Susan Spectorsky


“What I have tried to do in the chapters that follow,” states Susan Spectorsky at the beginning of her book, “is survey what some pre-modern jurists have said about women in order to provide a framework for those who wish to delve further into the legal aspects of women’s lives” (p. ix). This is indeed an accurate description of the work accomplished in *Women in Classical Islamic Law: A Survey of the Sources*. Though she focuses on marriage and divorce, Spectorsky covers a broad range of issues that pertain to women’s lives in the Qurʾān and in formative and classical Sunni Islamic law. Overall, the book is accessible and informative; its particular strengths are the range of topics covered in both Qurʾān and law, and Spectorsky’s documentation of the ways in which doctrines changed or remained constant from the formative to the classical periods.

In her Introduction, Spectorsky focuses on the formation of the legal sources used in this survey. She presents a fairly traditional account, which sees the law as derived from the Qurʾān and the statements of the Prophet, Companions, and Successors, who are considered scholars in their own right. Attention is given to the founders of the legal schools and the issue of scholarly disagreement (*ikhtilāf*). She points out that legal theory (*uṣūl al-fiqh*) developed after the law itself, but asserts that the jurists after al-Shāfiʿī (d. 204/820) increasingly made the law conform to this legal theory. Since the book’s publication in 2010, however, several scholars have challenged the assumptions behind this traditional perspective. Notable among them is Behnam Sadeghi in *The Logic of Law Making in Islam: Women and Prayer in the Legal Tradition* (Cambridge, 2013); and, to an extent, David Vishanoff in *The Formation of Islamic Hermeneutics: How Sunni Theorists Imagined a Revealed Law* (American Oriental Society, 2011), which also deals with the relationship between substantive law and its theoretical bases. Today, any scholar writing on the formation of the law would probably refer to the impact of received law, custom, and the values of the jurists in shaping the law. Nevertheless, this survey is a good overview of the factors traditionally recognized to contribute to the writing of a work of *fiqh*.

Chapter 1, “Women in the Qurʾān,” is one of the most comprehensive treatments of this issue in the secondary literature; to my knowledge, only Ruth Roded’s *EI²* entry on “Women and the Qurʾān” is comparable in scope. Many argue, as does Spectorsky, that the Qurʾān “reformed many of the social practices of pre-Islamic Arabia that prevailed in the Prophet’s lifetime” (p. 24). Such arguments have not been subject to a thorough analysis of the historical
sourcing, and in any case the Qurʾān cannot be considered to be the direct basis for the law; nevertheless the jurists were compelled to contend with its verses. Thus, starting with the Qurʾān is an excellent way of introducing one aspect of the jurists’ basic frame of reference on women. Spector takes as his principal texts, and in any case the Qurʾān cannot be considered to be the direct basis for the law; nevertheless the jurists were compelled to contend with its verses. Thus, starting with the Qurʾān is an excellent way of introducing one aspect of the jurists’ basic frame of reference on women. Spector focuses on the verses dealing with marriage and divorce, including issues such as liʿān, khulʿ, takhyīr, ʿizhār, and ʿilāʾ. She also mentions the female figures in the Qurʾān, particularly the Prophet’s wives, and briefly treats other matters such as women’s testimony, adoption, veiling and hadd punishments. Her treatment of such a range of topics makes this a very useful survey, which culminates with her description of what a woman’s life might look like, based on these verses. Though the objective here is description rather than in-depth analysis, she makes the important (and often neglected) point that the patriarchal outlook of the Qurʾān is tempered by repeated admonitions to men that they should treat women well (p. 59 and elsewhere). Sometimes the context of these verses is supplied, using al-Wāḥidī’s (d. 468/1076) Asbāb al-Nuzūl and al-Ṭabarī’s (d. 310/923) Tafsīr. Such works are useful in giving an idea of what Sunni exegetes and jurists took for granted about these verses and the context commonly attributed to them; but the hadīths therein may have been post-facto explanations for the laws that had developed by the time they were put into circulation rather than reflecting the actual Qurʾānic context.

Chapter 2, “Marriage in the Formative Period,” and chapter 3, “Divorce in the Formative Period,” discuss how formative jurists incorporated these Qurʾānic verses into their discussions of marriage and divorce. Like the discussion of the Qurʾān, these chapters are wide-ranging. For instance, the chapter on marriage covers the following topics: a woman’s guardian, a woman’s father as guardian, agnate guardians, the necessity of a guardian, forbidden degrees of kinship/milk siblings, equality of marriage partners, witnesses to marriage, the marriage portion, deferred and immediate payment of the marriage portion, two types of marriage without a marriage portion, conditions in a marriage contract, annulling marriage due to disability or illness, temporary marriage, and marriage to slaves. Each section is brief (usually two pages or so, though some are longer). Spectorsky does not intend this as a comprehensive account, therefore, but rather an introductory one. Taken on these terms, the survey is very useful, informative, and rare. While many studies go into greater depth about specific issues, this book is intended to give a broad overview. Spectorsky draws on a good range of early jurists’ works, but her discussion of them is focused and pointed; each section is introduced by relevant hadīths, which, in conjunction with the chapter on the Qurʾān, gives an idea of the wider context that the jurists took for granted in their discussions of these issues.