encyclopedia or dictionary, presents another set of problems. While, for instance, there is a 4-line entry on ‘Alî Shir Navâ’î, the 15th century Turkish poet and statesman (which should be placed under letter N rather than A), there is no entry, for instance, for ‘Azîz al-Dîn Nasafi. Considering Nasafi’s role in the formulation and spread of the doctrine of the Perfect Man (al-insān al-kāmil) and his place in Persian Sufism, to which there are references throughout the book, one would normally expect an entry on him in an encyclopedia written primarily from a point of view that places Sufism at the heart of the Islamic tradition.

We hope that these mistakes will be corrected in future editions of the book. In spite of these imperfections, the author is to be congratulated for taking on such a daunting task. The book is beautifully illustrated with colour pictures, giving the reader a visual feast of Islamic themes. The Appendixes and Chronology at the end are useful. It might be a good idea to provide a bibliography or “further readings” to acquaint and guide the reader with new titles on Islam. If used with caution, the Encyclopedia promises to be a valuable reference book for the general readers of Islam.

Ibrahim Kalin

When it first appeared in 1982, John Esposito’s Women in Muslim Family Law provided a succinct introduction to both classical jurisprudence on marriage and divorce and recent modernist reforms in the Muslim world. Changes over the last two decades had made the book outdated as a resource. This new edition, significantly revised and updated with the assistance of Natana J. DeLong-Bas, provides a more extensive exploration of traditional jurisprudence as well as modern reforms, focusing on Egypt and India/Pakistan.

Esposito defines his subject as “Muslim family law itself — its classical formulation and modern reforms — rather than its specific application by courts” (p. x). Though there have been a number of scholarly monographs on the history or anthropology of applied family law in the Muslim world, there

are few discussions of legal doctrines, making this work especially welcome. It provides a thorough and intelligible historical survey of laws regulating marriage, divorce, child custody, and inheritance.

An extremely brief first chapter, entitled “The Sources of Islamic Law”, provides an introduction to Sunni _uşûl al-fiqh_. Aside from the Qurʾān, _Sunnah_, _qiyās_ and _ijmāʿ_, there are three legal principles or subsidiary methods mentioned and briefly defined: _istiṣlāḥ_, _istiḥsān_, and _istiṣḥāb_. The introduction of these principles here is a hint of the attention to reform that will emerge in later chapters. The remainder of the book is divided into three chapters: a summary of classical family law; a study of family law and its reform in Muslim nations; and a discussion and analysis of reform methodologies.

The basic purpose of chapter 2, “Classical Muslim Family Law”, is to provide a background against which modern reforms can be understood. It suffices for those with little knowledge of traditional jurisprudence, but those who have expertise in the field will find this chapter frustrating due to several minor errors and misleading statements. Though Esposito has sound reasons for his focus on Ḥanafi law, including its prominence as the official school of the Ottoman Empire and later as the main school governing the Middle East and South Asia, he is inconsistent in how this focus is applied. In certain instances, he notes the different views held by Ḥanafis and others, as with an adult woman’s right to contract her own marriage (p. 15). However, equally significant differences pass unnoted, as with his assertions that “Islamic law requires the consent of the adult woman to the marriage” (p. 15) and that women can serve as witnesses in marriage (p. 16). These are Ḥanafi views; in neither case does the book point out the divergent views held by other legal schools. On another occasion, without informing the reader of his departure from his stated focus on Ḥanafi law, he presents the collective view of the other schools, while omitting any reference to the opposing Ḥanafi position (p. 24). Despite these shortcomings, on the whole the chapter is well organised and balanced as to the rights and duties enjoyed by spouses during the formation, dissolution, and duration of a marriage.

It is Chapter 3, “Modern Muslim Family Law in Comparative Perspective”, along with the final chapter, that represents the book’s main contribution. In this lengthy section, Esposito focuses first on Egypt and then on India-Pakistan, with shorter summaries of developments elsewhere in the Muslim world. The focus on two nations allows him to carefully set forth the history of family law reforms in those countries, comparing and contrasting where appropriate.

While until the nineteenth century traditional law governed most domains of life, in Egypt and India-Pakistan, European influences at that time
led to marked changes in the way that law was implemented. In both the countries civil and criminal law was codified and was subject to secular courts, while family law was left in the realm of Islamic jurisprudence. In India-Pakistan, the term Esposito uses to indicate the pre-partition nation, even within family law domains, the judges were English or, in the twentieth century, Muslims trained in British law. Thus, various procedures unknown to traditional Islamic law arose, including the use of a system of binding precedents. The hybrid system thus devised was called, Anglo-Muhammadan law and persisted until 1947. The Egyptian system underwent less radical change, but in both the countries Muslim family law itself became subject to legislative reform and codification. In addition to the discouragement of child marriage through a variety of measures, major reforms revolved around divorce — both increasing women’s access to it, and restricting men’s abuse of their unilateral power of repudiation — and polygyny. These reforms were justified by recourse to various legal principles, including istihsān (juristic preference) and takhayyur (selection from among the doctrines upheld by different legal schools).

In Egypt, it was only after several decades of public debate that the first major legal changes took place with regard to divorce. In the laws promulgated in 1920 and especially 1929, additional grounds for female-initiated divorce were drawn from Mālikī doctrine. Further, extending the idea of takhayyur to encompass the selection of doctrines from individual jurists (rather than dominant views of another school), restrictions were placed on the validity of certain forms of unilateral repudiation including triple divorce. In India-Pakistan, the Dissolution of Muslim Marriages Act of 1939, likewise, drew upon Mālikī law but “in several important instances ignored Maliki doctrine concerning the grounds for divorce” (p. 82). In post-partition Pakistan, a 1961 Ordinance also restricted talāq by declaring triple repudiations to be revocable. Another important reform in divorce law occurred in Egypt in 2000 when wives were allowed to seek *khul* from a judge by returning their dowers, even without their husband's consent. This right had been granted under judicial precedent by the Pakistani Supreme Court in 1967.

While reforms of divorce laws enjoyed some success in the first half of the twentieth century, attempts to restrict (not outlaw) polygyny met greater resistance. In Egypt, despite attempts at reform in 1926, 1943, 1945 and 1969, it was only in a 1979 law, rewritten in 1985, that notification of an existing wife or wives was required when a husband remarried. According to this reform, a wife would have the right to sue for divorce based on her husband’s remarriage whether or not she had included a stipulation to that effect in her original marriage contract. Pakistan, in 1961, passed a legislation requiring
permission from an Arbitration Council before a man could marry an additional wife. A man who fails to obtain permission is subject to fines and his existing wife or wives have the right to have their marriages dissolved. However, as Esposito notes, the impact of these changes is limited by the fact that in both Pakistan and Egypt, polygynous marriages that do not meet these legal criteria are nonetheless valid.

In addition to reforms to marriage and divorce laws, the book briefly discusses the Islamisation process undertaken by General Zia ul-Haqq in Pakistan, according to which all laws are to be brought into conformity with the Shari’ah. Some of the legislation passed under this rubric, including the Hudood Ordinances of 1979 and the Law of Evidence several years later are blatantly discriminatory toward women and have provoked strong opposition from women’s rights activists. These same activists have had some success in opposing other legal reforms, but “the debate continues over whether civil or Islamic law should prevail” (p. 90).

The treatment of family law among Muslim minorities in India provides an interesting counterpoint to the discussion of legal reform in Pakistan. Unless civil marriage is chosen, Muslim marriages in India are still regulated according to traditional Hanafi jurisprudence. Assessing various recent controversies, such as the Shah Bano case and the resulting Muslim Women (Protection of Rights on Divorce) Act of 1986, Esposito concludes that “Islamic law as practiced in India does not reflect the reforms and progress made by Muslim majority countries with respect to women’s rights” (p. 116).

The concluding sections of this chapter, which analyse the methods used by legal reformers in Egypt and Pakistan, suggest that while most reforms were in substance good for women, the lack of a systematic and comprehensive framework for reforming law will hamper their continued success. Esposito argues that though “the motives of reformers might be laudable, their methodology is questionable” (p. 121). What is needed instead is a “systematic Islamic rationale for legal reform that in the long run could give consistency to substantive legal change” (p. 121). It is just such a method that Esposito lays out in Chapter 4, “Toward a Legal Methodology for Reform”.

Esposito argues that reforms in family law in Egypt and Pakistan “have been of an ad hoc and piecemeal nature” (p. 127). A comprehensive new approach is needed, which can be provided by a reconsideration of the traditional sources of Islamic jurisprudence — primarily the Qur’an and Hadith. Following a number of modernist thinkers including Ismail al-Faruqi and Fazlur Rahman, Esposito suggests that determining the original aim of
Qur’ānic passages is vital to determining “how this intent can be applied to the modern context” (p. 132).

His presentation of these Muslim thinkers’ ideas is solid and clear. However, some of his specific suggestions for reform seem to stretch the bounds of traditional sources beyond what is warranted. For example, he provides a partial quotation from the Qur’ān 2: 228, which discusses divorce rights. He quotes “And women have rights equal to what is incumbent upon them according to what is just”, and uses this as evidence that “this verse recognizes equal rights of divorce for women” (p. 134). Leaving aside the fact that “equal to” is not an accurate translation of the Arabic term mithl, more properly rendered “similar to” or “like”, he misleads the reader by not including the continuation of the verse which states “and men have a degree over them”.

This passage, in fact, exemplifies Esposito’s apologetic approach to sensitive issues. He refers, on numerous occasions, to the pro-woman intent of the Qur’ānic revelation, stressing that it sought the amelioration of her status, particularly within marital relationships (e.g., pp. 4, 14, 28, 46, 50, 61, 62, 69, 83, 105). He acknowledges that the “traditional interpretations” of some verses, such as 4:34, “support what today would be an inequitable position for women”. However, since “a main concern of the Qur’an was the betterment of women’s position” (p. 133), additional reforms in matters such as divorce and polygamy can “ensure that the laws of fiqh for each age express Qur’ānic values as fully as possible” (p. 137).

In addition to a new approach to the Qur’ānic text which highlights its core values of male-female ethico-religious equality, a fresh stance toward the Sunnah of the Prophet (peace be on him) is needed which focuses on “those Islamic values that permeated the development of classical legal theory” (p. 137). Esposito suggests that a more solid historical understanding of the process of the development of Sunnah and Ḥadīth in the first Muslim centuries provides a dynamic model that can legitimise more flexible approaches to the Sunnah today. “The process that was formulated to meet the needs of the classical period suggests ways in which the door of ijtihād can be more fully opened and re-dynamized in the twenty-first century so that taqlīd can be laid to rest” (p. 143).

Some may not accept that a non-Muslim should prescribe the way that reform within Muslim family law should take place. This study, however, provides a valuable synthesis of modernist thinking on reform which, coupled with the analysis of how previous reforms have occurred, provides a vital and interesting challenge to Muslims concerned with women’s legal rights. This text, suitable for use in courses and for an interested general public, should be
required reading for anyone who wants an introduction to the issues raised by Muslim family law in the contemporary world.

Kecia Ali


The great Persian Sufi and poet, Mawlana Jalal al-Din Muhammad Balkhi (d. 672/1273) is usually acknowledged as one of the two greatest Sufis who have ever lived, along with the Shaykh al-Akbar, Muhyi ‘l-Din Ibn al-‘Arabi (d. 638/1240), who flourished a generation before him. Quite appropriately, we know more about the Mawlanâ (usually known as Rumi) than almost any other pre-modern Sufi figure. This is, in large parts, due to the vast body of hagiographic material that was developed in the Sufi community that followed him. The most significant of these hagiographic works by far is the *Manaqeb al-‘Arefin* by Muhammad Shams al-Din Aflaki. The present work represents a herculean effort by the noted independent scholar, John O’Kane, to make the entire work available in a highly readable and accurate English translation to those who cannot access the original Persian.

It is widely assumed in the West now (see Alexandra Marks, “Persian Poet Top Seller in America” in *The Christian Science Monitor*, November 25, 1997), that Rumi is the best selling poet in the English language today. Much of that effort is due to the evocative, though not literal, translations/versions by the American poet (and devotee of the Sri Lankan Sufi master, Bawa Muhaiyaddeen), Coleman Barks. That Americanized rendition of Rumi is one that is deliberately cast in the widest possible universalized image, one which is, to a large extent, detached from the Sufi and Islamic milieu in which Mawlanâ himself was so clearly situated in. The depiction of Mawlana that we get in the *Feats of the Knowers of God*, on the other hand, is unmistakably one of a great pre-modern Muslim Sufi master, surrounded adoringly by a loving community who is eager to learn didactic lessons at every turn. Scholarly value aside, one can imagine a tremendous interest in this book for the millions of Rumi devotees in the West.