

autonomy. That is addressed in the contributions of Mark Hill, Norman Doe and Anthony Jeremy, Perry Dane, Steven H Resnicoff and others. They implicitly relate to one another in showing that, by securing this autonomy, both the freedom necessary for the religion itself to flourish is achieved and it is enabled to contribute to the well-being of the whole of society. Thus public and private find a common guardian in religious freedom as a human right. This is explained in many aspects by Peter Cumper (multifaith challenges), Sophie van Bijsterveld (legal perspectives), Julian Rivers (the collective aspect) and Malcolm D Evans (the universality claim). It is quite convincing, indeed, as David Harte argues, that religion is an area of public importance which is an appropriate subject for public law.

Seen from a continental perspective British establishment of religion, also illuminatingly explained by Augur Pearce and Peter W Edge, gives ample space for religious freedom, while at the same time securing major traditions and structures of belief which underlie society. It is this fruitful combination of openness and strong convictions—for tradition and reform, for their own religion and the religion of others, for freedom and for rules—which makes this book so wonderful to read.

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A HUMAN RIGHTS APPROACH TO COMBATING RELIGIOUS PERSECUTION: CASES FROM PAKISTAN, SAUDI ARABIA AND SUDAN by MOHAMED S. M. ELTAYEB, Antwerp/Groningen/Oxford: Hart/Intersentia, 2001, xii + 260pp (£39.00 paperback) ISBN 90-5095-170-8.

This book is one of the volumes in the 'School of Human Rights Research Series' as published by Intersentia and Hart. It is an amended version of a PhD thesis successfully defended at Utrecht University in 2001. Its central aim is to examine the phenomena of intra-religious persecution through a series of case studies. As the author notes relatively early on, while inter-religious discrimination has been extensively documented and human rights instruments have been interpreted with a view to tackling such behaviour, intra-religious persecution raises issues that have not been the focus of a great deal of legal analysis and commentary. Intra-religious discrimination is of course not unique to any faith. The book under review examines the phenomena of intra-religious persecution in three States where Islam is the predominant faith and argues how religion has been used as a pretext to discriminate and persecute against identifiable groups for other purposes.

Although the book is not formally divided into different sections it is possible to perceive it as being composed of two distinct parts. The first part sets out the analytical framework and prism through which the issues are to be examined. The second part is composed of the actual case studies themselves. The two chapters which form the first part of the book attempt to define religious persecution in international law and also examine the doctrinal tools which have been historically utilised in Islam to exclude certain

groups. The case studies examine the persecution of the *Ahmadiyya* in Pakistan (Chapter 3), the persecution of *Shi'is* in Saudi Arabia (Chapter 4) and the persecution of the Muslim Brotherhood in Sudan (Chapter 5). The final chapter attempts to define a framework towards understanding and combating intra-religious persecution not only in the Islamic context but also through international mechanisms and strategies.

On many levels this is an interesting work. Yet it, in some senses, leaves the reader with a strange sense of not being satisfied. A central aim of the study is to illustrate that intra-religious persecution has an extra-religious dimension to it. In the context of discrimination or persecution both inter and intra-religious this is not really surprising. In the context of the case study on Pakistan, for example, inter-religious persecution between Muslims and Christians on the one hand and on the other intra-religious persecution between *Sunnis* and *Shi'is* would also reveal that politics, socio-political and economic factors all have a rôle to play. Persecution or discrimination between ethnic groups, for example, the vast majority of *Sindhis* and the *Mohajirs* who are predominantly adherents of the *Sunni* sect of Islam in Pakistan, again illustrates the presence of other factors and rationale for ill-treatment where a religious one is absent. It may simply be one of the aims of the study to prove this fact in an intra-religious context. If it is, then it may be that it is a case of verifying a widespread assumption.

Chapter 1 of the study looks at the notion of religious persecution. There is in international law no notion of religious persecution outside of the context of the 1951 Geneva Convention Relating to the Status of Refugees. As is well known under Article 1 of the 1951 Convention a person with a well-founded fear of persecution due, among other grounds, to their religion can seek asylum in a third state. There is now a significant amount of practice and national jurisprudence on this issue. Dr. Eltayeb examines the concept of persecution in this context and the commentaries on it, as to what it means. For the purpose of defining religion, however, and the content of the rights protected, i.e. the right to change one's religion, for example, he refers to various international documents such as the Universal Declaration and the ICCPR and Islamic human rights documents. While he discusses the *travaux préparatoires* of the UDHR he does not really discuss the jurisprudence of the Human Rights Committee on this issue other than General Comment 22 on Article 18 or aspects of the ECHR's jurisprudence on Article 9, some of which is relevant to such a discussion in elucidating the scope of the rights in question. It is obvious that in a work of this length a reader will disagree with some of the conclusions drawn but the failure to utilise effectively or discuss fully not only the international jurisprudence but also the relevant national jurisprudence in defining 'religion' especially when it is a central tenet of the thesis is a notable omission.

Chapter 2 which looks at the doctrinal tools of religious exclusion in Islam is in many senses symptomatic of my perceived shortcomings of this work. The discussion in this chapter is well-written and argued as are all the others. Yet, there is still the feeling that there should be more. The discussion in

all of the chapters is placed in a historical context and there is extensive and elaborate examination of many background issues. I could not help but feel, however, that there should have been more analysis. At times it is possible to see that the analysis that exists is getting lost in all the detail. The issues which are most relevant are not being brought into focus as sharply as they should have. The discussion in Chapter 3 on the *Ahmadiyya* in Pakistan provides an example. The relevant legislative and political developments and history of a very brutal repression of the *Ahmadiyya* in Pakistan is recounted in great detail. There is also extensive and well-researched reference to the background to the movement and the basis for its doctrinal schism with 'mainstream Islam'. However, the discussion reads as a detailed historical narrative as opposed to analysis of the situation viewed through the lens of the analytical framework developed in the opening chapters. The case studies on Saudi Arabia and Sudan can be similarly described.

The final substantive chapter aims to define a framework towards understanding and combating intra-religious persecution. Again it is all very readable but with the exception of the discussion on differing approaches to dissenting ideas within Islam, it simply serves to highlight that in many senses intra-religious persecution is no different from other grounds for ill-treatment and thus those other mechanisms which are relevant to tackling discrimination and promoting equality are also appropriate here. Something you suspect in any case.

Overall, this is a book which I enjoyed reading a fair deal. It is informative, well written and well-researched. It highlights and discusses an important and often overlooked issue and that is in itself a valuable contribution to the literature. As noted above, however, I kept wanting more and in this respect it did not deliver. This book has a lot of promise but does not deliver on all fronts.

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