The Islamic School of Law: Evolution, Devolution, and Progress

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Nīsabūrī. The foils for this trend are listed in the Appendix: Ṭabarī, Zamakhsharī, F. D. Razī, Qurṭubī and Ibn Taymiyya (one would have expected, in the interest of generic consistency, Ibn Kathīr in this last's place).

To concentrate only on a few works that happen to have the term tafsir in the title represents an assent to and complicity in this chastening. (This is quite apart from the problem raised by the use of the term "classical" as an indication of the period covered in the book. By what measure can Ibn 'Arabī, Ibn Taymiyya or Simnānī be considered authors of the classical period? If the intent was to test a notion of "classical exegetical Sufism," perhaps. But this is not what the title of the book says.) All of this by way of saying that if we want to know what "Islamic mysticism" thinks of the Qur'ān, we have to range much further afield than the books chosen for examination in the present instance.

Obviously, it is Ţabarī and his peculiar orchestration of the first three centuries of Qur'anic lore that has provided the author with a point of departure (cf. madhhab). From Ṭabarī several other of Sands' sources are netted: Ja'far al-Ṣādiq (without ever mentioning Shi'ism); Muqātil b. Sulaymān (without ever alluding to a possible Christian substrate). One wonders, therefore, how the juxtaposition of Ibn Mas'ūd and 'Alī in chapter one is to be understood. Here both are quoted as agreeing on the quite banal proposition that the Qur'ān is the ocean of all knowledge. Even though 'Alī (d. 661) and Ibn Mas'ūd (d. 652) were contemporaries, the latter's words are discussed at comparatively great length, and in a subsection dedicated to him and his tradition. The equally influential ḥadīth ascribed to 'Alī is discussed in less than a page and together with a similar statement ascribed to Ja'far (d. 765). But even here, the idea of a separate, discrete, parallel tradition of gnosis (first mentioned on p. 12) is given virtually no notice at all. The assumption is that Sufism is a Sunni phenomenon. Now this may have some merit; but a problem will arise in the mind of the uninitiated reader when the word "sufi" is inevitably glossed as and equated with "mystic" or "gnostic."

There are a number of typographical errors and infelicities of style throughout the text. This responsibility is, in the final analysis, the publisher's: "Al-Ghazali's challenges them" (p. 10), "obediences" (p. 23), "When he came" for "When he came to" (p. 32), "the Qur'an is comprised of three parts" (p. 47); dalīl means "discursive proof" (in contradistinction to its companion term kashf), not "indication" (p. 49, cf. p. 56: istidlāl muḥaqqaq); "that" > than (p. 50, ll. 2 up), "the books we have been mentioned so far," "gnosis of the tenuities of the qualities pertaining to the Dominion" for ma'ārif raqā'iq al-ṣifāt al-jabarūtiyya (p. 63), "but is should be noted" (p. 68), "allegorical" (p. 73, where the usage is not at all clear), "Músā and Kaḥir" (p. 80), "no on will remain on earth" (p. 82), "Ṣūfīs commentators provide" (p. 83), "the world of disengaged things" for 'ālam al-mujarradāt (p. 94). The brief glossary and its very short definitions can sometimes be confusing: "waḥy: A kind of revelation that is not restricted to prophets" (p. 145); and it is surprising to find no entry for istinbāṭ.

The author does succeed in communicating the importance of the role of the imagination in *tafsīr*, demonstrating admirably that the Sunni tradition in general was profoundly and creatively invested in testing and establishing the limits and form in which it was to be applied to the understanding of the Holy Book. And this is communicated with near astonishing succinctness and a fine sense for those nodes of the intramural conflict which have been the most productive over time.

TODD LAWSON
University of Toronto

The Islamic School of Law: Evolution, Devolution, and Progress. Edited by Peri Bearman, Rudolph Peters, and Frank E. Vogel. Harvard Series in Islamic Law 2. Cambridge, Massachusetts: Islamic Legal Studies Program, Harvard Law School, 2005. Pp. xvii + 300.

This is a collection of papers presented (with one exception) to the Third International Conference on Islamic Legal Studies at the Harvard Law School, May 2000. Bernard Weiss, "The Madhhab in

Islamic Legal Theory," is a brief survey of theory, drawing directly on only a few sources from the Later Middle Ages and breaking no new ground; still, one might well direct a student to it for an introduction to the topic.

Steven C. Judd, "Al-Awzā'ī and Sufyān al-Thawrī: The Umayyad Madhhab?" questions whether Joseph Schacht was right to speak of the eighth century as dominated by regional schools of law. Awzā'ī and Thawrī are cited together by their common disciple al-Fazārī (d. 188/803-4); they had numbers of disciples in common, and they seem to have shared juridical preferences, particularly reliance on the examples of early caliphs (hence "Umayyad"). All of this suggests to Judd a transregional school. The problem needs a wider evidentiary basis in the opinions of Awzā'ī and Thawrī (where, to begin with, is Hans-Peter Raddatz, "Frühislamisches Erbrecht nach dem Kitāb al-Farā'iḍ des Sufyān aṭ-Tawrī," Die Welt des Islams 13 [1971]: 26-78?), as well as the eighth-century context, but it is a notable, commendably temperate contribution to the discussion renewed by Wael Hallaq and Nimrod Hurvitz.

Eyyup Said Kaya, "Continuity and Change in Islamic Law: The Concept of Madhhab and the Dimensions of Legal Disagreement in Ḥanafī Scholarship of the Tenth Century," sketches the early history of the Ḥanafī school. Kaya identifies the leading figures on the basis of both biobibliographic works and collections of rules, the latter both to indicate how important someone was by how often he is cited and to furnish characteristic examples of regional disagreements. Kaya regrettably ignores all previous scholarship published in Europe and North America and avoids spending time on puzzles (e.g., figures who seem prominent in the biographical tradition but invisible in collections of rules). Nevertheless, it seems as solid a survey of a school and its opinions in a particular time and place (the tenth century, Khurasan and Transoxania) as I know.

Alfonso Carmona, "The Introduction of Mālik's Teachings in al-Andalus," synthesizes the biographical sources, to my mind somewhat uncritically—for example, in explaining contradictory versions of what Mālik said by his having frequently changed his mind, with no consideration of the alternative explanation that our sources for his teaching continually project back later doctrine. I prefer Maribel Fierro, "Proto-Malikis, Malikis, and Reformed Malikis in al-Andalus," which strikes me as an unsurpassed history of Andalusian Mālikism to the eleventh century.

Daphna Ephrat, "Madhhab and Madrasa in Eleventh-Century Baghdad," begins and ends by asserting that the *madrasah* was less important than in "commonly accepted views," but the article itself tends to reinforce the idea that the new institution was useful, while adding little that is new since George Makdisi, "Muslim Institutions of Learning in Eleventh-Century Baghdad," *Bulletin of the School of Oriental and African Studies* 24 (1961): 1–56 (not cited). Daniella Talmon-Heller, "Fidelity, Cohesion, and Conformity within Madhhabs in Zangid and Ayyubid Syria," ranges wide. Schools seem to have been significant, but it was possible to cross school boundaries in various ways and the meaning of school affiliation differed from one school to another. Camilla Adang, "The Beginnings of the Zahiri Madhhab in al-Andalus," is a survey of the biographical evidence for the century and a half before Ibn Ḥazm (d. 456/1064), unlikely to be bettered. However, its contention that there was a continuous chain of Ḥāhirī teachers and students during that period—that the school was emphatically not a mere intellectual tendency mainly learnt from books—remains speculative.

Robert Gleave, "Intra-Madhhab $ikhtil\bar{a}f$ and the Late Classical Imami Shiite Conception of the Madhhab," stresses the sense of madhhab as "recognized doctrine." Gleave makes out an implicit hierarchy of early scholars apparently free to express novel opinions, later scholars bound to report the opinions of early scholars and only sometimes indicating their own preferences among them, a hierarchy finally made explicit in theoretical $(us\bar{u}l)$ works of the seventeenth century.

Rudolph Peters, "What Does It Mean to Be an Official Madhhab? Hanafism and the Ottoman Empire," finds that whereas disagreement was a normal feature of medieval legal literature, Ottoman sultans collaborated with legal writers to identify correct rules and restrict the discretion of judges. What distinguishes this program from what prevails in nation states today is evidently the importance of legal writers. Much historical investigation plainly remains to be done at all levels, but this seems a valuable sketch. Brinkley Messick, "Madhhabs and Modernities," examines a juridical opinion from al-Manār concerning commercial law. It relates the decline of traditional school authority to Middle Eastern involvement in the present capitalist world system, to use Immanuel Wallerstein's terminology,

and the rise of print capitalism, to use Benedict Anderson's. Mark E. Cammack, "Islam and Nationalism in Indonesia: Forging an Indonesian Madhhab," reviews polemics over whether and how to adapt Islamic law to a supposed national culture. Finally, Ihsan Yilmaz, "Inter-Madhhab Surfing, Neo-Ijtihad, and Faith-Based Movement Leaders," describes the tendency towards multiplication of alternative sets of rules in present-day Turkey and the counter-proposals of Fethullah Gülen, who commands a following of several million and advocates the formation of committees to come up with rules suitable to the modern world.

Notes are not at the bottom of the page but near the end, with full bibliographical references at a third point, for maximum inconvenience to the careful reader. The division between primary and secondary sources questionably puts all writings in Arabic, including twentieth-century scholarship, in the former category (e.g., Mudarris, Nadwī). But the binding is good and the price is reasonable. The average quality of contributions to this volume seems notably higher than in the usual collection of conference papers. My favorite is that of Fierro, while the last one seems to me the thinnest.

It is odd that the title refers to *school*, but every contributor except Fierro to *madhhab*. The latter term still involves generalization across many centuries and degrees of longitude, and moreover refers to both an institution (most contributors) and a particular rule (Gleave). I doubt whether the substitution of the Arabic term for the English tends to clarify what we are talking about. Perhaps, however, it does have the advantage of discouraging Arabophone writers from retranslating "school" as *madrasah*, as distressingly many of the past generation have done.



Jüdische deutsche Bibelübersetzungen vom ausgehenden 18. bis zum Beginn des 20. Jahrhunderts. By Hans-Joachim Bechtholdt. Stuttgart: W. Kohlhammer, 2005. Pp. 682. €60.

Nothing is more helpful to a reviewer than knowing the genre of the work under consideration. After wrestling with Bechtholdt's massive work, I am still not certain whether I am holding an encyclopedia of German-Jewish Bible translations from Mendelssohn to Buber-Rusenzweig, or a monograph on the ideology of rendering the modern Jewish Bible in what was the birthplace of modern Jewish studies (Wissenschaft des Judentums) and the site of the most numerous and varied translations of the Scriptures. On the basis of this Habilitationsschrift prepared for the Johannes Gutenberg-Universität Mainz, none of the author's colleagues will doubt his scholarly competence in Bible, Hebrew, or nineteenth-century German-Jewish history.

Although Bechtholdt insists that his is not a comprehensive list, anyone who covers Jakob Auerbach, Simon Bernfeld, Martin Buber, Salomon Dubno, Julius Fürst, Lazarus Goldschmidt, Salomon Herxheimer, Moses Mendelssohn, Ludwig Philippson, Gotthold Salomon, Harry Torczyner (Tur-Sinai), and Leopold Zunz can fairly claim to have discussed every significant work of German Jewish Bible translation. Bechtholdt profitably expends enormous energy describing the publication histories, physical layouts (size, language, absence/presence of notes and commentaries), translational choices of key words (including theophorics), prices, target audiences, and indebtedness to earlier translators. The handsomely laid-out, one-page synopses of these findings, provided for every one of the dozen translators listed above, is a gold mine of comparative information. One could easily imagine photocopying these *Kurzbeschreibungen* and the accompanying illustrations for a rich classroom session, even for non-German speakers.

This work also includes a judicious sampling of contemporary reactions. It is not a full-blown *Rezeptionsgeschichte*, nor does it claim to be, but the author succeeds in giving the reader the range of responses to these translations. I have found no errors in the numerous Hebrew texts or the one quote from Yiddish (p. 81). The excurses on Christian Meyer's reception of the Mendelssohn Bible (more below) and on the state of the de-christianized Luther Bible of 1840 are very interesting and