Book Reviews

Leonard Wood, *Islamic Legal Revival: Reception of European Law and Transformations in Islamic Legal Thought in Egypt, 1875–1952*. Oxford: Oxford University Press, 2016, 343 pp.

This important book by Leonard Wood surveys and discusses legal institutional developments and scholarship in a crucial period in Egypt's modern history. The book—which is divided into four sections, the first three of which comprise three chapters each—begins with an introduction in which Wood presents the contribution and significance of his work. Unlike previous studies, his delves into how different courts in Egypt in the late 19th and early 20th centuries were established and operated, how they were influenced by foreign legal systems (primarily the French system), and how they influenced the development of Islamic law in Egypt at the turn of the 20th century and beyond. To this end, Wood also discusses how, where, and by whom Egyptian legal practitioners and academics were taught. Furthermore, according to Wood, his work questions many of the established views on aspects of its subject matter, including the view that Western legal systems only had minimal effect on the development of Islamic legal thought, as well as the focus on Muḥammad 'Abduh (d. 1905) as the most influential figure in the “Egyptian reformism” at the turn of the 20th century.

The first section of the book discusses the origins of Islamic legal revivalism, focusing primarily on the period between 1875 to 1884, during which Egypt came under the British occupation (1882), and experienced significant legal changes, including the introduction of codes and the establishment of courts (such as the Mixed, Native, and Consular courts) to deal with cases involving Europeans. A distinction is made here between Egyptian laws that were based on Islamic law, and “Franco-Egyptian” law which was based on various areas of French law. It was also at this time that the legal profession in Egypt acquired the prestige and promise that it would maintain for decades to come.

The influences that began to take place in the aforementioned period are elaborated on in more depth in section two, where the European legal thought and practice underlying these influences, as well as the legal and academic institutions that were established in Egypt, are discussed in order to illustrate how European law contributed to the shaping of Islamic legal reform in Egypt. In chapter 5, Woods discusses how legal developments in Algeria (and in France and Germany) under the French—with its many parallels to what was to happen in Egypt—influenced legal thought in Egypt, which demonstrates the need to look beyond Egypt if we are to understand Egyptian legal thought accurately and fully. Chapter 6, and parts of chapter 7, is devoted to the French legal comparatist Édouard Lambert (d. 1947), who, despite the fact that he had lived in Egypt only briefly as dean of the Khedivial Law School (1906–7), exerted what Wood considers momentous influence on legal thought in Egypt, particularly through many of his Egyptian students (including such towering figures as ‘Abd al-Razzāq al-Sanhūrī, d. 1971) who came to play a significant role in the development of legal thought in Egypt at that time.

In section three, Wood focuses on the reception of Europeans laws and legal thought in the Egyptian academia, whose professors and students led the process of re-thinking Islamic law through the lens of European laws. Next, section four, comprising one chapter, is devoted to a Coptic Egyptian scholar, Chafik Chehata (Shafiq Shaḥāta), whose work, Wood argues, was both groundbreaking (in that it introduced the notion of “general legal theories” in the study of Islamic law in Egypt) and exemplifies the influence of European law on Egyptian legal thought in the 1930s onward. Finally, in the conclusion, Wood makes broad observations about Islamic revivalism, particularly in Egypt. This is followed by an appendix with a collection of the cover pages of some legal publications from the 1920s and 30s.

As Wood mentions several times in his book, the importance of studying legal changes in Egypt in the late 19th and the 20th centuries goes far beyond Egypt. These changes were later transplanted in many Arab countries and influenced the legal systems in others. And just as we cannot overestimate the importance of the book, we cannot underestimate the knowledge and expertise, and also the time and energy, required to undertake a study like Wood’s. Wood was able to use an extraordinary array of sources, and his discussions of legal institutions, scholarship, pedagogy, and figures that contributed to legal thought in Egypt in the period under study is both impressive and truly useful. The historical part of the book is also informative, and he discusses issues not usually attended to in similar studies, such

as why the British let French law operate in Egypt when it came under their occupation.¹

The vast number and array of Wood's primary sources—which can at times be vague and inconsistent—are necessarily amenable to various interpretations. Therefore, scholars studying Wood's subject will expectedly disagree on their reading and assessment of the historical evidence. In Wood's book, this disagreement is aggravated by the absence or the inadequacy of references (to either primary or secondary sources) in several parts of the book.² Whereas many readers may agree that the lack of references occurs primarily in parts where Wood discusses general knowledge about the subject (or things that are "well known," as Wood says in a comment on the Muslim Brotherhood's advocacy of the application of the *Shari'a* in the 1940s (254)), others are likely to take issue with some of his statements and conclusions, just as Wood himself does with ideas that are regularly taken for granted in relation to his subject. At times, when referencing secondary sources, Wood ought to have given his readers an idea about the primary sources that they use, which would help them assess and appreciate the strength of the evidence. Without such references, much of what Wood says without references may sound only impressionistic and unsubstantiated. This occasional lack of references contrasts with some other chapters that are extensively and usefully documented, e.g., chapter 4 (remarkably dealing with "Foreign Interventions in Islamic Law"), but also chapter 5.

One particular argument that some readers would disagree with in Wood's book is his statement that at the turn of the 20th century, the "marginalization

1 According to Wood, the British found this approach more practical, but it was also an acknowledgement of the global prestige and appeal of the French legal system (29–31).

2 This occurs in various places in the book. For example, as mentioned earlier, a central argument of Wood's book is that European legal thought has had a direct influence on Egyptian legal thought, so much so that it has contributed to the shaping of that thought which ultimately crystallized in legal education and research. But Wood does not tell us, with adequate references, who exactly denies or underrates the influence of Western laws on the development of Islamic legal thought in the period under study, and how prevalent that denial is. See also page 50, where Wood speaks about the understanding that Islamic legal revivalists in Egypt had of the *Shari'a*. Regardless of what we think of this, readers would and should expect to see references to some sources that corroborate Wood's observations. See also chapter 6 on Édouard Lambert, where the sources of many pieces of information about Lambert's life and ideas are missing. This also applies to chapter 10 on Chafik Chehata. In the conclusion, Wood makes some bold statements about current legal and historical thinking in Egypt, but these, too, are mostly not supported by specific references.

of the *Sharīʿa* was a non-issue” for many Egyptians, particular those associated with the new legal system (57). According to this, believing that “Islamic legal thought and practice had long been in stasis” (49), the Egyptians did not have any expectation that their legal system “could or should be based on *Sharīʿa* alone” (47). It was only in the 1930s—the “golden era” (153) of education and research in Islamic and comparative law (for this, see, particularly, chapter 9)—that we can see the Islamic revival movement at full swing.³ Based on this, Ṭāriq al-Bishrī, a temporary judge and intellectual, is accused of anachronism for blaming these Egyptians for not doing enough to prevent foreign law from taking root in Egypt. For one, Wood argues, this assumes that the Egyptians of the time—now under British occupation—had more agency that they actually did. The issue of agency is certainly fitting here, but Wood’s point about it seems to contradict what he presents in the introduction as a “working premise” of his book, that is, “... Egyptian jurists were themselves the major engines of change in Egyptian juridical science and the law itself during the period 1875–1952” (14).⁴

Be this as it may, it does not seem anachronistic to think that at least religious scholars of al-Azhar, with their status in Egyptian society, would regard the encroachment of European law as a threat to Islamic law, *even if* this is not stated explicitly by them in some sources.⁵ In other words, even if ‘Abduh speaks of the “Islamic faith generally” (52), the burden of proving that that did not entail the restoration of the status and role of the *Sharīʿa*—as an integral part of the Islamic faith—falls on Wood.⁶ The statement by Shaykh ‘Alī Yūsūf (d. 1913) that Wood quotes (where he insists that “[t]he law school needs a ... program of Islamic law in each of its sections,” 55–56) is likely to have reflected a sentiment more powerful and prevalent than Wood presumes. My point is that the restoration of the *Sharīʿa* may have been so evident that it did not need elaboration during ‘Abduh’s time. However, this changed during Rashīd Riḍā’s (d. 1935) life, when the contestation between “traditional” and “modern” ideas became significantly fiercer, especially after the promulgation of the 1923 Egyptian constitution. All this is actually acknowledged by Wood himself—he discusses this under the “Cautious Approach” (62–65) and

3 See, for instance, chapter 3, “The Sharia Bar Association Journal and the Islamic Turn.”

4 Arguably, the contradiction persists even if readers accept Wood’s view on the significance of foreign influence on legal thought in Egypt in the period covered by his book.

5 Such as the case of Muḥammad ‘Abduh, for instance, in *al-ʿUrwa al-Wuthqā*, an important source, but with its obvious political and anti-imperialist preoccupations, may not be the right place to look for evidence to support Wood’s argument (52).

6 Or what did ‘Abduh mean when he stated “al-Islām dīn wa-sharʿ” (see, for instance, his *Al-Islām wa-l-Naṣrāniyya bayna al-ʿIlm wa-l-Madaniyya*, 77).

“Open Skepticism” (65–69) of foreign legal incursions in the last quarter of the 19th century and first few decades of the 20th—but is still downplayed as secondary and minor. But even if we agree with Wood, it would have been helpful to see a discussion of how a Muslim society like Egypt’s at the time may have relegated the issue of the demise of the legal “system” that governed their lives and relationships for over a millennium.

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Bibliography

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