

marriage with those outside of the church, divorce. Respect for this vision of Christian family was, they hoped, the best way of preserving their Christian community. Yet the same authorities were painfully aware that overly rigid enforcement of these rules could push some of their flock to apostatize. Hence, Christian women who married Muslims were, more often than not, still accepted as members of the Church. While divorce was in theory not permitted, the threat of apostasy was at times effective in convincing Church authorities to allow annulment of marriage and remarriage.

Throughout the book, and particularly in the final chapter (entitled “Christian Shari‘a”), Weitz shows the profound influence of Muslim *fiqh* on Christian law. A West Syrian law on marriage of orphan women, for example, takes inspiration from Muslim legal traditions. East Syrian bishops in the Abbasid caliphate saw law as a learned tradition cultivated by specialists more than as a compilation of ad hoc legislation; the development of East Syrian law was contemporaneous with the development of Muslim *fiqh*, and can only be understood as the product of a complex relationship of emulation and rivalry. A striking example of “Christian Shari‘a” is seen in the legal work of the thirteenth-century West Syrian polymath Bar ‘Ebroyo (or Bar Hebraeus, d. 1286), in particular his legal code, the *Nomocanon*, which was closely modeled on the legal writings of Abū Ḥamid al-Ghazālī (d. 1111).

This meticulously researched, well-argued, and thoughtful book contributes in important and interesting ways to current historiographical debate about the history of early Islam and the “Muslim” world. In the rich and confusing religious and cultural mix that was the Abbasid caliphate, Christians (and Jews and Zoroastrians) were neither simply anachronistic survivals of a bygone age nor merely isolated communities, to be either persecuted or tolerated by Muslim rulers. They were active agents of societal change, cocreators of what historians would call classical “Muslim” civilization.

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The Ethical Thesis: Practical Reason in Islamic Legal Hermeneutics. By ABDESSAMAD BELHAJ. Documenta et Monographiae, vol. 8. Piliscsaba, Hungary: AVICENNA INSTITUTE OF MIDDLE EASTERN STUDIES, 2015. Pp. 199. €38.80.

The Ethical Thesis is a series of essays, or as the author calls them, case studies, on *uṣūl al-fiqh*. The general argument is hard to follow, in part because the work is presented entirely deductively, that is, rather than survey the material and come to a conclusion, Abdessamad Belhaj presents a thesis and then offers citations to support his argument. The driver of the argument, however, is one general insight: that *fiqh* ought to be flexible and responsive to particular concerns rather than having *fiqh* decisions read as general principles imposed universally upon all situations. In short, universals ought to be subordinated to particulars, the *qawā‘id* must yield to *takhṣīs*.

After an introduction that presents the argument, chapter one argues for the relevance of Aristotle’s concept of practical reason (φρόνησις) and of Gadamer’s understanding that hermeneutical work is always creative and therefore provisional rather than indisputable and certain. Belhaj’s second chapter asserts that al-Shāfi‘ī’s *Risāla* was an attempt to thwart legal/linguistic “vagueness” in legal-scriptural passages. “Vagueness” is the term used to translate *mujmal* (although it is not just the uncertainty of a term that makes it *mujmal*; rather it is that there is a plurality of meanings legitimately included in a term. “Ambiguity” might be a better translation, while “vagueness” seems a better rendering of *shubha*). Al-Shāfi‘ī is understood to have argued that a focus on the linguistic norms of the “Arabs” served to constrain the numerous possible meanings of an utterance and select definitively among them to provide a single, determinate, textual meaning of a given utterance. Chapter three asserts that Islamic law was shaped by ethical concerns, but that a sort of division of labor was effected in which Sufism came to be the locus of ethics while *fiqh* became a formalist regime in which rules and language were presented as unambiguous and uninflected by the contingencies of a given situation. (This was not the case, Belhaj recognizes, with actual legal practice and fatwa production.) Chapter four evaluates

the enforcement of Islamic legal assessments and judgments drawing from two Hanbali sources, Ibn Taymiyya's renowned *al-Siyāsa al-sharʿiyya* and Ibn Qayyim al-Jawziyya's *al-Ṭuruq al-ḥukmiyya fi al-siyāsa al-sharʿiyya*. Rather than proscribing a state governed by Sharia, as is commonly supposed (pp. 102–7), Belhaj argues that both scholars essentially assert that if the jurist or ruler is virtuous, the judgments he makes are coextensive with the law (*sharʿ*) even if the particular finding is not to be found in any *fiqh* work, or any textual or scriptural works from which *fiqh* is derived (pp. 114–15). This would mean that the comprehensiveness of the *sharʿ* should come not from techniques of textual extension but from the virtuous judgment of the judge or ruler and his practical imagination as constrained by his personal probity. If Belhaj is correct, this is a substantial change in how these two texts—*al-Siyāsa al-sharʿiyya* in particular, often cited by Islamists for the past century—are read.

Chapter five, “Minority *Fiqh* as a Particularizing Deliberative *Ijtihād*,” is, despite its title, the most engaging of the chapters. Drawing heavily from John Bowen's “Pluralism and Normativity in French Islamic Reasoning” (in *Remaking Muslim Politics: Pluralism, Contestation, Democratization*, ed. R. W. Hefner [Princeton: Princeton Univ. Press, 2005], 326–46), Belhaj argues that it is precisely arguments about the practice of European Islamic law that reveal the separation of two legal tendencies once knitted together in premodern Islamic law. The one is the notion of Islamic law as a particular form of ethics, grounded in a notion of law as a product of divine wisdom (*ḥikma*) and goals (*maqāṣid*). The other is the notion of law as a series of stipulated religious practices, drawn, in theory, from scriptural sources, but in practice from traditions of legal reasoning shaped by the various legal schools (*madhāhib*). The notion expressed by Islamic deliberative bodies tasked with deriving Islamic law for Muslims in Europe poses the question then: Is Islamic law universal in the sense that the rules derived from *fiqh* procedures must be applied in France every bit as much as in Morocco, or does the universalism of Islamic law rest on its expression of shared universal norms of virtue, human flourishing, and ethics?

The final chapter reports a debate between the great Syrian conservative al-Buṭī and the celebrated modernist Abū Yaʿqūb al-Marzūqī. This chapter essentially confirms the lines of the debate sketched in previous chapters. Al-Marzūqī is particularly interesting because he attributes a static view of language to the influence of the Muʿtazila and the Zahiris, which then infected the Shafʿī, Maliki, and Hanbali schools. However, according to al-Marzūqī as reported by Belhaj, belief that an exception to this fossilizing view of language is found in Ibn Taymiyya and also in Ibn Khaldūn. To Ibn Taymiyya is attributed a “plain sense” version of scriptural hermeneutics that, coupled with the obligation to continuous *ijtihād*, makes his proto-Salafi method more flexible and dynamic than that of the more “philosophical” and dogmatic *uṣūl* techniques of the standard Sunni legal schools. Al-Marzūqī is particularly critical of al-Shāṭibī and other *maqāṣid*-oriented hermeneutics, including many modernists, of course, because he believes they insert their own capricious concerns and assert that these are God's intentions in a given act of legislation. Al-Buṭī is the foil in Belhaj's account, positing simply the timelessness and universality of the *sharʿ* and asserting that the discoveries of the legal scholars (*fuqahāʾ*) represent an impartial account of God's designs for humankind.

Despite its often provocative assertions this is a difficult book to read and to extract insights from. The historian will be uncomfortable with the drawing of broad generalizations about Sharia and the Sharia sciences from tiny, and arguably unrepresentative, samples of Islamic legal thought, as when two Hanbali sources from the late middle ages are pressed into service as *the* exemplars of political-legal thought among all Muslims. This is the case in nearly every chapter except the fifth, which draws on a broad range of contemporary secondary literature to illuminate the topic of the chapter and of the book. The depths of the particular legal scholar's arguments lie unplumbed; brief summaries of complex works serve mostly as springboards for the points Belhaj wishes to make. As Andrew Lang famously said of statistics, these authorities are used more for support than for illumination.

Moreover, while I am filled with admiration for someone with the boldness to publish a book in a language other than his or her own, there is, in the end, no substitute for having a native speaker edit the text for inadvertent errors of tense, spelling, idiom, imprecise expression and vocabulary choices, and “false friends.” Although I was reading English, there were times I literally could not figure out what was being said.

Read rightly, this book can be a stimulating book for those concerned with contemporary understandings of Islamic legal history, and particularly for those engaged with the construction of contemporary Muslim theology and law. It is not a book for historians, but then, why should every book be?

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L'imamat et l'occultation selon l'imamisme: Étude bibliographique et histoire des textes. By HASSAN ANSARI. Islamic History and Civilization, vol. 134. Leiden: BRILL, 2017. Pp. xx + 310 + 268 (Ar.). \$245, €204.

Here is a gem of a contribution to the field of Twelver Shi'ī studies! Hassan Ansari has set out to document the evolution of the concepts of the imamate and the occultation across a range of early Imami Shi'ī sources and in the process to gather the relevant passages from these works into one volume. The result is some three hundred pages of identification of and background on the authors of these sources and the works themselves and nearly three hundred more pages of citations from many of those same works.

The French-language portion of the text comprises a preface, a brief introductory overview of both the imamate and the occultation, and two chapters. In the discussion of the imamate (pp. 1–5), Ansari briefly examines the Shi'ī understanding of its necessity and of there being an Imam to explicate the revelation and “la Loi et l'interprétation spirituelle du Livre” (p. 3). The absence of the Twelfth and last Imam from the community, from 260/874, generated a rationalist Mu'tazili-style explication of the need for a clerical hierarchy and for the lay obligation to follow directions set by these clerics (p. 4). As to the occultation itself (pp. 6–11), Ansari reminds the reader of the crisis facing the community from the time of the eleventh Imam and his passing without an apparent heir, of the departure of many believers for other sects, but also of the evolution of the understanding of the Twelfth Imam as both *qā'im* and *mahdī*. With the onset of the greater occultation from 329/941, works on the occultation took two directions, one involving the gathering of hadith on the subject and the other a more theological discourse. The latter was eventually dominated by such rationalist theologians as al-Shaykh al-Mufid (d. 413/1022) and al-Sharīf al-Murtaḍā (d. 436/1044) who, doubling as jurists, asserted their authority as the Imam's representatives during the latter's prolonged absence.

The meat of the volume consists of the two chapters. Chapter one is divided into two sections. In the first (pp. 12–42), Ansari notes the major works on the imamate produced by the very earliest scholars of the Qum school of traditionists. He then discusses such later scholars as 'Alī b. al-Ḥusayn b. Mūsā b. Bābawayh al-Qummī (d. 329/941), the father of Muḥammad b. 'Alī Ibn Bābawayh, known also as al-Shaykh al-Ṣadūq (d. 381/991), as well as their works in these areas and their associates. These include Muḥammad b. Ya'qūb al-Kulaynī (d. 329/941), who compiled *al-Kāfi*. (*Al-Kāfi* was the first of the “four books” of the Imams' narrations compiled in the immediate aftermath of the onset of the occultation of the Twelfth Imam; Ibn Bābawayh's *al-Faḥrī* was the second of these.) The section ends with a coverage of Muḥammad b. Ibrāhīm, al-Kātib al-Nu'manī (d. 360/971), who compiled a volume of the Imams' narrations, *Kitāb al-Ghayba*, which dealt with issues relating to the problem of the Imam's absence.

The second section of chapter one (pp. 43–119) reviews major Twelver authors who worked across the later years of the fourth/tenth century, up to Muḥammad b. al-Ḥasan al-Ṭūsī (d. 460/1067), the compiler of *Tahdhīb al-aḥkām* and *al-Istibṣār*, the third and fourth of the four books of the Imams' narrations, and author of works in many other disciplines of the emerging Twelver Shi'ī religious sciences. In this section Ansari discusses some nineteen scholars whose works addressed the imamate and the occultation. Some are well known—Ibn Bābawayh (eight), Shaykh al-Ṭūsī himself, the last of the nineteen, al-Shaykh al-Mufid (fourteen) and al-Murtaḍā's younger brother al-Sharīf al-Rāḍī (d. 406/1015) (seventeen)—but, constituting one of the very important contributions of this work to the field, many