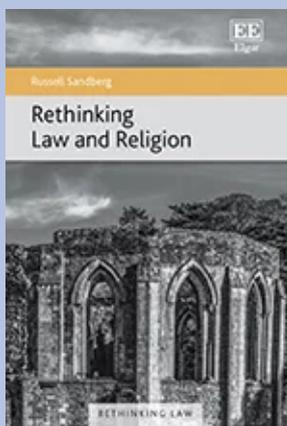

RETHINKING LAW AND RELIGION
BY RUSSELL SANDBERG

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There is a melancholy in beginnings, especially those which promised more than they delivered. The field of law and religion in the United Kingdom (UK), born (or rather reborn) at the turn of the millennium, was a hopeful response to the legislative incantation of the Human Rights Act 1998 and to the institutional gesture of specialized LLB and LLM courses. These were important and long-awaited signs, for those who cared to see them: the emergence of a legal consciousness that would finally take religion seriously, not as a footnote to constitutional history or a quaint residue of ecclesiastical law, but as a living and volatile form of social meaning. A field was to be established, mapped, legitimized. However, more than two decades on, the promised flourishing has not materialized. There are scholars, there is scholarship, but the discipline itself remains fugitive, its borders uncertain, its relevance too often questioned even by its own practitioners. It is this dissonance between the imagined potential and the muted reality that Russell Sandberg sets out to interrogate.

Much more than a spectator to this history, Sandberg is one of its authors. His *Law and Religion*, published in 2011, was—and remains—one of the few coherent pedagogical attempts to frame the subject for

a new generation of students. His recent *Rethinking Law and Religion*, however, is something altogether different: not a manual, not a primer, but an autopsy (or biopsy) performed with care, affection, and at times the sadness of one who believed. Why did the field not flourish? The question is not rhetorical, and Sandberg does not answer it with blame but with reflection; he enters the archive of his own career, and of the development of the discipline, to ask what went wrong, or rather what else happened: what subterranean forces, what institutional silences, what disciplinary habits conspired to hold the field in place or push it to the periphery? His book is not a critique in the sense of destruction, but in the older sense of unveiling—the attempt to say what has been left unsaid. It is a book that speaks from within the field’s own failure to become what it might have been, and in doing so, it reopens the possibility that it still might.

Rethinking Law and Religion is a confession, an exegesis, and a manifesto, all staged within the theatre of a field that Sandberg both reveres and dissects with the forensic intimacy of one who has loved too much. Sandberg’s book undoes its subject even as it reconstructs it, not in the sense of destruction, as stated beforehand, but in the sense of an archaeology that must begin with demolition.

The first act, “Repentance”, is not simply a gesture of remorse, but a hermeneutic untangling of origins: a return to the field’s mythologies, one might argue, and a disquieting recognition that these myths, once stabilizing, have become paralyzing. The autobiographical tone is methodological, not incidental: Sandberg’s revelation that he once believed in the liberatory potential of distinguishing “religion law” from “religious law” is a wound in the text that punctures scholarly detachment and replaces it with ethical reckoning. Through his reading of the foundational case law of the field, Sandberg reveals a law that speaks in tongues and the grammar of which fails the faithful. Article 9 of the European Convention on Human Rights is exposed not as guarantor but as mirage, promising freedom while binding it in the doctrine of margin of appreciation. This, however, is not a nihilistic deconstruction. Sandberg turns his gaze outward, finding in the American interdisciplinarity a model of hybridity: a field that refuses to stabilize the meanings of “law” and “religion”, choosing instead to let them contaminate each other productively. Sandberg confesses, and the confession is performative: admitting his complicity in narrowing the field, he opens the possibility of expansion, a kind of scholarly rebirth through vulnerability.

In “Reappraisal”, the second movement, Sandberg indeed stages a comparative dramaturgy, inviting the reader to imagine what law and

religion could have become if it had followed the narrative trajectories of law and gender, or law and race, or even law and geography—a field that, like religion, resists fixity. Here, the text becomes kaleidoscopic, fragmentary, bringing somehow pleasure through disorientation. There is no centre here—only centrifugal motion, as Sandberg allows these analogies to unsettle and reconfigure the field he critiques. The speculative becomes the methodological, and the subjunctive mood becomes his voice.

The third and final act, “Regeneration”, is at once the most abstract and the most revolutionary. Luhmann’s systems theory is introduced as the lens through which law and religion can be observed not as bounded disciplines but as communicative systems, endlessly recursive and paradoxical by nature. It is evident that Sandberg does not fear paradox: he courts it, proposing not its resolution but its redescription. Religious law, often marginalized (when not bluntly neglected) in mainstream legal scholarship, is reimagined as a social system—or, more precisely, a generator of norms and narratives that demand legal recognition not through assimilation but through conceptual hospitality. The crescendo that leads to the end of the book is audacious: a call to rewrite the history of the field and to abandon the conventional narratives that have led to its stagnation. This is not simply a critique: *Rethinking Law and Religion* is mythopoesis, a re-founding of the field through an act of narrative sabotage.

To call *Rethinking Law and Religion* an academic monograph would be both true and insufficient, for what Sandberg offers is not only a piece of scholarly labour, but also a textual mirror, at once archive and interior monologue. The book is both *texte lisible* and *texte scriptible*, a site of knowledge transmission and a document of authorial inquietude. The scholarship is impeccable, abundant, and precise: one senses in every line the weight of more than a decade of work, with citation as invocation and case law as liturgy; however, beneath this learned surface pulses the flicker of a personal narrative. Sandberg does not pretend to be absent from the stage: on the contrary, he inscribes himself within the very history he narrates. What results is not *memoir* in the confessional sense, but a kind of academic autobiography, wherein the evolution of a scholar becomes indistinguishable from the evolution of a discipline. The “I” that occasionally surfaces is structural rather than just ornamental. Sandberg has been one of the most prolific and visible figures in the field of law and religion in the UK for the past decade: he is not writing *about* the field so much as from *within* it, and it is precisely this position and this entanglement that make the book so resonant. *Rethinking Law and*

Religion becomes, in effect, a snapshot of the field as seen through the eyes of one of its principal architects: a photograph in motion, blurred at the edges, but unmistakably real. This dual movement between the autobiographical and the institutional is where the book's richness lies: it refuses to stabilize into a single genre, instead shifting restlessly between modes, between memory and critique, or between presence and structure. What makes the book especially compelling are its refusal of hagiography and its radical honesty.

Sandberg is not interested in preserving the field's dignity through euphemism, and he asks difficult, even wounding questions: who, in the end, is actually interested in law and religion? Why do so few legal scholars engage with it? Why has it remained marginal, orphaned, quietly tolerated in legal academia but rarely loved? These questions are not rhetorical, and open spaces where the reader must supply their own discomfort. Sandberg, however, does not merely catalogue the field's deficiencies, but also exposes their origins, and in doing so, makes their transcendence possible. There is a peculiar generosity in his criticism: it is written from within, as stated beforehand, like a believer would question the limits of the faith that has shaped them. This is where the book exceeds the boundaries of its form to become a philosophy of the field, a sociology of its exclusions, and an anthropology of its indifference. It also becomes a politics, however, because Sandberg resists the fatalism of nicheness to insist, with quiet determination, that law and religion should not be confined to the margins of legal scholarship. And here the text becomes almost prophetic, showing that what begins in academia does not remain there: ideas migrate, discourses mutate into policy, theologies become legal instruments. In this context, the marginality of law and religion is as unfortunate as it is dangerous: such marginality leaves a vacuum in public discourse where precision should be. Sandberg's analysis demonstrates that the apparent irrelevance of this field is a structural illusion: religion continues to shape law, politics, identity, space, and yet legal scholars often lack the tools to think it rigorously. The argument of *Rethinking Law and Religion*, however, is not for a defence of law and religion as it has been, but for its radical expansion, its opening to new methodologies, new interlocutors, and new imaginaries. The book thus performs a double movement, both mourning and imagining: it is a thanatology of the old field and a midwifery of the new. And in this, Sandberg offers a subtle but powerful theory of scholarly responsibility, as he suggests that the scholar is not merely a commentator but also a constructor of possibility. To rethink a field, therefore, cannot be limited to observe its decline, but

rather to prepare the conditions of its rebirth. And *Rethinking Law and Religion* is a rare text in that it does not hide the labour of thinking: it shows its scaffolding, its hesitations, the past errors of the field, and through this openness creates a space for collective reimagining.

The pages in *Rethinking Law and Religion* show the unfolding of a mind that refuses reduction. Sandberg does not write like a scholar limited to the precincts of his specialism—in fact, he writes like a jurist of the total text, capable of reading laws as well as the sedimented structures of meaning in which they are entrenched, crossing disciplinary borders with the same agility with which he deconstructs the borders of his own intellectual formation. More than just a system of rules, the law here is a way of listening, a form of attention—and Sandberg alertly listens to the shifting murmurs of religious life, to the anxieties of social identity, to the echoes of cases that appear settled but still reverberate with unspoken questions.

The method in *Rethinking Law and Religion* is constructive as much as comparative, not content with just placing fields side by side but compelled to imagining their recombinant potential. Sandberg's invocations of law and gender, law and race, law and geography are strategic disruptions for revealing how law and religion might have been otherwise, and how they still might be. What emerges is a portrait of a lawyer who is also a cultural reader, a semiotician in a jurist's clothes, capable of seeing not only what law says but what it cannot say, what it represses, what it mythologizes. However, there is a friction—perhaps even a productive irony—at the heart of the book: even though Sandberg's stated aim is to unshackle law and religion from its niche, to prise it open and demonstrate its relevance beyond the familiar circles, the book remains, in tone and focus, deeply implanted within those very circles. For most of its length, *Rethinking Law and Religion* looks written for the insiders who have followed the debates, attended the conferences, taken notes on the same texts. If this is a fault, however, I would argue that it is a luminous one: there is nothing wrong in speaking to one's own tradition—indeed, the scholar must first know where they stand before they can move. Nevertheless, the paradox is striking. The book's rhetorical gesture is outward, but its actual reach is inward. It is, without doubt, a mandatory reading for any scholar or activist in the field, not only because it offers a genealogy of the discipline, but because it contains the imprint of Sandberg's own intellectual life, and thus preserves something that will be cited, revisited, argued with, and perhaps rewritten.

As a document of the state of the discipline, it is unmatched; but for those standing outside the temple, perhaps glancing in with curiosity but not yet invested, the invitation may not be fully extended. The density of internal references and the assumption of a shared vocabulary may render it inaccessible to the very readers Sandberg wishes to address. Indeed, Sandberg himself points out at page 6 that “[t]his is a book about the study of law and religion”: could this be a symptom of the very condition he diagnoses, namely law and religion as a field talking to itself? That Sandberg does so with lucidity, precision, and deep humanity does not eliminate the risk of echo. Perhaps, however, the book’s greatness lies in this contradiction of being both manifesto and mirror, both opening and enclosure. One reads it with admiration not only for its argument but for its tone, its courage, its intellectual generosity. It is one of the best readings of 2024—unquestionably—but its very qualities put it at risk of remaining, despite its ambitions, within the small circle of those who already know how much this book matters.

About the author

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Legislation, Regulations and Rules

Human Rights Act 1998

European Convention on Human Rights 1950