

RELIGION AND THE PUBLIC ORDER OF THE EUROPEAN UNION

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This is an outstanding work: remarkably broad in scope and capturing the many intricacies of EU law in its recognition and handling of religious belief and practice, yet also logically structured and lucid in its treatment of a complex subject matter. As the author states, ‘...the EU is a particularly interesting context in which to study the issues of competing rights, goals and interests that characterise the increasingly controversial and complex relationship between religion, law and polity in the contemporary world.’

Due regard is paid to the religious history of Europe and to the legacy and ongoing influence of Christianity in particular. There is a detailed examination of the interrelationship between Christianity and secularisation, including the declining influence of religious belief and practice over European law and politics. The book also considers religion as a source of the European Union’s constitutional values while going on to address religion and humanism as the ‘two pillars of the EU’s public order.’ The work’s broad conclusion is that the relationship between religion and public order in the EU is ‘unmistakably linked to a Christian humanist tradition,’ which seeks to balance Europe’s ‘dual tradition’ of ‘largely Christian religiosity’ with a ‘strong humanist tradition’ which stresses ‘notions of individual autonomy’ and the ‘separation of religion and law.’ While this suggests containment of Christianity’s influence, a further conclusion drawn is that the EU’s desire for ‘balance’ results in religion being ‘an element of communal identity’ and a ‘contributor to the definition of shared norms.’ This in turn ‘enables the pursuit of religious goals and the promotion of religious morality through law.’ However, the achievement of ‘balance’ also limits religious influence over law by ‘restricting the degree to which claims to religious monopolies on truth can be asserted in the political sphere.’

The author is careful to highlight the fact that within the European Union, religion is treated primarily as a matter of identity and that since identity is seen as both attributed and chosen, it is necessary for EU law to recognise more than one kind of religious identity. As the author puts it, ‘identities are both attributed and chosen and, in a diverse world, are

inevitably heterogeneous.’ He then points out that this, in turn, means that the role of religion in public and private life is recognised not on the basis of ‘the truth of religious claims’ but on the strength of ‘human choices, both collective and individual.’ Religion is therefore seen as a ‘voluntary matter,’ which it is difficult to recognise as producing ‘claims to a monopoly on truth within the political arena.’

It is now sobering to reflect that through the centuries the judicial voice of English Common Law could claim with confidence and impunity that Christianity was embodied within English law. That claim is now rarely articulated and contemporary judicial decision-making would seem to be further away from biblical principles than ever before. The early incursions of EU law were, of course, quickly identified by Lord Denning in the 1970s, who famously observed in *Bulmer Ltd v Bollinger SA* (1974), that ‘when we come to matters with a European element, the Treaty [of Rome] is like an incoming tide. It flows into the estuaries and up the rivers. It cannot be held back.’

It would not be unreasonable for an evangelical Christian response to the secular influence of EU law to consist of sorrow at the gradual erosion of the Bible’s authoritative role within the nations of Europe. However, as this book makes clear, EU law has created a number of bases on which biblical Christianity can continue to maintain some of its historic influence, notwithstanding the carving out of space for secular ideas. We should therefore combine our sorrow with thankfulness that a substantial part of what the Reformation secured in the UK and in what is now the European Union still remains intact. Indeed, in certain respects, reinforcement and protection has come from what at first sight could be regarded as unlikely sources.

This is a thought-provoking analysis of a complex subject, revealing a mastery of detail, and giving thorough consideration to the issues from a wide variety of angles.

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