principle is not contradicted by the ... doctrine of priesthood’ (345). Rebecca Redwood French uses the biography of Karma Lekshe Tsomo, an American Tibetan and Korean Buddhist nun, to show that, despite the barriers inscribed in religious systems, through education and religious literacy women are circumventing discriminatory religious and secular laws. Women, therefore, are mutually empowering each other to become religious spokespeople and are changing gender norms in Buddhist countries. Mary Szto draws on qualitative interviews with lawyers, students and judges to demonstrate that in the Chinese legal profession roles are highly gendered, and traces these expectations to the historical and religious yin/yang dyad of Daoist thought.

For some readers, the problems that the authors are diagnosing and naming will be familiar: women’s religious leadership, women’s equality, gender roles in religious communities, marriage and divorce, and access to sacred texts are pressing, ongoing issues much discussed in feminist religious critique. Furthermore, some of the theoretical tools that the writers in this collection draw on to address the complex ways in which women wrestle with their religious and feminist identity might also be known territory. However, *Feminism, Law, and Religion* is a rich resource for tracing the relationships between legalism, feminism and religious belonging, especially as it questions the unhelpful binary that pitches feminism against religion. Moreover, as the editors remark and, I suggest, as this volume clearly demonstrates, ‘feminists, both religious and secular, have a lot to talk about’ (p xxvii). While hitherto there has been little dialogue and instance of exchange, *Feminism, Law, and Religion* helps create a space in which these important conversations can occur.

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**The Logic of Law Making in Islam: Women and Prayer in the Legal Tradition**

**Behnam Sadeghi**


One may assume that *The Logic of Law Making in Islam: Women and Prayer in the Legal Tradition* is a title calculated to attract a mass readership in the world today, where many think that Islamic law is repressive to women and wedded to physical punishments. But it is not that simple. The book’s argument is highly
abstract for the amateur reader. As the title suggests, it is focused on a case study – the question of women and communal prayer, from the eighth century to the eighteenth – in order to determine the reasoning process of the Hanafi School, the largest of the four Sunni schools of law. The main purpose of the book is to make us encounter fresh ways of thinking about positive law in Islam. Is Islam’s legal tradition an agent of closure, which blocks the way of enquiry? Sadeghi attempts to answer this question by making the Islamic tradition face common features from the Western legal tradition, through the work of Alan Watson. He presents the Hanafi tradition as espousing what he calls ‘maximal hermeneutic flexibility’ (p 8). But this flexibility is not advocating a feminist reading. It is more interested in exposing the lack of attention to the Islamic canon, even when it adheres to conservative rules. For this exploration, the author engages 30 Hanafi jurists across different periods.

The first two chapters introduce the study of legal traditions, a description that assumes foundational similarities between Islamic and non-Islamic legal traditions, religious and secular (pp xiii, 9–11, 23), followed by a more focused introduction to the Hanafi School of law. This is followed with case studies concerning the legal tradition relating to women and group prayer. The first case study relates to the history of the so-called ‘adjacency law’ (Chapter 3), a distinctly Hanafi law according to which, if a man and a woman prayed in congregation standing side by side, his prayer would be invalidated but hers would not. The law is a vestige of an Iraqi minority notion with origins in Basra that treated women as perpetual transmitters of ritual impurity. The other cases of female group prayer and communal prayers of men and women show that the jurists had mustered enough hermeneutic flexibility to allow them to reconcile what the author calls the ‘canon-blind law’ (p 15) with the canon. Older laws are often maintained, owing to the paramountcy of ‘inertia’ (p 19). This means for the author that, while jurists would not have countenanced older pre-Islamic values, they were perfectly able to live with certain laws, giving different explanations for the law from the original ones. In the case of changing laws, he gives the example of women’s attendance at public prayers, which culminated in a total prohibition in the thirteenth century. This change is reflective not of the ‘canon’ but of extra-legal and extra-textual factors, such as social changes, that would warrant non-legal research. Therefore, he suggests that law is not connected to human conditions but abstracted from them (p 144), which he believes to be a feature common to both pre-modern Islam and modern jurisprudence (p 147).

The doyen of Orientalist scholarship on Islamic law, Joseph Schacht, is referenced extensively and Sadeghi rightly notes how various scholars, such as Baber Johansen and Khaled Abu el-Fadl, Sherman Jackson and Wael Hallaq, have successfully questioned most of Schacht’s theory (pp 8–10). Sadeghi refers more prominently to Sherman Jackson’s important distinction between the more primary act of interpreting law and the secondary activity of legal
implementation. Jackson showed, through Qarafî’s theory, that it was not the law but only the legal process that was ceded to government, and even this functional requirement was limited to what was absolutely necessary for the preservation of order and security.4 Sadeghi’s book takes the discussion one step further, arguing that the hermeneutic practices (not only the hermeneutic theories, as Jackson suggested) of jurists in their works on positive law did not generate the laws. The hermeneutic principles thus played a negligible role in determining the laws (p 36).

Though the book is focused on the Hanafi school, it is a pity that the author does not make an effort to reflect the greater freedom of women in early Islam as other non-Muslim writers have done, especially that the great Sufi master Ibn ‘Arabî even permits women to act as prayer leaders for male congregations, on the basis of the Prophet’s teaching that women as well as men have attained perfection, and of the absence of any scriptural prohibition.5

Sadeghi also seems to express astonishment that Hanafi scholars resorted to weak Hadîth (sayings attributed to the Prophet with little assurance of authenticity) in their adjudications (pp 68–69). This should not be too surprising. Many of the luminaries of mediaeval Islam followed a consensus that weak hadîths could be used in actions which were not considered obligatory but meritorious. They were also often used in stories and biographies. The great Imam al-Ghazali (d 1111), who was of Shafî‘ite allegiance, would resort to weak hadîths in his major works, often for their socially convivial content. Even the more rigorous Ibn Hanbal used weak hadîths in matters of law, and preferred to do so over the use of analogy (qiyaṣ) when there was a lack of a strong hadîth.

Lastly, Sadeghi’s suggestion that the jurists’ views did not mirror social reality stands contrary to the findings of another major study on Islamic law, totally skipped in this monograph: Lawrence Rosen’s The Justice of Islam. Rosen argued that the system is bounded by a structure of conventions by which the non-legal world is set apart from the legal ‘but within which both that outside world and the peculiar institutions of the law itself have merged to form an entity of enormous cohesion and resilience’.6 While Sadeghi’s study seems rightly to refuse reducing the law to a mechanical obedience or a fixed and abstract body of codes, he seems to take the historical developments and critical arguments too seriously. This risks emptying the law of nearly all its positive content. Therefore, he would have needed to clarify whether he or the Hanafi

4 S Jackson, Islamic Law and the State: the constitutional jurisprudence of Shihab al-Din al-Qarafi (Leiden, 1996).
tradition is obscuring the human conditions in which these laws were thought through.

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Buildings for Mission: A Complete Guide to the Care, Conservation and Development of Churches
Nigel Walter and Andrew Mottram

Some 78 per cent of the Church of England’s church buildings are listed. The incumbents, wardens and church council members responsible for those churches have the joy of worshipping in buildings of beauty. They also have the privilege and bear the burden of preserving that heritage for future generations. That joy, privilege and burden are very often combined with grave difficulties of limited financial resources with which to meet the costs of maintenance. Even more pressing can be the problem of engaging in modern styles of worship and modern mission activities in churches designed for a very different world and for very different styles of worship. All too often the burden of building maintenance can be seen as a distraction from the work of mission, with the restrictions imposed by the faculty system on alterations to churches being characterised as barriers to mission. The recent report of the Church Buildings Review Group recognises the extent and urgency of the problems flowing from the listing of such a high proportion of the Church of England’s churches and from the fact that the burden of maintaining historic churches is falling on small and ageing rural congregations.

Thus the publication of Buildings for Mission comes at an opportune time. Nigel Walter and Andrew Mottram provide a wealth of helpful guidance on practical maintenance measures. They also explain how historic church buildings can be fitted for mission and can be used to further mission. They give much sensible guidance on how to go about making re-ordering proposals and obtaining permission for them. The tone of the book is refreshingly positive and the practical suggestions are grounded in a carefully considered theological understanding of sacred place.

The book’s authors express the hope that their work will assist those of all denominations caring for their church buildings. However, their own experience is primarily Anglican and the book’s focus is on the listed churches of

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