Three appendices follow, the first (30 pages) dealing with variants in parallel passages in the MT, the second major appendix (139 pages) detailing linguistic variants in the Masoretic and Qumran texts of Samuel, and the third (8 pages) offering "some more not-so-random thoughts" primarily in response to Zevit's criticisms of their 2008 volume published in DBH. A bibliography, index of modern authors, and index of biblical and related texts close the volume. Helpful as these indices are, an additional index of general subjects would have been desirable, as would section notices at the top of every page. Many of the footnotes gather extensive bibliography on important topics related to the subject of the book and greatly enhance its value.

The authors are due thanks for prodigious research and careful writing. Those who take a different view of the dating of the language of biblical writings will need to fault their data or their conclusions, or reconsider their own position. The book's challenge cannot be safely ignored.

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Sexual Violation in Islamic Law: Substance, Evidence, and Procedure. By HINA AZAM. Cambridge Studies in Islamic Civilization. New York: CAMBRIDGE UNIVERSITY PRESS, 2015. Pp. xi + 270. $95.

This is an extremely careful and detailed study of Islamic legal discourses on male sexual violation of free women, from their inception in the seventh century CE until the emergence of what we recognize today as classical Islamic legal doctrine on rape,[1] which the author situates in the twelfth century. Primarily conceived for those with an interest in premodern Islamic law, the book has also been written to assess understandings of classical Islamic law on which basis sexual violence is treated in a number of contemporary states and to challenge a practice in which "legal institutions [. . .] function to promote violence against women in systematic ways [. . .] providing legal cover for males who perpetrate violence against females." By engaging in a critical evaluation of classical Islamic jurisprudence on rape, Hina Azam wants to judge whether contemporary injustices can legitimately be attributed to the classical legal system (see pp. 1–7). This explains why female slaves and free non-Muslim victims of rape have been left outside the scope of the book (p. 12).

Contrary to what the label "classical" might suggest, Islamic legal doctrine on rape admits a wide variety of approaches to define sexual violation and establish its punishment, embracing distinctions between divine and human claims, sexuality and property, and volition, legal capacity, and legal liability. By virtue of this internal variety, mutually conflicting results are possible, which might severely compromise a victim's capacity to prosecute perpetrators and obtain compensation, to the point of impunity. The coexistence of contradictory views is testified in all the equally authoritative schools of

1. Like the author, I use the term "rape" for practical reasons and to avoid the longer but more accurate "sexual violation" option. As she notes (pp. 16–18), there is no exact equivalent in the sources she used to our modern concept of rape, which is based on notions of individual autonomy and on the inviolability of the female body; not everything we consider to be sexual violence today, e.g., marital rape, was deemed as such by premodern jurists, and to them sexual violence was not always synonymous with sexual violation.

law. In the particular case of rape, Azam focuses on the Ḥanafī and the Mālikī schools since they were the first to develop and are thus expected to better illustrate the formational process of classical Islamic doctrine on rape and the theological, ethical, and cultural contexts in which the positions evolved and diverged. In fact, both schools' approach to rape charted the course followed by the other Sunni and even Shiʿi schools.

The book is organized in six chapters; an introduction (pp. 1–20), conclusion (pp. 239–47), bibliography (pp. 249–60, in which the list of secondary literature comes before that of primary sources), and index (pp. 261–70) complete the volume. Chapter one (pp. 21–60) addresses the broader Near Eastern ethico-legal context in which Islamic doctrines on rape are rooted, especially as regards the distinction—and tension—between theocentric and proprietary conceptions of the crime. The attitude of pre-Islamic Arabian custom toward sexuality and sexual violation was more "secular" than that of its neighboring religious and legal cultures, and would change radically with the advent of Islam.

Drawing on the Quran and hadith, chapter two (pp. 61–113) examines the configuration of the theocentric-proprietary divide in the formative period, which the author situates between the seventh and eighth centuries, and its articulation in terms of a theory of claims and rights affecting God's moral order and interpersonal relationships, or, to put it another way, the public and the private spheres. This stage also witnessed the categorization of ideas central to Islamic legal doctrine on rape, such as liability (*taklīf*), legal capacity (*ahliyya*), and volition (*irāda*, *riḍā*), as well as the conception, for all but a group of jurists from Kufa, of female sexuality as a type of property that came to align with Islamic theocentric sexual ethics. The further elaboration of these concepts, from the middle of the eighth to the end of the twelfth century, and the overall increasing tendency to discursive rationalization, theorization, precision, and nuance experienced within both schools to justify their doctrines from the eleventh century onward are dealt with in the remaining four chapters. Chapters three (pp. 114–46) and four (pp. 147–69) review the way Mālikīs and Ḥanafīs respectively defined and penalized the crime of rape. The former inherited the majority position among the early jurists, combining a theocentric and proprietary approach that allowed them to elaborate a set of evidence and procedure rules (on which, see chapter six) that met the victims' demands and expectations in a relatively reasonable way, whereas the Ḥanafīs' almost exclusive theocentric emphasis made their exposition on male–female violence quite minimal, devoid of real parallel to the idea of rape, invalidating female volition in sexual matters, and thus inefficient to adjudicate the crime in a way that did justice to the victims and even to protect them against slander (see chapter five). The combined theocentric and proprietary approach to rape meant that forcing a woman to commit a sexual act outside of marriage (*istikrāh ʿalā l-zinā*) is considered a transgression against God's rights as well as an usurpation (*ghaṣb*, *ightiṣāb*) of a woman's property, not necessarily involving her abduction and not restricted to the misappropriation of slave women.

Hina Azam's findings are very important. She has identified an underlying similitude between slave sexuality and free sexuality in the Mālikī jurists' proprietary approach to sexuality, which served as a springboard for payment of the proper bride-price (*ṣadāq al-mithl*) in the case of the free female victim of rape, or the equivalent of the decrease in the market value for loss of virginity in that of the slave. Another element distinguishing the Mālikī awarding of monetary compensation in cases of rape was their linking the sales and the marriage contracts, so that if the dower—conceived as an exchange value for enjoying the right to have sex with a woman—was invalid, it invalidated the marriage contract; in contrast, the Ḥanafīs argued that the marriage and the dower were two distinct contracts such that the (in)validity of one did not affect the other. In awarding all female rape victims the right to claim monetary compensation, Mālikīs made free and slave, Muslim and *dhimmī,* and virgin and non-virgin women equivalent, and made sexual property a category not restricted to defloration. Coercion was understood not only as physical violence, but also as invalid consent, whereby it included the states of minority, unconsciousness, and insanity. From the eleventh century on, Mālikī jurists built up their dual approach to rape by defining the dower as the exchange value for sexual relations (*ʿiwaḍ al-buḍʿ*) or as the price for sexual benefit (*manfaʿa*). In doing so, Mālikīs tried to counter the Ḥanafī view that if the dower is a marker of lawfulness it cannot be employed in the context of *zinā*. "The composite or dual rights theory of rape upheld by the Mālikī school was far more workable and equitable than the single rights theory of rape upheld by the Ḥanafī school," the author concludes (p. 240). By weighing all these competing divine and interpersonal, public and private, claims involved in rape, "the jurists maintained theoretical coherence in the law at the same time they produced a juristic edifice that con-

tained immovable, grounding and dynamic, and context-responsive elements" (p. 140); "an ongoing process of development and debate led to a doctrinal corpus that embodied equal shares of creativity and constraint, fundamentally different from a predetermined or static collection of doctrines and directives" (p. 247)—"as in so many other areas of Islamic jurisprudence, there is no single Islamic 'law' on rape, but rather multiple Islamic laws of rape" (p. 239).

These powerful statements encapsulate the contribution that studies like Azam's can make to ongoing discussions about the treatment of rape in contemporary legal systems and societies.

Assigning a proprietary dimension to rape allowed the victim a modicum of satisfaction vis-à-vis the strict evidentiary rules of *zinā*, so that the near impossibility of punishing the perpetrator by flogging or stoning (*ḥadd*) on the testimony of four male eyewitnesses to the act of penetration or on confession by the accused was compensated by the possibility of enforcing discretionary punishment (*taʿzīr*) on him and financial indemnity for her on the grounds of circumstantial evidence. As stressed by Azam, the Ḥanafī definition of *zinā*, combined with the school's evidentiary and procedural doctrines, rendered rape virtually impossible to rectify and compensate, notwithstanding the seriousness with which the school regarded the crime (p. 170), at best allowing victims to avoid being prosecuted for implicit admission of *zinā* themselves. "Principles that were effective in protecting personal sexual privacy in consensual situations became obstructionist and detrimental in coercive situations" (p. 200).

Apart from two upright witnesses of her abduction or of forcible isolation with the accused, circumstantial evidence of *zinā* includes, whenever no witnesses can be presented, the very act of the victim's exposing herself (*faḍīḥat nafsihā*) to denounce the crime in public, asking for help (*istighātha*), and signs of having resisted the assault presented immediately after having suffered it (chapter six). Frequently mentioned in connection with circumstantial evidence of rape is the enigmatic requirement that she present her accusation while "clinging to him" (*mutaʿalliqa bihi*) (p. 210), which Azam understands in the sense of identifying the accuser by name and persisting in the accusation. Azam is aware of the need not to take the expression literally—otherwise the Mālikī ʿIyāḍ b. Mūsā's (d. 544/1149) remark that "not all victims are able to cling (*taʿalluq*) to their aggressors" would make no sense—yet she renders it by "pursuing" (p. 227), whereas later commentators of ʿIyāḍ's remark either understood it to be a synonym of *tashabbatha* (take hold, cling, catch, adhere to something) or warned against taking it literally, proposing instead (e.g., the Moroccan al-Tusūlī, d. 1842) that it meant to identify the accused by name and to denounce the crime immediately after its commission (see D. Serrano Ruano, "Claim (*daʿwā*) or Complaint (*shakwā*)? Ibn Ḥazm's and Qāḍī ʿIyāḍ's Doctrines on Accusations of Rape," in *Ibn Ḥazm of Cordoba: The Life and Works of a Controversial Thinker*, ed. C. Adang et al. [Leiden: Brill, 2013], 179–203, at 191–92).

Unlike jurists in the other legal schools, Mālikīs consider pregnancy of an unmarried free woman as evidence of *zinā*. In this connection Azam argues that "the sophistication of Mālikī evidence law was the result of a conscious effort by Mālik and his successors to counteract the detrimental effects of a doctrine they felt compelled to uphold" out of loyalty to ʿUmar b. al-Khaṭṭāb, in whom the author has identified the doctrine's first source (pp. 216, 237–38). Yet she notes the Andalusīs Ibn ʿAbd al-Barr's (d. 463/1071) and al-Bājī's (d. 474/1081) reluctance to establish *zinā* on the grounds of pregnancy, which she attributes to the influence of ʿAbd al-Wahhāb al-Baghdādī (d. 422/1031), the main representative of the Iraqi branch of the school and the first of its members to have "framed rape law directly within the relationship between divine and inter-personal rights." Ibn ʿAbd al-Barr, for his part, was the first to draw an analogy between sexual usurpation and theft (*sariqa*) (pp. 141–42).

Azam's selection of sources is curious. She focuses on compilations of doctrine, leaving the rich Mālikī fatwa literature aside, yet she includes a collection of legal cases to discuss a fatwa by the aforementioned ʿIyāḍ b. Mūsā, avowedly because of the rationalistic nature of his thought on rape, though obviously also with the intention to have Far Maghribi Mālikīs represented alongside the Medinese, Iraqi, Egyptian, North African, and Syrian sources. Certainly, ʿIyāḍ's fatwa is sufficiently interesting to deserve an otherwise unimportant inconsistency—this reviewer, whose doctoral research was dedicated to that very collection, knows it very well[2]—yet the absence of Abū Bakr Ibn al-ʿArabī (d. 543/1148)

2. See D. Serrano Ruano, "Legal Practice in an Andalusi-Maghribi Source from the Twelfth Century CE: The *Madhāhib al-ḥukkām fī nawāzil al-aḥkām*," *Islamic Law and Society* 7.2 (2000): 187–234, at 198–201; eadem, "La violación en derecho mâlikí: Doctrina y práctica a partir de tres fetuas de los siglos X a XII d. C.," *Mélanges de la*

among Azam's sources is inexplicable given the no less rationalistic character of his legal thinking, his fit with the chronological parameters of the study, and the relevance of his statements regarding rape, which he held to be tantamount to *ḥirāba* (brigandage) rather than to forced *zinā* (see my *Hawwa* article, 190–92; Ibn al-ʿArabī's singular approach to rape was first pointed out in Kh. Abou El Fadl, *Rebellion and Violence in Islamic Law* [New York: Cambridge Univ. Press, 2001], 253).

The refinement reached by Mālikī doctrine on rape in the post-classical period is presented by the author largely as a result of the need to react to Ḥanafī attempts to undermine it. Azam's adoption of a comparative perspective is very useful to illustrate the high levels of pluralism, internal disagreement, and debate that the elaboration of classical Islamic legal doctrine generated and tolerated in the course of its long and fruitful history. However, she appears to ignore the equally stimulating effect that the Cordoban Ẓāhirī Ibn Ḥazm's diatribes had against his Mālikī peers' admission of pregnancy as evidence of *zinā* and their treatment of unproved accusations of rape as slander rather than as mere complaints. This lacuna affects Ibn ʿAbd al-Barr and al-Bājī especially, who were very close to Ibn Ḥazm—one was a friend and the other his most effective opponent. Moreover, as Azam observes, both played a significant role in the configuration of Mālikī classical doctrine on rape and, as mentioned above, were reluctant to consider that pregnancy was evidence of *zinā* (pp. 232–33). Another fact that seems to have passed unnoticed is al-Bājī's (p. 222) and Qāḍī ʿIyāḍ's use of the root *sh-k-y* to refer to the claim of rape, which, in view of Ibn Ḥazm's reasoning that such claims should be linked to theft and, if unproven, regarded as mere complaints rather than as tantamount to slander, can hardly be considered neutral or resulting from an indistinctive use of claim and complaint (see, again, my *Hawwa* article, 193–94; also, the above cited "Claim (*daʿwā*) or Complaint (*shakwā*)?"). Of interest is the fact that Ibn Ḥazm's doctrine on rape is known to the present-day activists of Karamah.

After her thorough analysis of classical Islamic law on rape, Azam turns to contemporary Sharia-based judicial practice and identifies four structural problems blocking the fair adjudication of rape, most of them resulting from a misapplication of classical jurisprudence. The tendency in modern codifications of *fiqh* to combine the opinions of different legal schools without following one in particular (*talfīq*), so that the most problematic and gender-discriminatory rules are preserved (e.g., pregnancy as evidence of *zinā* in non-Mālikī regions), together with insufficient attention to the internal coherence of each school, are responsible. Her four structural problems are (1) persistence of a deficiently defined distinction between consensual and non-consensual sexual relations; (2) persistence of rape being conceived as coercive *zinā*, so that modern-day "codifications" continue to require the corresponding evidence to prove the crime (i.e., four eyewitnesses or confession by the accused), along with the discriminatory measure to treat pregnancy as evidence of *zinā* not being properly addressed; (3) unproven accusations of rape are treated as implicit confessions of *zinā* and slander against the accused; and (4) the testimony of other women is excluded in cases of rape, given its basic classification of coercive *zinā*. In sum, *talfīq* is practiced in ways that are most prejudicial to women and without concern for methodological soundness and coherence, persisting in a consistent bias of contemporary sex crime laws against the interest of female rape victims (pp. 239–44).

Hina Azam has produced an extremely sophisticated and insightful analysis of Islamic legal discourses on rape; nothing has been left to conjecture. The recapitulation of arguments and the summaries introducing and ending each chapter add clarity and persuasive force to the intended message. This reiterative style may occasionally be too much for someone who reads the book from beginning to end, but it can be advantageous in the event of selective searches. It is hoped that a more accurate understanding of classical Islamic jurisprudence on rape facilitated by efforts like this study will empower activists and feminist groups by providing them with compelling and persuasive arguments to undermine prob-

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Casa de Velázquez n.s. 33.1 (2003): 125–48, online at www.casadevelazquez.org; eadem, "Doctrina legal islámica sobre el delito de violación: Escuela Mālikí (ss. VII–XV)," in *Mujeres y sociedad islámica: Una visión plural*, ed. M. Calero (Málaga: Universidad, 2006), 145–72; eadem, "Rape in Maliki Legal Doctrine and Practice (8th–15th Centuries C.E.)," *Hawwa* 5.2–3 (2007): 166–207; in addition to the reference in the text above. These contributions, notwithstanding the scarcity of research on Islamic—let alone Mālikī—doctrine on rape, were left unnoted; only a reference to the *Hawwa* article found its way into the bibliography.

lematic laws, so that bringing about reform without compromising the identity of and fidelity to the legal and cultural tradition to which the concerned parties belong can be accomplished.

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Gender Hierarchy in the Qur'ān: Medieval Interpretations, Modern Responses. By KAREN BAUER. Cambridge Studies in Islamic Civilization. New York: CAMBRIDGE UNIVERSITY PRESS, 2015. Pp. xi + 308. $99.99, £64.99.

Gender and Muslim Constructions of Exegetical Authority: A Rereading of the Classical Genre of Qur'ān Commentary. By AISHA GEISSINGER. Islamic History and Civilization, vol. 117. Leiden: BRILL, 2015. Pp. xi + 319. $163, €126.

Tafsīr *and Islamic Intellectual History: Exploring the Boundaries of a Genre*. Edited by ANDREAS GÖRKE and JOHANNA PINK. Qur'anic Studies Series. New York: OXFORD UNIVERSITY PRESS, in association with the INSTITUTE OF ISMAILI STUDIES, LONDON, 2014. Pp. xxi + 547. $99.

Despite the bundling here of three volumes on Quranic exegesis that appeared within the space of a year, the field of *Tafsīr* Studies is still in its infancy, as Andreas Görke and Johanna Pink point out in the introduction to their collection, Tafsīr *and Islamic Intellectual History*. Since the 1990s an increasing number of monographs, collections, and articles devoted to *tafsīr* have appeared. It seems to me that this formative period of *Tafsīr* Studies is analogous to the formative period of *tafsīr* itself. Just as the genre of *tafsīr* gradually emerged and distinguished itself from other early Islamic literary genres, so too the study of the genre is emerging and seeking to define its scope and even the object of its study. Görke and Pink also note that the field remains fragmented, lacking thus far even a comprehensive history of *tafsīr*. Two key questions remain: what is *tafsīr* and how can it be categorized in a meaningful and analytically useful manner? The two editors frame the former question in terms of boundaries of the genre. Does one include every text (written or oral) that seems to interpret the Quran? Does one include anything the author self-identifies as *tafsīr*? Both methods are problematic given that the first is vague (and unmanageable) and the latter inconsistent. Limiting the study to just those texts with fixed characteristics or by the sources employed likely limits *tafsīr* to texts produced in the fourth/tenth century or later. But even prominent exegetical works would be hard pressed to meet all the characteristics. Görke and Pink's edited volume therefore wisely seeks to explore the boundaries of the genre and their permeability though a variety of approaches dealing with various epochs, regions, and (possible) subgenres of *tafsīr*, and in so doing to start exploring the characteristics of *tafsīr*, its place in Islamic intellectual history, and its relation to other genres within that history. Although in their respective books Aisha Geissinger and Karen Bauer do not necessarily identify these core issues using the same terminology, both wrestle with the same issues while looking at gender through the lens of *tafsīr*.

In *Gender and Muslim Constructions of Exegetical Authority*, Geissinger examines the limited but significant exegetical material attributed to female figures. She recognizes that it is impossible to reconstruct early Muslim women's interpretations of the Quran and assiduously avoids historical claims about these female figures. The question Geissinger does explore, however, is what cultural labor gender performed in the making of the classical Sunni *tafsīr* genre and how? Careful not to impose essentialized, ahistorical notions of gender on the premodern exegetes, her analysis begins by demonstrating that socio-political and religious authority was understood in masculine terms and that interpretative authority in particular was emblematically masculine, whereas femaleness encompassed intellectual, physical, and moral deficiency. In her second chapter, Geissinger moves to an examination of women in early exegetical sources, focusing on eight early works and the frequency with which women appear, the literary genre of the material, and the topics of the Quranic verses they explicate. Women are primarily present as objects of male exegetical gaze and later as sources. They have no explicit exegetical role, except when their statements are unwittingly exegetical. She concludes that there is nothing to suggest a discrete body of exegetical materials from women, among whom the