

context of a property dispute concerning Sikh temples in England in *Shergill v Khaira* in 2014.

In the final three substantive chapters Professor Lyall discusses the historical changes to the role of the Church in education and in personal relationships (especially marriage), and considers the other interactions of religion and law, including human rights and religion, broadcasting, Sunday observance and modern charity law. In these chapters one can trace the increasing secularisation of society, including the ceding of control or influence over education to the state, the declining significance attached to the institution of marriage, and the difficulties which religious bodies have faced from the assertive application of equality and human rights legislation, in a society in which religious belief has become a minority interest.

Professor Lyall makes several interesting suggestions to address the role of churches in an increasingly secular society, including that there should be a civil marriage ceremony separate from a religious ceremony (p 160) and that the dissemination of religious belief should no longer be a charitable purpose which the state supports through tax relief (pp 214–215).

There are little errors which can be corrected in a later edition, such as the statement in the introduction that 391 years had passed between 1707 and 1998, the misattribution of a judicial opinion of Lord Glennie to Lord Grieve (p 119), the repeated definition of the BBC in Chapter 8 and the omission of '4' when referring to an earlier chapter (p 226). But these do not distract from a very valuable work.

PATRICK S HODGE

The Supreme Court of the United Kingdom

doi:10.1017/S0956618X18000595

Religion, Equality and Employment in Europe: The Case for Reasonable Accommodation

KATAYOUN ALIDADI

Hart Publishing, Oxford and Portland, 2017, xxx + 267 pp (hardback £80.00)

ISBN: 978-1-5099-1137-0

The concept of reasonable accommodation is developing into a highly debated issue. It has been debated in the Supreme Court (*Bull v Hall* in 2013), by the Equality and Human Rights Commission (the report on 'Religion or belief in the workplace: an explanation of recent European Court of Human Rights judgments') and by the European Court of Human Rights (*Eweida and Others v The United Kingdom* in 2013). Alidadi's contribution is therefore timely. The

monograph argues for an enforceable right to reasonable accommodation on the grounds of religion and belief in the workplace. It does so in two ways. Part I attempts to analyse the legal frameworks in place under Article 9 of the European Convention on Human Rights 1950 (ECHR) and the protection against discrimination on the basis of religion under the EU Employment Equality Directive 2000/78/EC. Part II turns to analyse the relevant Belgian, Dutch and British cases involving religion and belief for employees in the private sector workplace.

By using a comparative and socio-legal approach, Alidadi gives detailed attention to the much-debated concept of reasonable accommodation. He analyses the relevant religious liberty law in the case law of the three European jurisdictions mentioned above, and further draws upon legal insights from other jurisdictions (Canada and the United States) where a duty of reasonable accommodation based on religion is operative. Alidadi does so in order to 'shed light on the current European state of play and possible future developments' (p 9). This really highlights the purpose of the work: it analyses what has come before, in order to make suggestions for future possible developments.

As the title of the book infers, Alidadi supports the introduction of reasonable accommodation. For instance, following the important decision in *Eweida*, he argues that this is to be considered a 'resuscitation' of Article 9 of the ECHR and is one that creates momentum to turn the positive duties under Article 9 of the ECHR into a de facto reasonable accommodation duty (p 231). His work builds upon this argument and claims to offer the first book-length treatment of reasonable accommodation. As such, it gives a powerful argument in favour of reasonable accommodation.

Alidadi asserts that reasonable accommodation is not currently in force (p 12) but he does not consider recent important judgments in English law that have directly considered reasonable accommodation, and recent comments suggesting that English law is moving to engage with reasonable accommodation. His work does not take into account Lady Hale's recent focus upon the issue in English law, in both *Bull v Hall* and *Greater Glasgow Health Board v Doogan* (2014), two cases that are not considered in the text. Lady Hale has additionally written extra-judicially and given a number of talks invoking the issue of reasonable accommodation. Although she rejected introducing reasonable accommodation in *Bull v Hall*, she has since stated that 'both in discrimination and in human rights law there is developing a principle of reasonable accommodation'.² Writing in this journal in 2015, Lady Hale further considered that 'employers and other providers may be expected to make reasonable adjustments to

2 B Hale, 'Are we a Christian country? Religious freedom and the law', Oxfordshire High Sheriff's Lecture, 14 October 2014, <<https://www.supremecourt.uk/docs/speech-141014.pdf>>, accessed 9th February 2018.

their rules and practices to accommodate the religious beliefs of their employees'.³

A further problem is that Alidadi removes religious liberty from traditional debates about freedom of conscience and does not provide any definition of 'religious liberty'. Nowhere is there a discussion about what is a legitimate response to restrictions on religious conscience. As reasonable accommodation seeks to remedy restrictions imposed on religious conscience, the work could benefit from more discussion about these restrictions.

Chapters 1 to 4 introduce the relevant statutory and case law involving religion and belief. Focus is given to the manifestation of religion that arguably requires protection in the workplace. This requires consideration of the current national and European approaches towards religion, particularly 'religion-worktime conflicts' created by employees manifesting religion in the workplace and legal cases involving religious dress.

Chapters 5 and 6 seek to draw together the themes presented earlier in the work and provide insights for the future integration of reasonable accommodation. Chapter 5 addresses, first, exemptions from or changes to job duties, and second, religious discrimination/religious harassment in the workplace. Chapter 6 then goes on to develop the conclusions made in the earlier chapters. For instance, in this chapter Alidadi identifies five commonly heard objections against reasonable accommodation, and runs these objections against the calls made for reasonable accommodation earlier in the text. These criticisms are then individually addressed. By tackling criticism, the arguments made by this work to introduce reasonable accommodation are strengthened.

In thinking about reform, Alidadi poses an important question: can the religious beliefs of a given employee be reasonably accommodated in a way that causes no disproportionate burden for the relevant employer (p 265)? This frames the debate in the later chapters because it draws together employees, employers and the relevant legal protection. The boundaries are drawn so as to prevent the marginalisation of religious minorities in the labour market.

This leads Alidadi to the conclusion that *EU-wide* protection is 'essential in moving forward ... [in] the fight against intolerance and discrimination' (p 248). He suggests a compromise here, in that both employees and employers perform their roles in the workplace while admirably attempting to eradicate discrimination. Alidadi puts this well: 'The idea behind reasonable accommodation is to give employees ... opportunities to reconcile their various identities and commitments while pursuing their professional ambitions' (p 264). Reasonable accommodation is correctly shown to be a conciliatory approach.

3 B Hale, 'Secular judges and Christian law', (2015) 17:2 *Ecc LJ* 170–181 at 176.

The greatest strength in the work is in the comparative approach which provides suggestions for English law. It shows how reasonable accommodation applies to different requests made by employees, and so applies practically to different workplace scenarios. This may prove to be useful for both practitioners and academics as reasonable accommodation continues to develop.

JAMES GOULD

University of Exeter

doi:10.1017/S0956618X18000601

The Cambridge Companion to Judaism and Law

Edited by CHRISTINE HAYES

Cambridge University Press, Cambridge, 2017, xi + 424 pp (hardback £64.99)

ISBN: 978-1-107-03615-4, (paperback £22.99) ISBN: 978-1-107-64494-6

I had been invited to speak to a Deanery Chapter in rural Northumberland. When I arrived, the very rural dean asked me to remind him of my topic and I replied 'Judaism'; he responded encouragingly 'Not a lot of that round here'. Before my talk, he said exactly the same when reading to the chapter a diocesan missive on 'Black and ethnic minority concerns', enabling me to point out that their congregations did not live in a rural bubble but in their work, travel and wider families were in touch with a variety of cultures, beliefs and sexualities. I wondered if the unusually thin ELS attendance at David Frei's lecture this February also suggests that Jewish law may be a peripheral and esoteric interest, not much met by the Society's busy canon lawyers and clergy. If so, this book of essays would usefully open eyes.

For some decades now, Christian scholarship has shifted away from viewing first-century Jewish law as, crudely put, imprisoning and has recognised it as, intentionally, a structure for living within God's covenant grace. The learned authors of these essays, academics at universities in Israel and America, lead us through detailed studies charting the evolution of Jewish law from biblical origins through the Second Temple period, the classical rabbinic period of the first seven centuries of the Common Era and the medieval attempts to live within foreign legal systems without compromising the Torah's injunction against adopting 'foreign' laws – Maimonides' division of laws between those indisputably from Sinai and those deduced by legal reasoning aroused opposition.

The second section takes us from juggling between jurisdictions around the heavily concentrated ghetto of fifteenth-century Frankfurt to the different choices faced by the vast majority of Central European Jews who by then were