ing both the abstract universalism of traditional legal reasoning and the 'particularity void' which Michael Detmold finds in the act of judging, they argue for the ethical need for lawyers to occupy 'the middle' (in Gillian Rose's sense) between the two. The practical outworking of this appears in a greater attention to detail and particularity in the application of legal norms to cases.

The other two essays require the reader to draw a deep breath before launching into the murky depths of postmodern jurisprudence. Adam Gearey finds in Augustine's City of God the roots of a 'political atheology' based on a set of radical and irresolvable contradictions (between *eros* and *agape*, *cupiditas* and *caritas*) which perpetually puts into question any existing temporal resolution. '[The state] (and by implication the law) is both legitimate and illegitimate: a consequence of the fall and the need to restrain sin, but itself a great sinner' (p. 66). This essay shares much in common with the tradition of critical legal scholarship which optimistically finds dynamic potential in law's ethical contradictions and tensions. Unusually however, Gearey sees Christianity as itself a bearer of radical openness to 'the Other', rather than a closed ethical system offering one contentious resolution. By contrast Victor Tadros' essay pours a dose of scepticism on postmodernism's optimism that by revealing the underlying power-structure of traditional ethical and legal discourse one can free up the individual to new possibilities of authenticity: 'The experience of contingency has not resulted in the substitution of radical aesthetic self-creation for the liberal conservative subject. It has resulted in a boring repetition of fragmentary experiences' (p. 110). This leads him to question whether theory should have anything to do with 'the proposal of solutions to practical problems' (i.e. law) at all.

It would be unfortunate to finish this brief review on such a pessimistic note, but it is perhaps not uncharacteristic of the current impasse of much jurisprudence. Put very crudely indeed: justice is not possible without ethics; law is not possible without justice; life is not possible without law. But ethics (in the sense of inter-subjectively binding norms of conduct) is not possible, so nor are justice, law, and even in one sense life itself. Can faith break that counsel of jurisprudential despair, or is law condemned to a life of unethical pragmatism? These essays begin to point the way forward. They are not for the intellectually faint-hearted, but must be on the essential reading-list for those who believe in law's ethical nature. Given the challenge they represent, the editors' hope that they represent just a 'starting point for further theoretical work' (p 18) will surely not go unfulfilled.

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THE CHURCHYARDS HANDBOOK (4th edition) edited by T. Cocke. F.S.A., Church House Publishing (for the Council for the Care of Churches), 2001, ix + 149 pp. (£10.95) ISBN 0 7151 75831

The Churchyards Handbook was first published in 1962, appeared in a second edition in 1976, and in a full revision in 1988. This fourth edition is a significant new revision. The legal chapters in this new compilation have been drafted by David Harte of the Newcastle Law School and there are valuable appendices on the marking of churchyard plans (by Dr Christopher Brooke who is also responsible for the chapter on the archaeology of the churchyard) and (a new departure) on Health and Safety in the churchyard, recognising the need to be alert to claims resulting from accidents in the churchyard. There are some important cautionary notes and warnings here.

The introduction to this new edition recognises the continuing cultural change in the way(s) in which funeral customs have developed since 1988, with the death of Princess Diana marking a particular shift in public awareness of these changes. A more mobile population and increased diversity of religious views means that there has been a further weakening of the ties between families and the burial places of departed relatives. Ecological concerns have also led to the growth of woodland burial (a site sponsored by the Diocese of Ely has recently come into use near Cambridge). A greater freedom in matters of 'customer choice' in general plays into a more difficult situation for the regulation of monuments in churchyards. Likewise new technology allowing, for instance, laser inscribed portraits on gravestones, may pose new challenges to regulations authorising photographs on gravestones (common in some parts of Europe but not in England). Children's cemeteries, where still-born children are laid to rest, can be places festooned with wind-chimes, windmills, gnomes and teddy-bears indicating a popular mourning culture which can be inimical to proper conservation and Christian concerns in churchyards.

This new edition of *The Churchyards Handbook* has been sensitively compiled and is, like its predecessors, a mine of important information—legal, aesthetic, archaeological and ecological. There are useful illustrations to commend sensitive ways of organising designated areas for cremated remains in churchyards and indicating good practice in memorialisation. This will be a valuable resource for clergy, PCCs and ecclesiastical lawyers called upon to adjudicate difficult cases and to make appropriate plans for the care and regulation of churchyards.

Geoffrey Rowell, Bishop of Gibraltar in Europe and Chair of the Churches Funerals Group

ISLAM AND EUROPEAN LEGAL SYSTEMS, edited by SILVIO FERRARI and ANTHONY BRADNEY, Aldershot: Ashgate, Dartmouth, 2000, ix + 203pp (hardback £ 50) ISBN 1-84014-466-1

Islamic jurisprudence, as described in theoretical works and found in records of the practical application of the law, addresses a context in which the state (and hence the legal system which flows from it) are assumed to be Islamic. By the term Islamic, I do not mean to imply that Muslim jurists considered the various governments, empires and administrational structures which have existed in the history of Islam to be perfect manifestations of the Law of God (the Shari'a). Rather, the jurists (in particular, those from the Sunni school of thought) assume in their writings that the state will attempt to follow the Shari'a, though they recognise that with human nature being what it is, it may not always achieve this aim. Muslims living as a minority in a state which is not only unislamic, but also does not have the implementation of Islamic Law as a desideratum is, on the whole, absent in the accounts of Islamic Law developed by Muslim legal thinkers over the past 1200 years. Hence Muslims living in Europe find themselves in a new and challenging situation from which a most important question flows: how do Muslims develop a religio-legal framework in which they may remain Muslims, but live in states which are not only non-Islamic, but in some cases openly hostile to the implementation of Islamic Law?

In truth, this situation has not come about only in Europe. Muslims in North America and elsewhere face a similar set of issues. Furthermore, one might argue that the secularisation of the legal systems of the Muslim World (brought about mainly through a process of legal codification) also presents difficulties for a pious Muslim who wishes to obey the Law, given by God and revealed through the designated