

about the general state of the Persian language in Central Asia at the time—for example, “the Persian language was beginning to lose its status as a literary and official language” (p. 22) or “[the work was written] during a period of linguistic transition” (pp. 23 and 75)—perhaps need to be treated with caution. In giving the reader examples of orthography and grammatical features and comparing them with modern Persian, the editors demonstrate where their interests lie. They conclude that the text’s basic grammatical structures bear a very close resemblance to modern Persian, but style, vocabulary, and orthography are quite different.

*Muḥīṭ al-tavārikh* is an important work that has been under-consulted by scholars. The availability of a text edition, including thirty-nine pages of useful indices, will likely increase the work’s usage and offer more scholars who previously had little access to the manuscripts the chance to open another window into Central Asia’s fascinating history. Indeed, more scholars should dedicate the time and effort to publish text editions of valuable sources that still remain in manuscript form, often difficult to access. The editors have rendered our field a great service.

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*Jews and Islamic Law in Early 20th-Century Yemen.* By MARK S. WAGNER. Indiana Series in Sephardi and Mizrahi Studies. Bloomington, IN: INDIANA UNIVERSITY PRESS, 2015. Pp. xi + 208. \$75 (cloth); \$29 (paper).

Yemeni Jewry has been the topic of a rich array of ethnological, cultural, halakhic, linguistic, and historical studies, in which leading scholars have examined the relations between Muslims and Jews in both the Middle Ages and the modern era. This research—of which much is based on the written and oral testimony of Yemeni Jews—has shed light on material and spiritual aspects of Yemeni Jewry. Their impressive breadth is evident in the bibliographies compiled by Joseph Tobi (Jerusalem, 1975) and Yehuda Razhabi (Jerusalem, 1976), and in many additional works that cannot be enumerated here.

The volume under review continues in the path of these studies and focuses on the relationship between Islamic law and the Jews of Yemen in the twentieth century, against the political and cultural background of the time and as reflected in the activity of three prominent Yemeni Jews: Sālim Saʿīd al-Jamal (1916–2007), Ṣāliḥ al-Zāhirī (1901–1986), and Sālim Maṣūra (1916–2007). These men (the author refers to them as rabbis) served as intermediaries (also his term) between the legal and public arms of the Islamic establishment and the Jews, effectively practicing as lawyers within the Islamic legal system. All three belonged to the Dor Deah movement (whose members were known as *dardaim*) founded by Rabbi Yiḥyah Qafīḥ, which espoused a rationalist approach in the tradition of Maimonides, aspired to spread his doctrine throughout Yemen, and opposed Kabbalah. (It might have been appropriate to dedicate a separate discussion in the book to Kabbalah; see p. 84 and especially p. 94.) But each worked in a different way toward the attainment of the goal and made a different contribution, as the author notes during the course of the book and in its conclusion (pp. 151–56). All three had connections with the Islamic establishment, but ultimately their efforts failed (see, e.g., p. 122). As the author stresses—perhaps a bit too often (pp. 11–12, 69, 119, 145)—they were experts in Sharia and in Arabic and often made use of their knowledge of Sharia in a provocative way. Recognizing that the Islamic legal tradition is not consistent in its treatment of Jews, they attempted to maneuver within the law and make use of its internal disagreements to procure equal rights for the Jewish minority (see, for example, p. 119). The author describes their enterprise under five headings, each allotted its own chapter: (1) The Islamic Judicial System and the Jews, (2) Changing God’s Law, (3) Muslim Jews and Jewish Muslims, (4) Concord and Conflict in Economic Life, and (5) Intercommunal Violence and the Sharia. An introductory chapter (pp. 1–15) describes, among other things, the governmental structures in Yemen (the regime of the Zaydi imam Yahyā Ḥamīd al-Dīn and his son Aḥmad after the end of Ottoman control in

1918). In the concluding chapter the author focuses on the three men's personalities and activities and their legal contributions to the welfare of the Jews of Yemen.

Each chapter contains anecdotes and folklore (in this reviewer's opinion, often unnecessarily long), most taken from biographies and memoirs written by twentieth-century Yemeni Jewish immigrants to Israel, that provide a glimpse into areas such as personal experiences, halakhic tradition, theology, culture, and society. A small part of the material discussed in the book is based on documents, fragments of documents, or courtroom protocols, which produce a more realistic and formal echo of legal proceedings but rarely mention Jews. The discussions in the book tend to be casuistic. Threaded throughout, mainly for the sake of comparison or to provide a foundation for conclusions, is a theoretical discourse taken from contemporary literature (see pp. 42, 63, 85, 121, 129–30, 135, 152). The attempt at the end of the book to link Saadia Gaon and Maimonides on the one hand, and the Jews and Jewish scholars of Yemen, on the other hand, within the context discussed in the book, is nice but weak.

The author has a strong command of the extensive literature in and research on his topic, as reflected in his detailed notes and bibliographical references. Building on these sources, which he has gathered into a solid whole, he illuminates the characters of his protagonists and uses their stories to open an additional window onto the lives of the Jews of Yemen and their contacts with Muslim society and the governmental and judicial leadership.

Since the bulk of my academic work is in the field of comparative Jewish and Islamic law, I will limit my comments to this field. The first chapter (pp. 16–37) offers a discussion of the Islamic legal system and its attitude towards Jews. Legal topics that belong to the first chapter are sometimes discussed in other chapters—for example, the discussion of the abutter's right of pre-emption in the case of Jews only, on the one hand, and in that of Jews and Muslims, on the other hand; or an appeal to a qadi on a theological matter (“the conflict over Kabbalah,” pp. 84–86). I missed a longer discussion of the *muhtasib* (pp. 53, 110) and *‘aql* (see S. D. Goitein, *The Yemenites: History, Communal Organization, Spiritual Life*, ed. M. Ben-Sasson [Jerusalem, 1983], 210); arbitration (see pp. 87, 104, 128, 135, and 142); religious conversion and intermarriage (which are woven into diverse stories but are not discussed on their own, e.g., p. 73); and of the Jewish judicial system in Yemen, its autonomy, authority, structure, and methods of procedure (see, for example, p. 83). No attention is paid to the relationship between the two legal systems. In a number of contexts the author refers to the Islamic judge, Lutf al-Zubayri, assigned to adjudicate in Jewish cases (pp. 20, 26, 36, 108); it is a pity that few further details could be provided. The author notes the frequency with which Jews took cases to Islamic courts (p. 21), and suggests some recurring reasons for this, including real estate, inheritance by women, divorce (p. 22), and converts to Islam who had been divorced in a Jewish court (p. 24); but generally discusses it only incidentally (e.g., p. 81, the refusal to have a case heard by an Islamic judge; p. 86, the paralysis of the Jewish leadership as a motivation for turning to the Islamic courts; p. 126, a refusal to turn to the Islamic courts because of the unequal status of the litigants' testimony; and p. 147, despair of achieving a judicial solution). In this context it would have been appropriate to devote a few words to the difference between urban Jews and village Jews (see, e.g., p. 71). In any event, in my view, the first chapter should have covered the foundations of the two legal systems and their mutual relations.

The second chapter (pp. 38–62) treats the Jews' legal status in the context of their dhimmi-hood. In practice, because of the limitations of the sources, the bulk of the discussion relates to two phenomena associated with the Jews' legal status: the forced collection of excrement and the permissibility of riding a bicycle (in lieu of a donkey, which was forbidden to Jews in the presence of Muslims). The chapter describes the treatises of the Yemeni jurist al-Shawkani (d. 1834) on these matters and the criticism directed at them. The chapter also includes discussions of ritual purity, testimony, drunkenness, and the manner of proving drunkenness. Mention of the fact that the Imam sometimes acts in violation of Sharia (p. 129) would also have been relevant in this chapter.

The focus of the third chapter (pp. 63–95) is not legal but rather social, cultural, and conceptual (language, clothing, diet, identity, informal meetings between Muslims and Jews, and each group's knowledge of the other's traditions). The author believes that these topics are no less important than judicial procedure and substantive law (p. 63); they often lead to a crossing of the boundary between the two religions and make it difficult to maintain the separation between them.

Chapter four (pp. 96–123) deals with Jewish professions and the Jewish economy (such as merchants and vintners), aspects that deviate from the Pact of Umar, and insults to Islam. It also includes a discussion of the competent court in cases of the abutter's right of pre-emption; the validity of testimony by Jews (which also belongs in the first chapter); and the payment of debts by Muslims to Jews and vice versa. Personally I am quite doubtful that Wagner's conclusion that Sharia played an important role in the economic relations between Jews and Muslims (p. 123) would withstand the test of the sources that he uses.

In the last chapter (pp. 124–150) a number of distinctions between theory and practice are employed to look at violence by Muslims against Jews and vice versa (in theory a Jew is forbidden to bear weapons, but in practice is often armed; in theory the Jews expect to be defended by Muslims, but in practice are assaulted by them; etc.). The author presents two anecdotes at great length: the first concerns the striking of a qadi by a Jew; the second, which he refers to, following others who did so, as a "blood libel."

I regret that a number of my studies relevant to the topic at hand were not included in the bibliography. These include "Between Jewish Law and Muslim Law: The Right of Preemption (*Matzranut*) of Persons of Differing Religions," *Pe'amim* 45 (1990): 71–88 (in Hebrew), and, on Jews who take their cases to Islamic courts, *Jewish and Islamic Law: A Comparative Study of Custom During the Geonic Period* (Cambridge, MA: ILSP, Harvard Law School, 2003, pp. 101–12). Regarding Maimonides and his connection to Islamic law, see my "Maimonides' Halakhic Writings against the Background of Muslim Law and Period," in *Maimonides: Conservatism, Originality, Revolution*, ed. A. Ravitsky (Jerusalem, 2008), 247–94 (in Hebrew).

These comments do not minimize the fact that this book is broad and interesting and opens a new window for the study of the legal status of the Jews of Yemen in the twentieth century.

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*Law, State, and Society in Early Imperial China: A Study with Critical Edition and Translation of the Legal Texts from Zhangjiashan Tomb No. 247.* 2 vols. Translated and edited by ANTHONY J. BARBIERI-LOW and ROBIN D. S. YATES. Sinica Leidensia, vol. 126. Leiden: BRILL, 2015. Vol. 1: pp. cxiv + 377; vol. 2: pp. xiv + 1038. €299, \$389.

For decades, A. F. P. Hulsewé's *Remnants of Ch'in Law* has received much acclaim for its scholarly commitment to the study of early Chinese law. His work has been read and cited by many scholars who study not only legal and administrative but also social and cultural history. Thirty-one years have passed since Hulsewé's publication, and now we have a comparable study published by Anthony Barbieri-Low and Robin Yates. They have given us the first English publication of the two early Han dynasty excavated texts from Zhangjiashan, the *Statutes and Ordinances of the Second Year* and the *Book of Submitted Doubtful Cases*, which is an exceptional advent for Sinologists and for readers interested in China's early imperial history and Chinese legal studies. The former text is so far the most comprehensive legal text from early China, providing information on various early Han statutes that demonstrate a continuation of law found in earlier Qin statutes from Shuihudi, the later Tang codes, and the Qing dynasty. The latter text provides case records disclosing the legal process of the Han courts and a vivid description of one actual Han legal court.

This translation is significant for many reasons, but the most compelling is the rich content about early imperial China that will help readers expand and deepen their understanding of Chinese society and culture. As law is an important tool of statecraft that controls various aspects of society, this book is a valuable source for the study of legislation, politics, mores, and society as a whole (p. 67, p. 216). The chosen title, *Law, State, and Society in Early Imperial China*, could not be more accurate. The reader should recognize these two books not merely as textbooks for administrative or legal history but as a door to understanding everyday life in the early Han dynasty.