

Němec believes that this is the case, at least in part, because the earlier provisions simply ceased to exist; the only exception is that of the new German *Bundesländer* – in this case the Holy See insisted on explicitly recognising the concordats of the period between the two World Wars, thus manifesting its consistent recognition of a single Germany. '[I]t did so', Němec writes, 'even though, as a result, some stipulations in the new agreements may be considered archaic today, especially as regards the modification of diocesan structures, the filling of episcopal sees, and the erection of theological faculties at State universities' (p 299). Given the speed with which changes have been occurring in all of these countries, there is much in the agreements with other countries that now appears to be 'archaic', even though it did not appear so at the time of negotiation and was not consciously intended as such. Of particular significance is Chapter 8, in which Němec identifies how the principles of the Second Vatican Council have been received and embodied in these agreements. There are extensive appendices, in which the full texts of these modern agreements are given in either Italian or English, along with extracts from interwar concordats for comparison; the bibliography is also quite full and valuable.

The book suffers, however, from the problems of being a translation. In addition to the typographical errors not always evident to someone who does not speak English as a native language, there are some infelicitous phrases, or, occasionally, humorous ones: 'when, the ambassador of the Pope has the position of a nuncio, i.e., a virile [*sic*] dean of the diplomatic corps' (p 119).

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Feminism, Law, and Religion

Edited by MARIE A FALLINGER, ELIZABETH R SCHILTZ AND SUSAN J STABLE
Ashgate, Farnham, 2013, xvii + 412 pp (paperback £26) ISBN:
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In 2005 Ursula King identified the ways in which studies in feminism, gender and religion are often doubly marginalised in the academy: on the one hand almost all disciplines pay little attention to the role of religion; on the other, theology and religious studies have a tendency to downplay gender as a critical lens.¹

1 U King, 'General introduction: gender-critical turns in the study of religion' in U King and T Beattie, *Gender, Religion, and Diversity: cross-cultural perspectives* (London, 2005), pp. 1–10. See also E Castelli,

More recently it has been suggested that a 'disciplinary disconnection' exists between so-called 'secular' feminist work and religious feminism, which hinders both from entering into conversation despite the ways these broad-ranging discourses contribute to gender analysis.² In *Feminism, Law, and Religion*, the authors also appreciate this disconnection and identify the particular ways in which 'Feminist legal scholars have, until recently, mostly avoided the study of the difficult place in which religious women find themselves' (p xiii). They attribute this to the perception that religious women's lives clash with contemporary values and to the idea that women are 'pulled apart by family expectations for their lives, feminist critiques of their choices, and religious demands on their consciences and loyalties' (p xiii). For the editors, legal feminist scholars have critiqued the law's paradigms of objectivity but this has perhaps reduced issues of faith to the individual, which leaves religious women without the 'language' (p xiv) to bring faith into public life. They argue that feminist legal studies need to recognise that for most of the world's women religion is a key aspect of their identity, including those operating within legal institutions such as academics, practitioners and of course, women seeking legal recourse.

In this sense, *Feminism, Law, and Religion* makes a valuable intervention by gathering 17 essays from Catholic, Mormon, Lutheran, Muslim, Confucian and Daoist, Christian, Jewish and Buddhist scholars, responding to diverse issues such as divorce, marriage, religious leadership, gender family roles, religious dress, rape and the teaching and interpretation of scripture. The collection acknowledges that religion shapes not only women's private lives but also the public practices of lawyers, judges, volunteers, advocates, social workers, clients and others connected to systems of jurisprudence, and crucially explores how their work speaks back to these systems.

As is sometimes the case with wide-ranging volumes, breadth means that there can be less time for depth. However, as a collection that aims to flag up points of contact between legal and feminist religious frameworks in different contexts, this approach worked and I enjoyed moving between the four sections. In the first section, 'Feminist legal theory: religious and secular encounters', Elizabeth R Schiltz tackles Catholic assumptions about the complementarity of gender, and Susan J Stabile challenges the disjuncture between Catholic teaching on the equality of women and the way in which women's roles and work are valued in the tradition. Cheryl B Preston is a Mormon feminist; she

'Women, gender, religion: troubling categories and transforming knowledge' in E Castelli (ed), *Women, Gender, Religion: a reader* (New York and Basingstoke, 2001), pp 3–25; L Woodhead, 'Feminist theology: out of the ghetto?' in D Sawyer and D Collier (eds), *Is There a Future for Feminist Theology?* (Sheffield, 1999), pp 198–206.

2 D Llewellyn and M Trzebiatowska, 'Secular and religious feminisms: a future of disconnection?', (2013) 21 *Feminist Theology* 244–258.

suggests that feminist critiques of religion rely on a ‘standard built on traditional male values’ (p 26) and argues that Christianity has the resources for models of equality that can draw secular and religious feminist perspectives closer. Finally, Emily Albrink Hartigan imaginatively takes the ancient story of Antigone as a figure who can disrupt the objective paradigms upon which legal discourses are based to potentially ‘re-enchant the post-Western legal world from within’ (p 85).

Following this examination of the expectations at work in religious and secular quests for equality, the second part (‘Theological insights applied to dilemmas of women’s social existence’) highlights the challenges caused when claims to religious authority compete with state legislation, in a post-secular, pluralistic, hybrid, Western context. M Christian Green looks to human rights activists such as Dorothy Day and Aung San Suu Kyi, whose thinking, writing and campaigning links faith and politics. Other authors in this section focus on marriage, divorce and domestic violence: for instance, Juliane Hammer concentrates on Muslim responses to domestic violence and critiques the systems of care that are supposed to help women experiencing abuse; but she too readily assumes that Islam is necessarily patriarchal and a contributing factor to physical oppression.

The engagement between religious scriptures and their contested meanings and women’s religious lives is the focus of the third section, ‘Feminist reading of scriptural texts on women and women’s rights’. Nimat Hafez Barazangi’s essay, ‘Why Muslim women are re-interpreting the Qur’an and Hadith’ (which is placed in Part 2, but seems to fit better in Part 3) is reminiscent of Ursula King’s observation that women’s access and reading of their sacred texts is changing religious traditions, practices and communities as their increasing ‘spiritual literacy’ troubles dominant interpretations that have historically led to gender injustice.³ In this part of the volume, the authors illustrate how hermeneutic dilemmas around modesty, such as dress and breastfeeding (Frances Raday), ‘wife-beating’ in Jewish law (Naomi Graetz) and rape in Islamic law (Hina Azam) have real, lived implications for women’s lives and the outworking of their human rights.

It is difficult to argue with women’s formal and informal exclusion from taking up governing and authoritative roles across religions, and the contributions in the closing section confront ‘Women’s leadership and standing’ in the context of Roman Catholicism, Buddhism and contemporary China. Sister Sarah Butler argues that, while women are prohibited from ordination in Catholicism, according to canon law men and women have equal rights ‘and ... this

3 U King, ‘“Gendering the spirit”: reading women’s spiritualities with a comparative mirror’ in D. Llewellyn and D. Sawyer (eds), *Reading Spiritualities: constructing and representing the sacred* (Farnham, 2008), pp. 71–84.

principle is not contradicted by the ... doctrine of priesthood' (345). Rebecca Redwood French uses the biography of Karma Lekshe Tsomo, an American Tibetan and Korean Buddhist nun, to show that, despite the barriers inscribed in religious systems, through education and religious literacy women are circumventing discriminatory religious and secular laws. Women, therefore, are mutually empowering each other to become religious spokespeople and are changing gender norms in Buddhist countries. Mary Szto draws on qualitative interviews with lawyers, students and judges to demonstrate that in the Chinese legal profession roles are highly gendered, and traces these expectations to the historical and religious *yin/yang* dyad of Daoist thought.

For some readers, the problems that the authors are diagnosing and naming will be familiar: women's religious leadership, women's equality, gender roles in religious communities, marriage and divorce, and access to sacred texts are pressing, ongoing issues much discussed in feminist religious critique. Furthermore, some of the theoretical tools that the writers in this collection draw on to address the complex ways in which women wrestle with their religious and feminist identity might also be known territory. However, *Feminism, Law, and Religion* is a rich resource for tracing the relationships between legalism, feminism and religious belonging, especially as it questions the unhelpful binary that pitches feminism against religion. Moreover, as the editors remark and, I suggest, as this volume clearly demonstrates, 'feminists, both religious and secular, have a lot to talk about' (p xxvii). While hitherto there has been little dialogue and instance of exchange, *Feminism, Law, and Religion* helps create a space in which these important conversations can occur.

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The Logic of Law Making in Islam: Women and Prayer in the Legal Tradition

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One may assume that *The Logic of Law Making in Islam: Women and Prayer in the Legal Tradition* is a title calculated to attract a mass readership in the world today, where many think that Islamic law is repressive to women and wedded to physical punishments. But it is not that simple. The book's argument is highly