

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

In recent years secularism has had a bad press. The academic critique of secularism that too often it conflates neutrality towards religion with hostility has entered the mainstream. Pope Benedict's references to 'aggressive' secularism have struck a chord, especially in the practical debates which have followed, whether over crucifixes in Italian schools, the wearing of the burqa in public in France or religious manifestation in the workplace in the UK. Understandably, more thoughtful secularists are searching for a new, less tainted version of secularism in which the mantle of neutrality can be reclaimed. Three recent books offer a useful guide to the debate.

The Power of Religion in the Public Sphere is a series of essays and accompanying commentary (originally conference contributions) in which several pre-eminent philosophers (Jurgen Habermas, Charles Taylor, Judith Butler and Cornel West) address the question: what role does – or should – religion play in our public lives? Habermas' participation is significant because of the recognition in his more recent work of the importance of religion. In this essay he discusses the ambiguous legacy of the concept of 'the political' in contemporary theory. Charles Taylor argues for a radical redefinition of secularism that responds by treating religion not as a problem but rather as a response to diversity of basic beliefs, whether religious, non-religious or areligious. Secularist regimes in contemporary democracies, he contends, should attempt to 'maximise the basic goals of liberty and equality between basic beliefs' (p 56).

In *A Secular Europe* Lorenzo Zucca (Reader in Jurisprudence at the Dickson Poon School of Law, King's College London) pursues a somewhat similar goal. Addressing the question of how to accommodate diverse religious practices and laws within a secular framework, he argues that Europe needs a new picture of secularism, which, unlike the old models (especially *laïcité*), moves beyond church–state relations to tackle the issue of public reconciliation of religious diversity. Several of the chapters in the book have been published as well-known articles (notably on the European Constitution, engaging with the secularism of Andras Sajó and tolerance in the classroom), but here Zucca revises them and attempts to construct a broader argument. He argues that three dimensions of diversity (ethical, political and legal) constitute a 'Copernican revolution' leading to a new model of 'inclusive secularism' that is in contrast to aggressive secularism. Zucca's aim is certainly laudable and the book has many valuable insights (notably in the discussion of recognition of sharia) but one is left feeling that 'inclusive secularism' is merely another term for thin liberalism and amounts to something less than the Copernican revolution claimed. As Taylor points out in his essay, in the face of diversity 'we are condemned to live an overlapping consensus' (*The Power of Religion*, p 48).

In some ways, philosopher Robert Audi's project in *Democratic Authority and the Separation of Church and State* is to tackle questions that Zucca's book appears to gloss over – in particular, the perception that many religious citizens

have that the secular state (even in its less aggressive forms) is nonetheless unfriendly towards them. Audi's account of the dilemma of religious citizens in a liberal democratic state is perceptive. He builds an argument, grounded on an account of the autonomy of ethics from religion, which nevertheless acknowledges the possibility of 'divine command' ethics and gives plausible reasons why religious citizens who hold to such a view should accept ethical principles that underpin separation of religion and state and state neutrality. His examples are drawn from current US controversies (for example, teaching about evolution, school vouchers and government support for faith-based initiatives) but the same methodology could be applied to European issues. Like Zucca, Audi provides a reworking of the requirements of tolerance, which he develops in various contexts – from the workplace to international affairs. This is a rich and thought-provoking book that will repay further reading.

Whether the term 'secularism' is now so irredeemably tainted that it is beyond rescue is an open question. On the evidence here, however, the underlying questions and the debates they give rise to have a great deal of life left in them.

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Women, Family, and Gender in Islamic Law

JUDITH E TUCKER

Cambridge University Press, Cambridge, 2008, *Theories in Islamic Law* 3, xii + 255 pp (hardback £60) ISBN: 978-0-521-83044-7; (paperback £21.99) ISBN: 978-0-521-53747-6

In her analysis of Islamic jurisprudence and legal practice, Judith Tucker addresses a number of intersecting issues in the growing field of law and religion. As the chapter headings indicate, her approach takes gender to be a key category in the evaluation of legal systems. Accordingly, she applies a feminist critical analysis to Islamic marriage and divorce in historical and contemporary perspectives, to the legal subject under the Islamic juridical tradition and to the idea of gendered space, manifest through the regulation of female seclusion.

Tucker writes as a social historian, whose approach to the topic does not arise from a faith-based position but with a concern to elucidate the various elements which have contributed to the development of Islamic law in relation to the management of women's property rights and their freedom in matters of the body and sexuality. Tucker emphasises that her focus is on the ways in which