

degrees of topicality may result in sv even at the foreground level, and Egyptian and Anatolian are conspicuous exceptions). Dahlgren's claim that "it is not unlikely word order in spoken dialogue discourse has not changed at all since early Arabic" seems reasonable, but has to be taken on trust, and there are several possible objections.

It is no criticism of this work to remark that the results obtained statistically often fulfil the prophesies of the introductory sections: the two parts deliberately complement each other in more than a merely rhetorical way, so that the theory is confirmed by the application. But there is one category at least where the statistics break down. There is something very odd about definite subjects, for the figures are indeterminate both in some of the dialects and in CA. In Eastern Med. dialects the split with all verbs (Table 17) is vs 54%, sv 46% (misprinted as 66%, p. 193) in dialogue and vs 42%, sv 58% in description, and with CA perfect verbs in dialogue (Table 23) the split is 49% for vs and 51% for sv. Such figures (these are only a selection) are inconclusive, and, in the spirit of Dahlgren's declared principles, surely further inductive exploration is needed to arrive at a more meaningful split. Statistics is only a way of describing reality (the reviewer has resisted the temptation to quote Disraeli's views on statistics, apparently only attributed to him by Mark Twain, which makes for a very curious *isnād*), but anything less than 100% or more than 0% is just an approximation, always leaving something unexplained. But although one can accept, say, 98% as equivalent to "practically all the time," 54% merely announces "we are still looking for the vital factors which will give us a more useful reading," in the present case perhaps by refining the concept of "subject" to distinguish between topics and agents.

The book is almost free of proofing errors: there is an odd change of gender in the translation of the pronouns on p. 131, for "Imperfect" read "Perfect" in Table 23, item ix (cf. p. 209), and the bibliography gives the reprint date of Weil (1978) but not the original (1844). Occasionally there is a conflict of native-speaker competence, when some of Moutaoukil's data are rejected by Dahlgren's informant, while the verification of Dik's "tail" structure seems to have been carried out by asking a native speaker to translate Dik's examples, and the informant's embarrassment at having to produce such unlikely utterances leaps from the page. But these are trivial items, and the work stands out as a careful and convincing investigation that will be a model for future studies of this kind. It is a fine, solid addition to the consistently impressive Gothenburg series.

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Early Mālikī Law: Ibn 'Abd al-Ḥakam and his Major Compendium of Jurisprudence. By JONATHAN E. BROCKOPP. Studies in Islamic Law and Society, vol. 14. Leiden: BRILL, 2000. Pp. xx + 312

For scholars of early Mālikī law, it is surely the best of times, as evidenced by the appearance of yet another fine book that adds to both the growing corpus of editions of ancient Mālikī legal texts and the secondary literature on early Mālikism. In *Early Mālikī Law (EML)*, Jonathan Brockopp contextualizes, presents, and translates two chapters from *al-Mukhtaṣar al-kabir fī al-fiqh* of 'Abdallāh b. 'Abd al-Ḥakam (IAḤ, d. 214/829). Although *EML* is, in a way, constructed around Brockopp's edition of the *Mukhtaṣar*'s chapters on the *mukātab* and the *umm walad* (using fragments that survive in collections in the Azhar, Gotha, and Fez), Brockopp's discussion is hardly confined to the technical details of these two particular forms of slave emancipation. For example, in chapter three Brockopp tackles the literary-theoretical issue of whether interpretation is constrained by anything in texts (pp. 119–21). If meaning resides solely in "communities of response" (p. 121) and not in texts, then how can one use ancient documents (the Qur'ān, for example) for historical research? This is hardly a trivial question, but it seems to me that Brockopp's decision to edit an ancient text makes it a moot point. Even Stanley Fish, whose "interpretive nihilism" (121 n. 18) seems to have occasioned Brockopp's engagement with this topic, denies that his views have any consequences for interpretive practice (see Fish's "Consequences" in *Doing What Comes Naturally: Change, Rhetoric, and the Practice of Theory in Literary and Legal Studies* [Durham: Duke Univ. Press, 1989], 315–41).¹ Still, this gives some indication of the breadth of Brockopp's approach to his topic.

Brockopp's study of IAḤ's life in chapter one, detailing his family background, scholarly career, and political activities, is a welcome contribution to our knowledge of the Muslim scholarly elite in Egypt in the second-third/eighth-ninth centuries. As Brockopp rightly points out, the advantage of studying such a figure is that his biography has largely escaped the hagiographic tendencies associated with the lives of more

¹ For an alternative to Fish, see Hans-Georg Gadamer's account of interpretation, which allows for the possibility of understanding "traditional material," accepts the interpreter's situatedness, describes very well the problem of the "otherness" of the text, and never posits the kind of objective meaning or interpretive standpoint which has become the target of Fish's witty, antiformalist barbs. *Truth and Method*, 2d rev. ed., tr. J. Weinsheimer and D. G. Marshall (New York: Crossroad Publishing Corporation, 1991).

prominent early religious figures. He also throws new light on the life of IAḤ's acquaintance Muḥammad b. Idrīs al-Shāfi'ī. Particularly interesting is the suggestion that Shāfi'ī was regarded, at least by some Egyptians, as pro-ʿAbbāsīd.

Two small details could be added to the account of the relationship between Shāfi'ī and the ʿAbd al-Ḥakam family. First, Brockopp notes that "one account records that Ibn ʿAbd al-Ḥakam was named executor of al-Šāfi'ī's will" (*EML* p. 31 and n. 127, citing Qāḍī ʿIyād). In fact, we have Shāfi'ī's will, which has been edited and translated by F. Kern, and it names Ibn ʿAbd al-Ḥakam as an executor ("Zwei Urkunden vom Imām aš Šāfi'ī," *Mitteilungen des Seminars für Orientalische Sprachen* 7 [1904]: 53–68; also in the *Kitāb al-Umm*, 8 vols. [Beirut: Dār al-Fikr, 1990], 4: 128–30, at the end of the *Kitāb al-Waṣāyā*, which is Kern's source; and, according to Kern (pp. 59, 64), in Bayhaqī's *Kitāb al-Sunan al-kubrā*, in the chapter on *janāʿi*). Second, Brockopp notes the "uncertain loyalties" of IAḤ's son Muḥammad to Shāfi'ī (p. 29). In his biography of Shāfi'ī, Fakhr al-Dīn al-Rāzī claims that Muḥammad challenged Abū Yaʿqūb Yūsuf b. Yahyā al-Buwayṭī (d. 231/845) for the leadership of Shāfi'ī's *majlis* shortly before Shāfi'ī's death. Shāfi'ī reportedly expressed his preference for Buwayṭī, however, and Muḥammad returned to the Mālikīs in a huff (*Manāqib al-Imām al-Shāfi'ī*, ed. A. Ḥ. al-Saqqa, *Min Turāth al-Rāzī*, 9 [Cairo: Maktabat al-Kulliyāt al-Azhariya, 1986], 68). This story may well reflect later *inter-madhab* tensions—especially since Muḥammad would have been relatively young at the time.

Chapter two focuses on the history and significance of the text of *al-Mukhtaṣar al-kabīr fī al-fiqh*. It opens with a particularly clear assessment of the issues raised in Norman Calder's *Studies in Early Muslim Jurisprudence* (Oxford: Clarendon Press, 1993), concerning the nature and authenticity of early Muslim legal texts. Using a variety of approaches, Brockopp then argues, convincingly, that the *Mukhtaṣar* is authentic, bringing out its interesting relationship to other early Mālikī texts. Brockopp considers that the existence of significant substantive parallels in the earliest surviving Mālikī texts, which otherwise diverge markedly in their literary forms, allows one to isolate an "authentic record of the Medinan jurisprudence of the mid-second Islamic century" (p. 115).

In chapter three Brockopp provides a detailed and very useful summary of the Islamic law of slavery up through the year 150/767. In the introduction to this chapter, Brockopp contributes to the ongoing debate about the Qurʾān and the earliest period of Islamic law, agreeing "with Burton, Wansbrough, Powers and Crone (who all base themselves on Schacht) that there is a radical difference between the presentation of law in the Qurʾān and that in the earliest legal sources" (p. 121). Brockopp accounts for this gap in the record of the development of Islamic law—from the Qurʾān to the earliest preserved treatises—by suggesting a relatively quick collection of

Qurʾānic material largely for liturgical purposes within or shortly after the Prophet's lifetime, and then a much slower process of canonization (institutionally enforced interpretive activity) which begins about 700 and continues through the *miḥna* in the first half of the ninth century. For my taste, he puts the closure of this process too late in view of the existence of a number of early *tafsīrs* (see below). Still, Brockopp's distinction between collection for liturgical purposes and canonization is appealing.

The discussion of the law of slavery itself has three parts. The first deals with the Qurʾān. The second, which is methodologically very creative, deals with the period from 1/622–150/767 by using historical and biographical accounts of the lives of selected slaves. The third concerns the early Mālikī law of slavery. It is a little surprising that Brockopp makes almost no use of the early *tafsīr* literature. So many of these are now published that they really should be consulted in studies of early Islamic law (see K. Versteegh, *Arabic Grammar and Qurʾānic Exegesis in Early Islam* [Leiden: E. J. Brill, 1993], 41–42, and add to his list the two editions of the *tafsīr* of ʿAbd al-Razzāq, which preserves material from Maʿmar b. Rāshid: *Tafsīr ʿAbd al-Razzāq*, 3 vols., ed. M. M. ʿAbduh [Beirut: Dār al-Kutub al-ʿIlmiya, 1999] and *Tafsīr al-Qurʾān*, 3 vols., ed. M.M. Muḥammad [Riyadh: Maktabat al-Rushd, 1989]). Also, the recent English translation and revised edition of the *Mā-takdān ī Hazār Dātātān* should be added to Brockopp's references (Farraḫvmart ī Vahrāmān, *The Book of a Thousand Judgements (A Sasanian Law-Book)*, ed. and tr. A. Perikhanian, Eng. tr. N. Garsoiān, Persian Heritage Series, 39 [Costa Mesa: Mazda Publishers, 1997]).

In chapter four Brockopp offers an in-depth discussion of the *mukātab* and the *umm walad*, using IAḤ's *Mukhtaṣar* and other early law-books (mostly those in appendix B; see below). It is interesting that the earliest law-books devote independent chapters to the *mukātab*, but not to the *umm walad*, even though the latter institution had antecedents in other Middle Eastern societies and was of de facto importance for ʿAbbāsīd succession. This whole chapter is informative and the conclusions thought-provoking.

Appendix A contains a critical edition of two chapters from the *Mukhtaṣar* on the *mukātab* and the *umm walad*, with facing English translation. Both the edition and the translation are very good. A couple of stray vowels have wandered into the Arabic text. I note a few of these and—not without hesitation—also offer a few suggested emendations (*in italics*) for the English translation below.

Chapter on the Mukātab

¶12: *awṣā* should be *ūṣiya*.

¶30b: the attached pronoun in *iqtasamāhu* refers to the funds received by the owner who wrongfully entered into the *kitāba*-contract, not to the slave.

¶37: there is a stray *an* in the last line of the Arabic text; also, in a commercial law context, *raḍiya* must be rendered “consents,” as in ¶63d, rather than “is satisfied.”

¶42: *tu‘addi* should be *tu‘addā*.

¶45: render *lā yajūz* ‘*itquhu illā an yakūna kabiran lā manfa‘a fihī*’ his emancipation is not permitted unless he is very old and has no economic value.”

¶46: this is admittedly a difficult paragraph, but I suspect that ‘*an* in the first line suggests that “payments [under the *kūtaba*-contract] are made on behalf of his children installment by installment,” not that the *mukātab*’s “[estate] is paid to the children” in installments.

¶54c: *wa-kadhālika abūhu lā yashtarīhi illā bi-idhni sayyidīhi fa-ini shtarāhu bi-idhnihi kāna mukātaban ma‘ahu*. Brockopp has “In this way, the father may not buy [the child], except with the permission of his master. But if he bought him with [the master’s] permission, then [the child] becomes a *mu-kātab* with [the father].” The preceding subparagraph, 54b, deals with the *mukātab*’s purchase of his own son. 54c states a parallel rule for the *mukātab*’s father: “This also holds for [the *mukātab*’s] father. He may not buy [his father] except with the permission of his master. If he does buy [his father], then [the father] becomes a *mukātab* along with him.” IAH alludes to both rules in paragraph 57b: “No one may enter [the contract] with [the *mukātab*], except for children and parents.”

¶56: in the first line of the Arabic change *mukātabatahu* to *mukātabahu*

¶¶67, 68, 75: the passive verb *tufuḍḍila* should be active (and probably connotes specifically the receipt of excess funds by one of the joint-owners).

¶70: this paragraph, designed to protect the rights of the *mukātab*’s creditors, provides *laysa lil-mukātabi an yuqāṭi‘a sayyidahu idhā kāna ‘alayhi daynun fa-yaf‘tiqa wa-yaṣīra lā shay‘a lahu li-anna ahla daynihi aḥaqqu bi-mālīhi*. This means: “The *mukātab* is not allowed to enter into a severance agreement² with his master if [the *mukātab*] has an [outstanding] debt such that he becomes thereby emancipated but then owns nothing. After all, the holders of his debt are more entitled to his assets [than is his master].”

¶71: *al-nās* in paragraph 71 refers to the *mukātab*’s creditors and so cannot be rendered “public sources.”

¶102: *wa-yuqām* at the end of the first line in the Arabic seems as though it should be *wa-yuqawwim*, parallel to the first appearance of the latter verb earlier in the same line.

¶105: the Arabic paragraph number must be moved one line lower.

¶118: *aṣḥāb al-raqīq* probably means “slave dealers,” i.e., those persons with professional experience in appraising slaves.

² I.e., an agreement to accelerate the installment payments and to have some of them forgiven. The term is defined at ¶65.

Chapter on the Umm Walad

¶1: *illā* (the exceptive particle) should be *ilā* (the preposition).

¶17b: the jussive verb in *lam Yḥl baynahu wa-bayna dhālika* in the last line of the Arabic should be *yukhalla*.

¶20b: *yukhayyiruhā fi ‘itqihā aw ḥubsihā* likely means “give her the choice whether to be emancipated or to remain [a slave who is, however,] inalienable” not “give her preference by emancipating her or leaving her a bequest.”

Appendix B furnishes those interested in further research with a very useful table indicating parallels to these chapters from the *Mukhtaṣar* in other early law-books. The texts referenced are Mālik’s *Muwaṭṭa’*, the *Mudawwana* of Sahnūn b. Sa‘īd, the *Kitāb al-Aṣl* and *al-Jāmi‘ al-ṣaghīr* of al-Shaybānī, the *Muṣannaḥ* of ‘Abd al-Razzāq, Shāfi‘ī’s *Kitāb al-Umm* and the *Mukhtaṣar* of al-Muzanī.

A couple of typographical errors and one or two editing oversights, all fairly obvious, have crept into the English text, but that would be a sour note indeed on which to end a review of a very good book on an important topic. Anyone interested in Islamic law generally, and in early Islam especially, will want to peruse *EML*, which makes a rich and solid contribution to the study of early Islamic law. *EML* should also benefit our colleagues outside of Arabic and Islamic studies who work on slavery in Late Antiquity.

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European and Islamic Trade in the Early Ottoman State: The Merchants of Genoa and Turkey. By KATE FLEET. Cambridge: CAMBRIDGE UNIVERSITY PRESS, 1999. Pp. 204. \$59.95.

This book deals with a quite special aspect of trade with Turchia, i.e., trade between the Turks and the Genoese. It aims to concentrate on commodities and their importance and to consider whether the Genoese contributed to the early development and success of the Ottoman state. Following a historical outline, the author discusses the following items: money, commodities, slaves, grain, wine, alum, cloth, and metals. A final chapter deals with Ottoman-Genoese relations after 1453, and in a conclusion, the Latin contribution to the early Ottoman economy. The book is further enriched by a number of appendices on prices and “exchange rates,” a glossary, place names, select bibliography, and index.

The historical outline sets the scene in which trade took place, while the chapter on money covers mainly the problems dealing with currencies and the methods of exchange