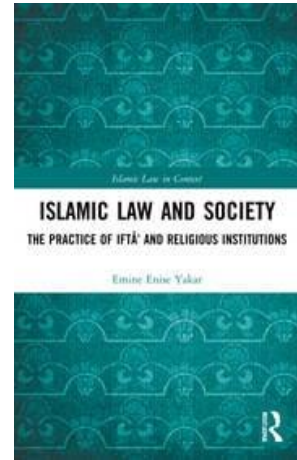


Emine Enise Yakar. *Islamic Law and Society: The Practice of Iftā' and Religious Institutions*. New York: Routledge, 2022. Pp. ix+302. Hardcover. ISBN: 978-0-367-48017-2. Price: US\$170.00.

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In *Islamic Law and Society: The Practice of Iftā' and Religious Institutions*, Emine Enise Yakar explores critical aspects of the methodological pluralistic structure of *fatwās* in different societies and approaches of three *fatwā* institutions: Saudi Arabia's Dār al-Iftā' (The General Presidency of Scholarly Research and Ifta), Turkey's Diyanet (The General Presidency of Religious Affairs), and The Fiqh Council of North America (FCNA) based in the USA. The book brings together diverse theoretical discussions and practical examples which offer a comparative analysis of contextual factors and the attitudes of scholars



to provide solutions applicable to their relevant societies. The central theme of the book is to scrutinize the methodological diversities of the institutions, the contextual and dynamic complexities regarding the approaches of scholars living in Saudi Arabia, Turkey, and North America, and the underlying influences of *madhhab* (school of law) affiliation, social values, cultural practices, and legal and political systems on the institutions' *fatwās*.

Underscoring the role of *fatwā* institutions in the contemporary world, the book is composed of five detailed chapters. In the introductory part, Yakar provides an eloquent synopsis regarding the historical developments that took place in *fatwā*-writing, enlightens the readers regarding the selection criteria of these institutions, and mentions the idiosyncratic characters of Saudi Arabia, Turkey, and the USA from religio-legal perspectives. For the first three chapters, the author pursues a specific outline in which she respectively introduces the formational process of institutions, the hierarchical structure of *fatwā* boards, methodological approaches of the institutions, and divergent relationships between the scholars and governments in the mentioned countries. Since these chapters mainly provide descriptive information and theoretical structure, each chapter makes the reader conceptualize the contextual circumstances and realize the methodological diversity within the scope of Islamic law. For example, the *fatwā* of Dār al-Iftā' regarding alcohol and drugs evaluates the crime

inside the scope of causing corruption on earth and waging a war against God and His Messenger (peace be on him). The impressive point is that the legalization of prescribed punishments for the offenders of abduction and usurpation in this *fatwā* is implemented as a regulation at the Saudi courts with the approval of the King. The *fatwā* of Diyanet requires official registration for religious marriages by emphasizing the possibility of emerging familial and societal problems related to custody, lineage, inheritance, or maintenance. With this *fatwā*, the Diyanet aims to offer a practicable solution and to protect the cooperative relationship between religious obligations and the legal system in a secular state. The FCNA's *fatwā*, necessitating the political participation of Muslim minorities in the elections, emphasizes the dual identity and responsibilities of American Muslims in minority contexts. Highlighting the permanent residency of Muslims in America, the *fatwā* attempts to offer a workable formula for citizenship problems and indirectly underscores the exigency of collective and symbolical representation of the Muslim community in non-Muslim circumstances. It is worth mentioning that Yakar's analysis and evaluation of divergent *fatwās* in each chapter explicitly reveal the ongoing local circumstances and ascertain pragmatic approaches and methodologies adopted by these institutions.

By applying a comparative analytical method, chapter four deals with the influence of *madhhab* affiliation and socio-cultural values on the *fatwās* that are issued on the same or similar problems by the Dār al-Iftā', the Diyanet and the FCNA. The evaluation of *fatwās* regarding establishing relationships with non-Muslims, celebrating religiously important days, and protecting non-Muslim sanctuaries provides comprehensible grounds to establish a link between the religious population of societies (operating either in Muslim majority or minority contexts), cultures, and the outcome of the institutions. The Diyanet and the FCNA commonly analyse these issues within the scope of plurality and diversity in human society, while the Dār al-Iftā' considers the issue as religious freedom in the framework of the oneness of Islam. Additionally, in their *fatwās*, the Dār al-Iftā' and the Diyanet advocate *madhhab* affiliation that is Ḥanbalī and Ḥanafī schools respectively, while the FCNA espouses the concept of the Islamic jurisprudence for Muslim minorities (*fiqh al-aqalliyyāt*) which emphasizes the principles of public interest (*maṣlaḥah*) and the objectives of Islamic law (*maqāṣid al-sharī'ah*). Yakar initially cites the *fatwās* of three institutions regarding the issue of women's attendance at the Friday, funeral and 'īd prayers at the mosques. Her critical evaluation of methodologies and sources of *fatwās* enables readers to realize the influence of the affiliated schools.

Chapter five carefully scrutinizes the role of legal and political systems in the *fatwā* issuing process and offers a reasonable explanation of how and why the approaches of institutions show diversities regarding the same problems. The Dār al-Iftā' operates within the borders of an Islamic legal system and a theocratic monarchy in a Muslim-majority country while the Diyanet and the FCNA function under secular legal and democratic political systems in Muslim-majority and Muslim-minority countries respectively. Yakar examines the *fatwās* regarding religious validity and governmental legitimacy of marital issues in general, and maintenance, divorce pronouncement, marriage contract, and its registration specifically to underscore the consequence of legal systems. The *fatwā* examinations of the Dār al-Iftā' in Saudi Arabia signal the institution's stance regarding the legal mission since they are ordinarily used in the jurisprudential system as codified regulations. Additionally, this chapter deeply expounds the linkage between the prevailing political circumstances and interpretations of scholars by analysing *fatwā* examples regarding governance, democracy, secularism, political participation, and elections. Yakar argues that each institution has adopted an Islamic legal approach to legitimate and maintain the government form and political system in which it operates.

The main strengths of the book are its comprehensible representation of an accessible anthology regarding comparative *fatwās*; its clear focus on religious institutions; and its potential to broaden the reader's mind for the intellectual diversity of scholastic debates over the solutions to modern problems. One notices that the author is dedicated to drawing the framework of sophisticated discussions behind the methodological formation of religious solutions and the collective nature of this process. She aims to convince the reader of the influence of contextual factors regarding the interpretations of Islamic sources.

The book provides clear and detailed answers regarding the implementation and role of *iftā'* in different societies of the contemporary world and the extensional effects of different social, legal, political, and cultural environments on Islamic legal methodologies and interpretations of Islamic sources. The *fatwās* as being the products of the three institutions' social and temporal contexts, primarily reflect the environments in which they were produced. The constituent elements of *fatwās*, therefore, provide considerable insight into the interaction between Islamic legal methodologies and contextual elements in the relevant societies. Yakar's comparison related to the binding power of the Dār al-Iftā's *fatwās* (regarding the possibility of being enacted by the King) with the *fatwās* of the Diyanet and the FCNA indicates the responses of believers to compulsory or voluntary religious orders. Since

the FCNA is established as a voluntary institution to solve religious problems of Muslim minorities in North America and the Diyanet operates in a secular Muslim-majority country, these non-binding contexts affect the believers' perspectives on and approaches to the *fatwās*. It can be stated that Yakar's analysis regarding the compulsory and voluntary nature of institutions' *fatwās* enlightens the reader's mind concerning the tendency of people in majority and minority contexts.

The primary intended audience of the book is the students of legal, religious, political, cultural, and Middle Eastern studies as well as academics looking for deep knowledge of Islamic law, the intellectual enhancement of *fatwā*, and the gradual establishment of collective *fatwā* institutions in the modern world. In this respect, the book is a welcome addition to Islamic legal studies and stimulates further reflections on this issue.

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