylvania Press, 2019, 280 pp., ISBN 978-0812251807, \$65 USD, £52*

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This book is an incredibly rich resource for understanding the breadth and complexities of freedom of religion or belief. One could not ask for more qualified authors. Michael Wiener has worked in the office of the UN High Commissioner for Human Rights since 2006, supporting the UN Special Rapporteur for Religious Freedom for five of those years; Heiner Bielefeldt was the UN Special Rapporteur from 2010 to 2016. This book is therefore both theoretically rigorous and also grounded in experience of documenting violations of freedom of religion or belief.

The book explicates difficult topics and addresses many of the leading arguments against protecting religious freedom. It also includes on-the-ground examples that illustrate the arguments or raise complexities. It is written at a very academic level, making it of interest to academics and human rights practitioners.

Not surprisingly, the authors are strong supporters of robust protection for religious freedom: “We argue that by ignoring or marginalizing freedom of religion or belief we would not just end up with a specific gap; such marginalization would

ultimately weaken the plausibility, attractiveness, and legitimacy of the entire system of human rights” (8-9).

Chapters 1 and 2 set the foundation for the book. Chapter 1 establishes religious freedom as a universal *human* right. It is not religions but people who are entitled to religious freedom. The authors counter the common narrative that human rights are a white, Western construct. Chapter 2 focuses on challenges to religious freedom. The authors urge that limitations on this right be interpreted narrowly. They address anti-liberal distortions of freedom of religion or belief under the following headings: (a) “combating defamation of religions”; (b) protecting collective religious identities; (c) preserving a state-imposed interreligious harmony; and (d) purging the “secular” public sphere of the presence of any visible religion (60-68).

Chapters 3 and 4 place religious freedom in context. Chapter 3 addresses the tension between treating everyone equally and accommodating diversity. Treating everyone equally may sound good in theory but does not take into account individual needs. The authors instead advocate for “a *complex equality*, based on respect for the existing diversity of human convictions” (84). Chapter 4 focuses on religious freedom and other human rights. Although courts and academics often refer to “balancing” rights, the authors prefer the term “coordinate” to address conflicting rights (99). The authors address some thorny topics such as gender equality, defamation of religion (as a matter of freedom of expression) and LGBTQ concerns. Bielefeldt and Wiener conclude, “However, the task at hand is not to strike a sort of fifty-fifty compromise between opposite claims, but to coordinate and maximize the competing human-rights-based concerns in a manner that comes as closely as possible to a full implementation for both of them” (99).

Chapters 5 and 6 analyze restrictions on religious freedom. Chapter 5 focuses specifically on state secularism, which is often promoted as a way to protect religious freedom. The authors distinguish between exclusive and inclusive forms and between doctrinal and non-doctrinal types of secularism, preferring the inclusive and non-doctrinal. They propose an interpretation of state neutrality as encouraging the non-discriminatory implementation of religious freedom, thereby creating an open space for religious symbols, images and voices. Chapter 6 documents a wide range of state persecution activities under three headings: (1) protecting truth claims, (2) preserving national identity and (3) control-obsessed authoritarian governments.

Chapters 7 and 8 analyze the framework for human rights protection. Chapter 7 explains human rights protection nationally, regionally and in the UN system as an ecosystem. As an example, the authors describe the relationship between the European Court of Human Rights and the UN Human Rights Committee, analyzing jurisprudence on religious symbols in public life, religious education and conscientious objection to military service. They highlight the problem of inconsis-



ent interpretation. Chapter 8 looks more broadly at various non-state actors who advocate for religious freedom. The Rabat Plan (2012) and the Beirut Declaration (2017), developed by faith-based and civil society actors working on human rights, are positive examples. Bielefeldt and Wiener encourage interreligious dialogue along with peace-building and trust-building efforts.

The final chapter returns to the religious roots of human rights, not only in the Christian tradition but in many religions. The authors conclude with a strong call for state actors, civil society and religious leaders to promote and protect religious freedom.

Bielefeldt and Wiener have written a strong and fearless apologetic on behalf of religious freedom, tackling many controversial and complex topics. Their breadth of experience is truly global. This is a must read for academics in the field, but also for anyone who wants to be fully equipped to defend religious freedom, particularly in the courts.

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## **The blessings of liberty: Human rights and religious freedom in the Western legal tradition**

John Witte, Jr.

*Cambridge, UK and New York: Cambridge University Press, 2021, 316 pp., ISBN: 978-1108429207, US \$110*

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*The Blessings of Liberty* reflects the careful scholarship we have come to expect from John Witte, Jr. As he says in the preface, the book reflects his 30-plus years of “writing on the history, theory, and law of human rights and religious freedom” (xi). The title quotes the 1789 US Constitution, and the book highlights the historical thinking underlying the Constitution’s provisions on religious freedom. Witte then brings us up to the current time by examining US court judgments, current arguments for and against religious freedom and, finally, comparative cases from Europe. He concludes with a *cri de coeur* for robust protection for religious freedom.

Witte is a prominent academic at Emory University’s Center for the Study of Law and Religion. He has published an enviable number of books and articles, which have been translated into multiple languages. He has degrees in law and theology and sees himself as a legal historian, with particular focus on law and religion and on family law.

The first three chapters trace the history of thought on religious freedom. Chapter 1 describes Christian contributions to the development of rights in the Western legal tradition from biblical times to the development of international human rights

norms. Chapter 2 covers the Magna Carta and its influence on the American colonies, leading to the Declaration of Independence. Indeed, although the Magna Carta has influenced the development of human rights globally, its greatest influence has been in America. Chapter 3 surveys early Protestant thinking on natural law, democracy, human rights and religious freedom. These chapters are rich in detail and connect the dots between different streams of thought from various time periods.

Chapter 4 provides a case study on the historical development of religious freedom in Massachusetts. I got bogged down in the details in this chapter, but it was very interesting to see the development of John Adams' thinking on religion and religious freedom. Adams was a significant leader of the Revolution and would become America's future second president. In Massachusetts, Adams "sought to balance generous protection for religious freedom for all peaceable faiths with the gentle establishment of Christianity" at the state level (105). At the federal level, the First Amendment prohibited any establishment of religion, but Massachusetts retained state support for churches until 1833.

Chapter 5 reviews the development of the great thinkers involved in the American social experiment of religious freedom for all. Several American colonies were founded as havens for religious minorities that had been persecuted in England. As chapter 4 explained some states sought to establish a religion, even if gently. Overall, however, religious minorities were welcomed in America in ways that were indeed new and unprecedented. I particularly commend pages 160 to 170 of this chapter as Witte's defense of protecting religious freedom. Although it focuses specifically on the US, it will be inspiring for other religious freedom defenders.

Chapters 6 and 7 zoom in on two particular areas of religious freedom interpretation in the US. Chapter 6 elucidates religious freedom in education and how the "wall of separation" has been applied perniciously. Chapter 7 examines how tax-exempt status has been applied to churches and religious institutions more generally. These issues are paradigmatic of how US courts have interpreted religious freedom in various sectors.

In chapters 8 and 9, Witte shifts his focus to Europe to compare and contrast how the courts in Strasbourg and Luxembourg have interpreted religious freedom. The *International Journal for Religious Freedom* has carried several articles in the last few issues on the varying interpretations made by these two courts.<sup>1</sup> The

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<sup>1</sup> See André Fagundes, 2018. "The state's duty of neutrality and freedom of religious association Case law of the European Court of Human Rights." *International Journal for Religious Freedom* 11(1/2):45-56; Eugenia Relaño Pastor, 2018. "Combating religious discrimination in the workplace: Approaches by the EU Court of Justice and the European Court of Human Rights." *International Journal for Religious Freedom* 11(1/2):57-70); Hans-Martien ten Napel, 2020. "Why Europe needs a more post-liberal theory of religious liberty: Examining a European court ruling on ritual slaughter." *International Journal for Religious Freedom* 13(1/2):157-167.

European Court of Human Rights (ECtHR) applies Article 9 of the European Convention on Human Rights to the 47 countries in the Council of Europe. The rulings of the ECtHR are not enforceable but, rather, persuasive.

Witte refers to the Court of Justice of the European Union (CJEU), which sits at Luxembourg, as the “new boss of religious freedom” (259). It applies the Charter of Fundamental Rights adopted by the European Union in 2010. It is “the boss” because its rulings are enforceable. For this reason, it is becoming the more favorable venue for litigants. However, Witte sees some worrisome trends in the CJEU’s use of a neutrality test that is unfavorable to minorities.

Although this book will be of greatest interest to American attorneys and academics who specialize in religious freedom, it will also be of interest to European jurists and scholars. The chapters on the development of Christian thinking on religious freedom and the concluding chapter, which offers a Christian defense of human rights and religious freedom, are enormously valuable for those of us who address these issues in a serious way in our own cultures. Despite the US focus, there is enough in this book to keep all of us thinking and discussing better ways to defend religious freedom around the world.

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## **Post-Liberal Religious Liberty: Forming Communities of Charity**

Joel Harrison

*Cambridge: Cambridge University Press, 2020, xvi + 262 pp., ISBN 978-1108873796, \$99.99*

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In this multi-faceted study, Joel Harrison deploys theology and political and legal theory to redefine religious freedom for our time. Harrison builds a solid case for an alternative interpretation of religious freedom, which is “integral to a just political community” (2). He stresses the positive role played by religion and religious associations in society and contrasts his “ecclesiological view” with liberal egalitarianism, the predominant late modern view that accords rights only to individuals as bestowed by the state.

Harrison’s argument contains several steps. First, he turns to Augustine over John Locke to identify how religious freedom should function. Church and state, while a persistent duality, should not be treated as two permanent, separate institutions, since they both have to do with the common good. By denying the importance of “associational life,” liberal egalitarianism caused the conditions for its own fail-

ure, as suggested by Patrick Deneen's *Why Liberalism Failed*. In chapter 1, Harrison also expresses his intellectual indebtedness to Charles Taylor's narrative on secularization and to "Radical Orthodox" theology.

In chapter 2, Harrison outlines, with recourse to case law, the dominant liberal egalitarian view of religious freedom. According to this perspective (espoused by the likes of Ronald Dworkin), religious freedom is understood in terms of the autonomy of individual, personal choice, the pursuit of authenticity and derivative legal notions. For Harrison, this position pits religion against personal autonomy. Not coincidentally, God becomes seen as an arbitrary ruler whose rule must be ended.

Chapter 3 narrates a familiar account of secularization and Enlightenment reduction of the good. Harrison credibly shows how constricted the religious liberty claims offered in contemporary case law are. In the next chapter, he critically considers the attempts to frame religious liberty arguments constructed by John Finnis, Richard Garnett and Nicholas Wolterstorff, each of whom, like Harrison, believes that political authorities have a responsibility to uphold the common good, religiously conceived. Yet their understanding of the common good precludes the state's fostering of virtue and charity. For Harrison, in this analytically most important chapter, each of these thinkers is still wedded to the liberal egalitarian view, though for distinct reasons.

Harrison makes some excellent points here, but he overlooks Finnis' theologically construed category of nature. Also, Garnett's legal, *libertas ecclesiae* perspective is not really a political theory; it is an American legal strategy. However, Harrison interprets these three interlocutors as giving religion a supporting role within liberalism rather than an architectonic role in forging the common good with state actors. The problem, he asserts, is that these thinkers define the common good in instrumental or mechanical terms, thus arriving at "a constrained version of what religious liberty protects" (140). These ostensibly religion-friendly scholars fail in one respect or another to say why religion is an essential component of the common good.

Chapter 5 focuses the argument by articulating religion's architectonic role, in an "ecclesiological account" of religious freedom. The goal is to get beyond church/state dualism by arguing for a more robust, organic sense of association and the authority exercised by groups oriented by charity as broadly understood. Instead of a protective remit for religion under law, Harrison argues for law's orientation to "true religion." Following Milbank's Augustinianism, he values the cooperative dualism of *sacerdotum* and *regnum*. Religion and politics are inseparable.

Finally, chapter 6 and the conclusion summarize why "the surest foundation for religious liberty is the political community's commitment to religion" (235). Religious liberty is for the practice of "solidarity, fraternity and charity" (187), not

an individual right that is defined negatively. For example, conscience is a perennial category in religious freedom case law, but for Harrison, conscience actually operates primarily in a positive sense. It is not merely something to be defensively protected.

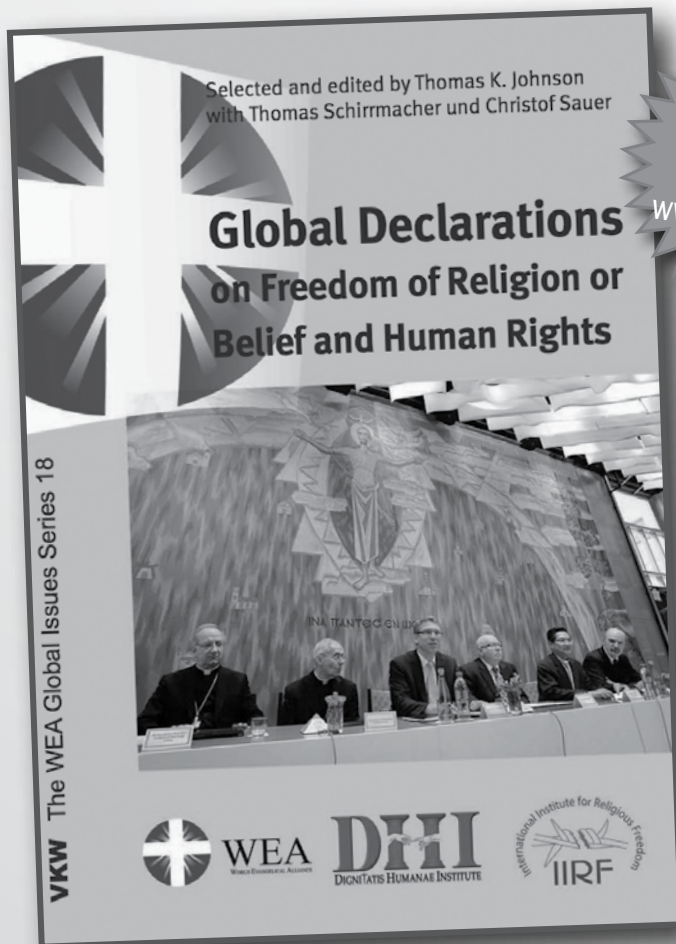
In one area, Harrison attempts to split the difference between individual and tradition-oriented accounts of religion. Religious freedom has been cited in legal cases pertaining to the right of Catholic adoption agencies to place children in families with a mother and a father rather than with same-sex couples. Here, Harrison tries to have it both ways: “differences [between the two positions on this issue] may participate in shared ends” (212), namely right relationships, virtuous living and the sharing of gifts in a common life. He smuggles in a relationally centered validation of same-sex marriage in the hope that religious traditions won’t object. This is simply wishful thinking.

As with his skewed portrait of Finnis, Harrison actually overlooks a fundamental, radical difference between most post-liberals and liberal egalitarianism to soften the blow of his alternative account. Usually, the difference between the two positions is expressed with regard to human nature and specifically concerning how families are defined. However, Harrison overlooks the traditionalist commitment to our status as a created, dimorphic species organized in nuclear and extended families. Other post-liberals will be surprised that he is willing to let natural-law accounts of the traditional (nuclear and extended) family go unmentioned.

Overall, this book is a very important contribution to understanding religious freedom. Although there are some minor problems, as expected with any study of this scope (for example, Harrison oversimplifies Augustine on state coercion), the chief problem concerns its practicability – and this objection is more a lament regarding our contemporary social condition than a critique of the book. Also, the argument would have benefitted from a discussion of the merits and demerits of the new integralism, with which this book is bound to be associated. The theological thrust of the argument, though solid, will be met with incredulity by most political and legal philosophers. However, Harrison’s argument for the rights, status and entitlements of associations is the strongest secular thread in this book. It deserves a wide hearing among disbelieving liberal establishments.

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# Global Declarations on Freedom of Religion or Belief and Human Rights



**Free  
online**  
[www.iirf.global](http://www.iirf.global)

by Thomas K. Johnson, Thomas Schirmmacher, Christof Sauer (eds.)

*(WEA GIS, Vol. 18) ISBN 978-3-86269-135-7  
Bonn, 2017. 117 pp., €12.00 via book trade*