

example, is discussed separately and in very different ways in two different chapters, Yanagihashi's "Socio-Economic Justice" and Saeed's "Sharia and Finance," the latter in the section called "Present-Day Discussions about Sharia." Possibly in the editors' judgment the field no longer views the range of topics covered in typical works of *fiqh*-writing as representative of the core of Islamic law, a position that is implicit in the introductory chapter and in the selection of materials. A chapter devoted to genres of Islamic legal writing might have helped to orient non-specialists in this changing landscape.

It would be impossible to produce a survey of this (or any) field without exposing oneself to some criticisms. In the case of this book, the quality of the contributions is unusually high, and their breadth, depth, and temporal span are admirable. All in all, this work is an excellent and timely resource for students and scholars alike.

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Mālik and Medina: Islamic Legal Reasoning in the Formative Period. By UMAR F. ABD-ALLAH WYMANN-LANDGRAF. Islamic History and Civilization, vol. 101. Leiden: BRILL, 2013. Pp. xiv + 552. \$277, €199.

Mālik and Medina is an ambitious and engaging work of scholarship. It argues (1) that Mālik's concept of Medinese praxis (*ʿamal*) is a multifaceted legal tool that its critics long have failed to appreciate and (2) that most Western scholars have misunderstood the formative period of Islamic law. It is both a successful revision of the author's 1978 doctoral dissertation, "Mālik's Concept of *ʿAmal* in the Light of Mālikī Legal Theory," and a bold call for Western scholars to direct their gaze away from the presence of prophetic hadiths in early Islamic law to the far more significant role of *raʾy* ("considered opinion") in it. In short, *Mālik and Medina* is required reading for all (advanced) students and scholars of early Islamic law.

The book consists of an introduction, ten chapters arranged into two parts, and a short conclusion. While the content of the book is rich and meticulously documented, the chapter arrangement is not optimal for the reader who is relatively new to early Mālikī law. Chapter one provides a sketch of Mālik's life and clarifies the differences between his "masterpiece," the *Muwattaʿa*, and the *Mudawwana* of Saḥnūn. Chapter two offers a helpful overview of Mālik's legal reasoning, which highlights his skillful usage of analogy, discretion (*istiḥsān*), preclusion (*sadd al-dharāʿiʿ*), and the unstated good (*al-maṣāliḥ al-mursala*). Wymann-Landgraf also stresses Mālik's awareness and respect for dissent among the Medinese jurists, which is reflected in his usage of "concurrence" (*ijtimāʿ*) instead of the more common term "consensus" (*ijmāʿ*). There is also an illuminating comparison between the legal reasoning of Mālik and Abū Ḥanīfa, in which Mālik comes across as more daring in his use of discretion than the Kūfan master of the proponents of considered opinion.

Chapters three and four discuss the reception of Medinese praxis by critics and advocates, including the well-known criticisms of al-Shaybānī and al-Shāfiʿī, as well as the nuanced support of it in the correspondence between al-Layth b. Saʿd and Mālik. A particularly useful passage in chapter four is al-Qāḍī ʿIyād's analysis of how the Mālikīs of each region accorded Medinese praxis differing degrees of authority (p. 234). These chapters might have been more beneficial had they been placed after the lengthy analysis of Medinese praxis (part two, pp. 273–506), because at this earlier point in the book the reader does not yet really know what it is and why it generated so much controversy.

Part two of *Mālik and Medina* begins with chapter five, which outlines Mālik's "archaic" terminology and prepares the reader for Wymann-Landgraf's valuable dissection of Medinese praxis. He divides Mālik's terms into three categories, each of which receives a chapter filled with supporting evidence in the form of discrete legal topics. These categories are "Sunna terms," "Precept terms," and "Terms referring to the People of knowledge." Sunna terms are "types of praxis deemed to have originated with the Prophet" (p. 280); precept (*amr*) terms generally consist of post-prophetic opinions that have found

wide (but not universal) acceptance among the Medinese scholars whom Mālik trusts; and terms referring to the People of knowledge appear to indicate concurrence on a given legal position. Sandwiched in the middle of the chapters devoted to each of these categories is chapter eight, which treats Mālik's use of the term *ʿamal*. Surprisingly, Mālik does not use this term very often in the *Muwaṭṭaʿ*—the most common location for it is in chapter headings, especially those concerning ritual law.

The chapters on Mālik's Sunna terms, precept terms, and terms referring to the People of knowledge are well organized and compelling. Wymann-Landgraf uses all of the recensions of the *Muwaṭṭaʿ* in which Mālik's terminology is present, as well as Ibn ʿAbd al-Barr's lengthy commentaries on it, along with Saḥnūn's *Mudawwana*. Given that so much of the *Muwaṭṭaʿ* consists of Companion and Successor opinions, and that these opinions are enmeshed in (or challenge) Medinese praxis, Wymann-Landgraf also consults the *Muṣannafs* of ʿAbd al-Razzāq and Ibn Abī Shayba regularly. He shows repeatedly how Mālik uses praxis terms in cases in which significant dissent among jurists exists, both in Medina and elsewhere, and on topics for which few if any "solitary" (*āḥādī*) prophetic hadiths were in circulation.

So what is Medinese praxis? The most common term Mālik deploys is "the precept among us" (*al-amr ʿindanā*), which Wymann-Landgraf argues does not indicate Medinese concurrence on a topic and is linked to the practice of the Medinese judiciary. The second most common term is "the agreed precept among us," which does not explicitly rule out the existence of dissent (*ikhṭilāf*) among a few Medinese authorities. Wymann-Landgraf observes that terms indicating complete consensus without dissent, such as "the precept without dissent among us," are very rare in the *Muwaṭṭaʿ*. There is tremendous variety among Mālik's Sunna terms, and Wymann-Landgraf argues that they are clearly connected to issues over which significant legal debate had arisen. (He also speculates that the Sunna terms are the oldest stratum of transmissional praxis and date back to the time of the Prophet and Companions.) Regarding the Medinese people of knowledge, Wymann-Landgraf observes that "praxis is used to verify that the Medinese people of knowledge regarded certain acts of prominent Companions to constitute the desired norm" (p. 356).

In his conclusion, as well as elsewhere throughout *Mālik and Medina*, Wymann-Landgraf declares that the broader objective behind his book is to persuade the reader that "the [legal] schools grew up during the first three centuries of Islam as consistent, yet largely unspoken legal methodologies with distinctive bodies of positive law systematically based on them" (p. 507). His primary target of criticism is the prevailing orthodoxy in Western scholarship that al-Shāfiʿī was the "master architect" of Islamic law and that his legal theory had a significant impact on the earlier schools of Mālik and Abū Ḥanīfa, or the subsequent school of Ibn Ḥanbal. He also argues emphatically that dissent was an integral part of the methodologies of early jurisprudence, and *ijtihād* was "the real stuff" of Islamic law, not hadiths. His critique of the so-called "great synthesis" theory culminates in his call for a "four school" paradigm to replace the "four sources" paradigm that Western scholars generally promote as the mature, formative articulation of Islamic law. This proposed paradigm is first articulated in the conclusion, p. 509 of the book, the placement of which prevents a thorough defense of it, although it would be fascinating to see Wymann-Landgraf develop this paradigm in future publications.

Wymann-Landgraf's defense of pre-Shāfiʿī jurisprudence as mature, complex, and fully engaged with dissenting opinions is compelling. Since Joseph Schacht, many Western scholars have displayed something bordering on an obsession with legal hadiths, so many of which are ambiguous, defective, or tangential to the vast majority of legal cases. They also assume that hadiths were largely absent from legal reasoning prior to al-Shāfiʿī, after whom the Muslim world became awash with forged hadiths. Wymann-Landgraf makes the very significant point that the paucity of legal hadiths must not be confused with the notion of an absence of hadiths. In a footnote he writes, "The relative paucity of legal *ḥadīth* does not mean that legal *ḥadīth*s were few. [. . .] Legal *ḥadīth*s are relatively few, however, when measured against the massive and intricately detailed corpus of early and later Islamic positive law and the immense body of juristic dissent that grew up around it" (p. 24). The *Muwaṭṭaʿ* contains about 250 prophetic hadiths, which is not a trivial sum, although many of them are found in Mālik's extra-legal chapters. However, it also covers over two thousand legal topics, the vast majority of which lacked prophetic hadiths in Mālik's day—and still lack sound hadiths today, centuries after al-Shāfiʿī's "canonization" of Islamic law, to use Ahmed El Shamsy's expression.

One interesting question that *Mālik and Medina* refrains from addressing is the relationship between the descendants of the Prophet (*ahl al-bayt*) and Medinese praxis. Medina was the home not only of Ibn ʿUmar, ʿUrwa b. al-Zubayr, and al-Zuhri, but also of ʿAli b. al-Husayn Zayn al-ʿAbidin, Muḥammad al-Bāqir, Zayd b. ʿAli, and Jaʿfar al-Šādiq. According to most Western scholars, Shiʿi jurisprudence was developing in Medina prior to and simultaneously with the life of Mālik, and yet these descendants of the Prophet seem to be excluded from Mālik’s *Muwattaʿa* and Medinese practice—according to the indices of Bashshār Maʿrūf’s critical edition of Yaḥyā’s recension of the *Muwattaʿa*, for example, ʿUmar’s personal opinions are cited over two hundred times, while ʿAli’s are quoted a mere twenty-one times, fewer than even those of ʿUthmān. There is not a single citation of the opinions of Zayd b. ʿAli or of his half-brother, Muḥammad al-Bāqir. Is Medinese praxis a response to the practice of the family of the Prophet, several prominent members of which also happened to live in Medina? Was it a strategy to marginalize or even exclude the legal opinions of the descendants of the Prophet, some of whom raised revolts during Mālik’s own lifetime? These questions merit further investigation and should shed additional light on Mālik’s concept of Medinese praxis.

Mālik and Medina demonstrates the profound value of reading classical works of Islamic law thoroughly and paying close attention to their authors’ technical terms. No contemporary reading of the *Muwattaʿa* in Western scholarship comes close to what Wymann-Landgraf has accomplished. The author is to be praised for publishing his ground-breaking research, which also engages the secondary literature in German, English, and Italian, and Brill’s editors are to be applauded for including it in their Islamic History and Civilization series.

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Divine Love: Islamic Literature and the Path to God. By WILLIAM C. CHITTICK. New Haven: YALE UNIVERSITY PRESS, 2013. Pp. xxix + 490. \$85.

The problem with this fine book is that it is likely—against its own will—to give grist to the mill and perpetuate the poisonous fallacy that when we speak of love in Islam we are speaking of Sufism and, as we know, “Sufism is not really Islam, after all.” Therefore, even though the copious and frequently ravishing texts mined here have as their focus the problem and gift of love, especially as this is bound up with the quite universal blessing and curse of being human, in the end it is “Sufism” and not “Islam” that will be seen as the source of this beautiful, complex, and existentially compelling discourse. Alas. But, perhaps we are getting ahead of ourselves; let us first describe the form and contents of the book in the light of what its highly regarded author says is its purpose. This purpose is, of course, indicated in the title, where it is clear that we are to understand the subject to be “Islamic Literature” not “Sufism” or “Sufi Literature.” Furthermore, this title draws our attention to the distinctively Islamic idea of “the path to God” in anticipation of the type of misreading mentioned above. For the full antidote, however, we must attend to the author’s thoughtful and frank discussion in the preface of what he is up to in this book (pp. xi–xxvi): Chittick is weary to the soul with the stupid, quasi-racist, tenacious bromide that “If it is Islam it cannot be love.” As for structure, the book is divided into three parts: “The Origin of Love” (pp. 1–145); “The Life of Love” (pp. 147–276); and “The Goal of Love” (pp. 277–437), preceded by a foreword from S. H. Nasr (pp. vii–x) and the aforementioned, essential preface by the author. The book closes with notes, a selective bibliography, a very welcome index of Quranic verses, an index of hadiths and sayings, and an index of names and terms (in all, pp. 439–90).

Starting with the Quran and hadith and moving into the spiritual teachings, frequently clustered around Quranic vocabulary (the main sources are works of exegesis), by the Ikhwān al-Šafāʿ, Avicenna, ʿAbdallāh Anṣārī, and the two authors to whom pride of place is given, Maybudī and Samʿānī, Chittick wishes to demonstrate in beautiful translations of Persian and Arabic that love in its various forms and guises is of central and utter importance to the sons and daughters of Islam, however they might