provides a useful sociological primer on the secularisation and religious pluralisation of German society over the past few decades. In her view, these social and political factors, rather than the legal factors, have been determinative in the emergence of neutrality as the dominant principle of religion–state relations.

In the culminating chapter, Haupt seeks to clarify competing conceptions of neutrality. She elaborates on the distinction between formal and substantive neutrality, highlighting the tension between neutrality, separation and equality. She fails to make a case for any particular definition of neutrality and never fully rebuts the charge that the term is an empty shell. While she makes the pragmatic assertion that neutrality 'prevent[s] the state from taking sides' (p 201), this argument overlooks how differing conceptions of neutrality lead to radically different religion–state relations. Nevertheless, Haupt's work is a helpful guidepost on the quest for neutrality, whatever the concept may mean.

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Islamic Law in Europe? Legal Pluralism and its Limits in European Family Laws

ANDREA BUCHLER
Ashgate, Farnham, 2011, 176 pp (hardback £60) ISBN: 978-1-4094-2849-7

In this book, the author questions the impact of migration from countries with a predominantly Muslim population on European family law codes. She not only maps out the problems of a multicultural society but also proffers solutions to such perceived tensions, in particular solutions to the threat that Islamic family law may become entrenched in the legal systems of European counties. While she does accept that a possible shortcoming in the solutions proffered are that they are biased towards theory rather than practice, the book itself is aimed at academics rather than practitioners and therefore serves its readership well. These solutions appear in the final chapter of the book and are titled: 'Seven theses to sum up and conclude', one being 'Inclusion or exclusion of alien family law', in which it is argued that Islamic law has a part to play in the application of the law in European countries because private international law refers to it.

There is a useful summary of classical Islamic law (p 10) that encompasses the salient aspects of a broad topic. It would have been further helpful to readers to understand the relationship between religious and cultural identity, albeit in

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summary form, as the book quickly moves from Islamic law to cultural and religious identity without a link between the two. Not all culture is Islamic and not all Islamic practices are cultural. While Buchler is careful to point out at the beginning of the book that even the Muslim community in Europe is diverse (p 23), the fact that she considers cultural identify alongside religious identity but fails to differentiate between the two is a glaring deficiency.

Chapter 2, on 'Real and virtual legal spaces: the scope and limitations of conflict-of-laws rules', presents challenging questions and scenarios in which conflict of laws rules would be invoked. For most European countries, nationality is the key factor when making a decision that may involve two conflicting jurisdictions and, rightfully, the author attributes useful discussion to this topic (p 28). In particular, there is a comparison between the legal systems of Switzerland and England on residence or domicile being a determining factor of nationality. Thus, in Switzerland, the applicable law when determining disputes in family law is based on a person's domicile or habitual residence (except for Iranian nationals, in which case the Swiss courts would apply the law of a person's primary nationality, in other words, Iranian law). The author compares this approach to that of the English courts, in which there is a more strict approach in determining domicile and there is no dual right to domicile: 'everyone has a domicile, and no one has either several or none' (p 37).

An important aspect of family law is child custody (or 'residence', as it is now known in the British courts) and Buchler provides a helpful comparison between the approach of sharia law and that of family law in Europe (p 61). The information on adoption (p 62) is simplistic and perhaps misleading in that, for some Muslims, adoption is not considered to be a prohibited act and certainly there is nothing in the Qur'an that explicitly forbids adoption; rather the act of stating that an adopted son is biologically yours is forbidden and therefore the verse has been misinterpreted by the author, with potential grave consequences. Adoption itself is a difficult area within Islamic family law and it is not surprising that Buchler has represented the most simplistic and, for some Muslims, incorrect stance. However, she goes on to provide a comparison between the various European countries of accommodating Islamic family law within adoption for Muslim couples. Further, the author makes an assumption that Muslims have both a *nikah* and civil wedding owing to distrust: 'The refusal to have recourse to English law can be seen not only as a reassertion of religious and cultural identity, but also as evidence of lack of trust in official law' (p 77). In fact, it is well known that Muslims regard only the *nikah* as a religiously binding marriage contract and any other form of marriage ceremony, while legally valid, would not bind their conscience. The issue is not one of trust; it is one of religious values.

Despite some of its shortcomings, the book is unique in that it provides the reader with a general insight into how the courts in European countries such as

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Germany, Switzerland, France, England and Spain have dealt with culture and religious identity in family law cases; most previous works have dealt with court decisions from one legal system or country alone. The comparison is most helpful, especially when proffering guidance and solutions, as Buchler has done in the final chapter of her book.

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Augustine and Modern Law

Edited by Richard O Brooks and James Bernard Murphy
Ashgate, Farnham, 2011, liii + 517 pp (hardback £160) ISBN: 978-0-7546-2894-1

If the latest, 2008, edition of *Lloyd's Introduction to Jurisprudence* can be taken as a reliable standard guide to how jurisprudence stands today, then St Augustine (354–430) makes fleeting but necessary appearances in relation to just war, to natural law and to the justness or otherwise of law. Most recently, he has featured in discussions of postmodern jurisprudence. The abiding relevance and challenge of Augustine are now fully endorsed by the book under review.

This fine volume is self-standing, but part of a series designed to show how the works of various major philosophers have been applied to scrutinise law and legal systems. The two editors provide a brief introduction, followed by an anthology of 23 texts, a select bibliography by Carl Yirka and an index of names. The anthology is gathered into five parts: Augustine's life and world; 'the two cities' – that is, justice in the early and divine community; Augustine's philosophy of political authority and law; selected fundamental principles of jurisprudence and political theory; and the application of Augustine's thought to selected legal topics. The texts reprinted date from 1933 (Lardone on Roman law) to 2009 (Reid on marriage).

The editors dodge nothing, beginning their introduction on Augustine in a series of 'Philosophers and law' by noting that, fundamentally, Augustine was a theologian who wrote no treatise on law. They then go on to argue convincingly for his value to contemporary jurisprudence, not least in an age of disillusioned idealism. (Were they right in not including essays on love and law, though the theme does crop up in their anthology?) The editors, rather like Augustine, are alert to world events and the centrality of language.

Anthologies are compiled selectively, and are probably read in the same way by many people. The text to begin with might well be Anton-Hermann Chroust's

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