The first section clearly and concisely reviews the classical Sunni *fiqh* tradition of property law. Though not as thorough as John Makdisi's *Islamic Property Law* (2005), it is a very good summary. However, reliance on sources available prior to 1960 fails to include primary sources that have become available in the last fifty years as well as helpful secondary sources. That said, the classical treatises cited by Debs certainly reflect the rules of the Sunni schools of legal thought.

The second section explains modifications to this system of legal rules in nineteenth-century Egypt, presumably as a response to French occupation and ongoing European influence. The description of these changes is helpful and accurate. However, these legal reforms might be better understood in a more local and Ottoman context. The reforms of Muḥammad ʿAlī aimed at curbing the abuse of tax farming and consolidating state power reflect similar dynamics in the broader Ottoman empire during this period, and arguably reflect the ongoing process of legal development within Islamic contexts rather than a response to "modernism."

The third section is the most detailed and probably the most helpful for legal historians. Debs traces the introduction of civil codes in property law, and more broadly in the Egyptian legal system. Although portions of the French Civil Code were imported directly (notably with regard to private property), certain aspects of classical Islamic jurisprudence were codified with modifications intended to reform elements subject to abuse. This is particularly true of the law of *waqf*, which eventually began to resemble the common law trust.

The fourth section details the development and implications of property law in the Civil Code of 1949, which is still in effect in Egypt as amended or modified. This snapshot of the state of the law in the 1950s is extremely interesting, particularly in its characterization of Egyptian property law as "Islamic" by Nasser and others for its commitment to social justice (pp. 142–43). Although there have been significant changes to the details of property law since the 1950s, those changes have been made in the context of the Civil Code.

Clearly, the greatest problem with the book as a work of contemporary scholarship is that it is actually a work from the late 1950s. Methodologically it is limited primarily to textual analysis, and theoretically it is historical and formalistic in the context of legal scholarship. References to Sharīʿa as a known corpus of rules, for example, would be considered highly problematic by most contemporary scholars. That said, the book is an extremely interesting and helpful work of legal history and comparative law. Although Islamic legal scholarship from the mid-1900s was susceptible to problems of bias and methodology, some works were so rigorous that they continue to be relevant. This is the case for *Islamic Law and Civil Code*. Even if it does not provide an explanatory model for the transition to codification, it provides a fascinating and relevant example.

Russell Powell
Seattle University School of Law

The Long Divergence: How Islamic Law Held Back the Middle East. By Timur Kuran. Princeton: Princeton University Press, 2011. Pp. xvi + 348. $29.95.

The "long divergence" in the title of the book under review is a reference to the historical process that saw the rise of Europe and the West to economic prominence and dominance, and is a main theme in recent studies of economic history. Economic historians study questions such as when Europe's economic ascent began, how it affected standards of living, and the manner in which its economic fortunes diverged from the rest of the world. The meticulous calculations of wages and prices across Europe and the tracking of institutional changes are the two main methodological avenues used to explore and answer these questions. These quantitative measurements allow a comparative investigation into the historical roots of the current gap that opened between the haves and the have-nots. The book under review examines one such regional laggard, the Islamic Middle East, using both methodologies but focusing on the institutional changes, or lack thereof, to suggest that there was but one main culprit for the Middle East's road to backwardness, the Islamic law.

In spite of its title, the book is not a detailed study of Islamic law either classical or modern, and none of the sections of classical Islamic law dealing with economic institutions is analyzed in the historical detail that a period of one thousand years deserves. In fact, there is no systematic exploration of the commercial law, property law, family law, hiring law, investment law, or partnership law of any of the four *madhhab*s. Neither is the book a thorough study in economic history since it does not provide us with the exploration of a complete spectrum of historical economy subjects. Instead it is a combination of partial incursions into Islamic law and Ottoman economic history, studied through the theoretical framework of organizations and institutions.

The book has fourteen chapters, each divided into sections, almost sub-chapters in their multitude of themes, ranging in length from half a page to several pages. The chapters are divided among four parts, the first and last being the introduction (pp. 3–41) and the conclusion (pp. 279–302), where the initial argument against Islamic law is summarized; the largest parts are part two (pp. 45–166; chapters three to eight), "Organizational Stagnation"—where most of the material dealing with Islamic law is located—and part three (pp. 169–276; chapters nine to thirteen), "The Making of Underdevelopment." The chapters cover a wealth of topics but little information in depth. The eighteen pages of chapter three ("Commercial Life under Islamic Rule," pp. 45–62), for example, comprise a one-page introduction and six sections entitled, respectively, "Trade during the Islamic Pilgrimage" (2 pp.), "Cooperative Ventures across Families" (2.5 pp.), "Islamic Partnerships" (2 pp.), "Contributions to Global Trade" (5 pp., with three photos), "Limitations of Islamic Partnership Law" (2 pp.), and "The Waning of the Middle East's Golden Commercial Age" (1.5 pp.). There is nothing wrong with being brief as long as the discourse does justice to expectations brought about by (chapter/section) title and provides a satisfactory, well-rounded, scholarly discussion. Sadly, this is not the case. It is not always clear how the sections relate to one another and to the chapter's title, and there is precious little to the subject covered in the space allotted to it. In terms of the theoretical tools one wonders what exactly is the point of attacking Middle Eastern medieval institutions using the heavy guns of the modern theory of organizational or institutional behavior, both highly sophisticated as well as mathematical and theoretical models. It is natural that the medieval institutions will be found wanting, blamed for their failure to change.

The initial argument is important in its gist, has many consequences because of its implications, and deserves to be discussed in a wider context. It may be summarized as follows. Both in the past and present Islamic law has constrained economic development because it contains laws that prevent the formation of structures beneficial to economic development. Laws governing incorporation, laws interdicting charging interest on loans, and laws forcing the destruction of partnerships, triggered by the division of estates, prevent the formation of rational structures for investment. The Islamic inheritance law is the biggest obstacle of all, since it dictates the division of the estate with predetermined portions going to predetermined heirs, thus limiting the size and duration of partnership investments and eternally obstructing the formation of viable partnerships and large corporations. Economic progress was held back by Islamic law because it was generally disadvantageous, so the argument goes, and while European financial institutions managed to shake off institutional constraints and emerge as highly productive investment tools, Islamic legal and economic institutions failed to do so because of the strong hold of the Islamic law and the religion over them. The theme of failure to change is further demonstrated during the four hundred years when the Ottoman empire held sway as the leading Islamic political entity in the Middle East. Even though it was recognized that changes were necessary, and Ottoman leaders and the political elite enacted different measures in an attempt to bring about change, they could not fight the fundamental built-in, pervasive opposition to change that, according to Kuran, was ingrained in all things Islamic. He does, however, agree that institutions to facilitate change were missing, that civil society was weak, and that economic constraints outweighed any political possibilities. The strongest proof of his argument, according to Kuran, lies in the experience of religious minorities in the Ottoman empire. Free from the same religious and legal constraints as Ottoman Muslims, they were able to engage successfully in world trade. If we accept this argument the implications for the future of Muslim societies are dire: as long as Islamic societies cannot free themselves of Islamic law and the religion that inspired it and continues to dominate their lives, their chances of ever achieving economic prosperity are problematic at best and doomed at worst.

The subject of Islam and economic backwardness has become a matter of debate well beyond the academic environment; however, the argument presented by Kuran raises some factual and methodological reservations, beginning with the Islamic inheritance law. There is good reason to doubt the interpretation of its destructive nature as it is presented here. A study of estate division documents from the Islamic courts reveals that, in practice, property distribution at the moment of death did not automatically result in the destruction of partnerships or wealth, but rather the reverse. While the ownership of shares in landed property changed hands after the owner's death, the property itself was not divided up into small portions. The documents show that various legal arrangements such as joint ownership were made in court between family members, in order that the efficient exploitation of the property, whether land or real estate, continue (see Maya Shatzmiller, *Her Day in Court*, Cambridge, Mass., 2007). Rather than the reverse, the inheritance law increased the number of property owners, enabled a new generation of economic entrepreneurs by giving them extra means of transacting and investing, and resulted in the enforcement of property rights. In addition, since women regularly came into property ownership through inheritance and other measures such as gifts, this empowered them both in the family and in business; Islamic law protected their rights—strengthening their property rights, not weakening them—and gave them sole control over making investment decisions. Furthermore, the picture of a rigid system unable to change is equally challenged when considering the extra tools that developed precisely to accommodate change. Fatwas, legal decisions issued at the request of judges by jurists who did not sit on the court, were one such tool and we know that they were collected and used as a legitimate source of jurisdiction.

The main premise of the argument—blaming Islamic legal, and other, institutions for failing to transform themselves into the successful, efficient, and energetic European financial institutions—is meaningless in comparative terms, since the legal systems that developed in medieval Europe were not divinely inspired. As can be seen in the Renaissance cities in Italy, for instance, canon law was not the legal system underlying their economic institutions and constraints related to religious interdictions were not the main cause of institutional underdevelopment in Europe. The methodology of economic history dealing with the process of institutional change is rich and varied but always historical in nature; it is applied and reasoned in historical terms and on the basis of specific historical and geographical conditions. European institutional change was unique because it was specific to Europe and it is explained by the analysis of elements unique to Europe. The Islamic legal system should be studied in its own historical framework before a conclusion that it was the sole obstacle preventing the development of institutions similar to those of Europe can be made. Investigating the non-European situation enhances the uniqueness of Europe by its findings, but it should not allow us to expect the same development. The fact that we understand the process of change so well today does not justify the expectation that, by applying to them the standards and analytical methods derived from and reserved for specific modern financial models, Islamic institutions should have changed accordingly.

There is plenty of detailed and different evidence to explain why the prolonged economic backwardness of the Middle East is so pervasive and persistent and there is no better place to learn about it than in the three volumes of the Arab Human Development Report published by the UN in 2002, 2005, and 2009. Kuran is aware of the work others have done and acknowledges it in his book, but he nonetheless remains adamant in claiming one and only one reason, to the exclusion of all others, for the region's economic backwardness: Islam. In this way he asks the reader to assume that Islam had the power to define all the other historical conditions and economic factors required for economic progress—including a well-educated labor force, capital accumulation, efficient markets, to say nothing of such essentials as optimal geographical location, natural resources, etc.—and that these other elements were all present. If the reader believes this then it is indeed just as easy to believe that Islam managed single-handedly to prevent their development in the first place.

Timur Kuran has devoted most of his academic career to exploring the theme of Islam and economic backwardness so that many of the book's conclusions do not come as a surprise to those who have followed his previous publications. To the historian none of the topics is treated here with the depth and thoroughness that the subject deserves. Despite the numerous references quoted throughout the book, the bibliography suggests a selective choice of studies leading to a profound misunderstand-

ing of the way Islamic law operated in fact. This is not to say that the question itself is not valid. The economic conditions of Middle Eastern societies today are indeed a grave concern to everyone, and Muslims are becoming impatient with the pace of change. But singling out Islam as the sole culprit is not the solution; it is rather a step backward, to nineteenth-century ideologies, even though the author has relied on the most recent economic theory in the process.

Maya Shatzmiller
The University of Western Ontario

ʿAbd al-Jabbār, Critique of Christian Origins. Edited by Gabriel Said Reynolds and Samir Khalil Samir. Islamic Translation Series. Provo: Brigham Young University Press, 2010. Pp. lxxv + 246 + 179 (Arabic). $37.95.

One of the most distinctive genres in Islamic religious literature is the *dalāʾil al-nubuwwa* ('proofs of prophethood') works that comprise arguments to establish the prophetic status of Muḥammad. It appears very early in Islamic history, and the first surviving examples show that a major reason, probably the major reason, for its appearance was accusations from Christians that Muḥammad was not a true prophet because he did not bear the recognised marks of prophethood. Muslim apologists replied with a broad range of evidence, including proof texts from the Old and New Testaments, Muḥammad's personal traits of humility and simplicity of life, his ability to foretell events, and his miracles. With the passing of time, these became set components of the genre and grew increasingly elaborate.

One of the longest and most impressive examples of the genre from its early years is the *Tathbīt dalāʾil al-nubuwwa* ("Confirmation of the proofs of prophethood") by the theologian ʿAbd al-Jabbār al-Hamadhānī, who died in 415/1025. He was a leading member of the rationalist Muʿtazilī theological school that advocated the application of reason and logic to matters of faith, and he is the best known among them by virtue of a major exposition of his theology that came to light and was published in the 1960s. This work, the *Mughnī fī abwāb al-tawḥīd wa-l-ʿadl* ("Summa on the subjects of divine unity and justice"), is an unrivalled guide to rationalist theological argumentation and the thought of particular intellectuals in the important ninth and tenth centuries.

At the same time as the *Mughnī* was being brought to public notice, so in 1966 was the *Tathbīt dalāʾil al-nubuwwa* first published. If the *Mughnī* stirred up excitement among historians of Muslim thought, the *Tathbīt* caused a minor sensation. For, as part of its argument that the Qurʾan is right in denying that Jesus was crucified (Q 4:157) it cites traditions purporting to come from ancient sources that recount how another man was crucified in Jesus's place. Scholars claimed to find in these traditions unknown Judeo-Christian Gospels, and for a time there was heated debate over their true nature.

As he responds to Christian accusations, ʿAbd al-Jabbār is required to maintain that the Qurʾan is right in what it says about Jesus (particularly its denial that he was crucified) and about Christian doctrines such as Jesus's divine sonship and the Trinity. The method he chooses is to meet Christian claims directly, with logic and with elements taken from the Christian tradition itself. Thus he proves by rational means that Christian doctrines are incoherent, he cites biblical verses to show that Jesus's own teachings do not support Christian beliefs, and he adduces historical facts to demonstrate that multiple contaminants have distorted the pure faith that Jesus imparted. The result of his response is that the Islamic portrayal of what has happened in Christianity can be shown to be correct, and Muḥammad and the Qurʾan are vindicated.

It is this long part of the *Tathbīt* (pp. 91–210 of nearly 700 pages in the 1966 edition) that is presented here under the title *The Critique of Christian Origins*. It is a text that is remarkable in its ingenuity and striking in its references to Christian beliefs, history, and practices, not least its vivid and unexpected accounts of the apostle Paul and his unscrupulous attempts to gain favor with the Roman emperor and his court. If historians of Christianity are likely to find this impossible to reconcile with accounts familiar from the Christian tradition, they will still find its retellings fascinating for