

morality' (p 378). This hardly speaks of commonality. But it is Rehman who, for this reviewer, best captures the spirit of the enterprise: his comment is prefaced by the observation that 'it is important to recognise and reiterate that the call of reform of discriminatory laws is not a criticism of the great religion of Islam itself', and followed by the conclusion that 'In order to make progress, Muslim societies (in common with all other societies) must ensure consistent alignment of constitutional norms with evolving norms on human rights and minority rights.' In other words, it is not about critiquing the presuppositions of our positions in order to re-locate our thinking. It is about recognising our evolving understanding of both religious thought and legal regulation, in the light of the changing world and the changing societies in which we live and in which we relate to each other. No more, no less. And it may be that this is sufficient to comprise a useful common ground.

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Master of Penance : Gratian and the Development of Penitential Thought and Law in the Twelfth Century

ATRIA A LARSON

The Catholic University of America Press, Washington, DC, 2014, Studies in Medieval and Early Modern Canon Law 11, xviii + 553 pp (hardback \$65) ISBN: 978-0-8132-2168-7

This excellent, erudite book has both a narrow focus and a wide scope. Much about Gratian and the *Decretum* associated with his name is tantalisingly uncertain, in particular the *Tractatus de penitentia* (C 33 q 3) within that fundamental text. In Part I, Larson's focus is on the contents of the *Tractatus* and other related texts; Part II then broadens the scope to the reception of the treatise from 1140 to 1215. Larson makes the welcome announcement that she is preparing a new edition with an English translation of the treatise.

While *Distinctio* 1 has not been neglected in scholarly debates, we in fact now have the first comprehensive consideration of Gratian's *Tractatus*, related to Gratian's work as a whole and to its vital contribution to later developments in law, theology and practice. Larson well expresses part of the aim of Part II in stating that the study of the reception of a theological treatise embedded in a textbook filled with canons by a wide range of thinkers provides an opportunity to re-evaluate the nature and interrelationship of canon law and theology in the period covered. Although the footnotes alone – numerous and often

substantial – indicate the high level of scholarship deployed, Larson can also present matters in an engaging way, as when the discussion of *Distinctio 2* is headed ‘Regaining love like David or losing love like Satan’.

Interspersed in the volume are various observations on how we might gain valuable biographical information on Gratian and the nature of his formation and intentions. Larson sides firmly with those who maintain that Gratian was a teacher and the *Decretum* a teaching text. In terms of modern categories, Gratian taught canon law and, to a certain extent, theology, which, based on *De penitentia*, was mainly sacramental and pastoral in focus. Gratian believed that, while wilful ignorance is harmful to everyone, it is dangerous for priests.

Part II of this work has a fascination all of its own as it traces aspects of the great attention paid to Gratian’s treatise, beginning with Peter Lombard’s use of it, through its place in the classroom and outside, and finally to its reception by popes and the Roman curia. The chapter on *De penitentia* beyond the classroom examines the evidence from England and southern France between 1160 and 1190, and includes works by Bartholomew, Bishop of Exeter, and Master Vacarius. Larson moves with due caution, as in remarking of one of Alexander III’s letters that a specific section of the treatise can be identified as the intellectual source of the decision, while in other decretals the work of Alexander’s curia was guided by more general principles and ideas present in Gratian’s treatment of penance and governing his approach to practical issues of penance.

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The Power of Religion in the Public Sphere

Edited by EDUARDO MENDIETA and JONATHAN VANANTWERPEN

Columbia University Press, New York, 2011, viii + 137 pp (hardback £45) ISBN: 978-0-231-15645-5; (paperback £15) ISBN: 978-0-231-15646-2

A Secular Europe: Law and Religion in the European Constitutional Landscape

LORENZO ZUCCA

Oxford University Press, Oxford, 2012, xxv + 210 pp (hardback £58) ISBN: 978-0-19-959278-4

Democratic Authority and the Separation of Church and State

ROBERT AUDI

Oxford University Press, New York, 2011, x + 180 pp (hardback £25.99) ISBN: 978-0-19-979608-3; (paperback £16.99) ISBN: 978-0-19-979608-3