which, at least in Western eyes, is regarded as an exceptionally cruel violation of human rights. Though widespread in certain regions of the Muslim world such as Sudan and Egypt, female circumcision does not have a firm basis in Islamic law. The chapter on Muslims and non-Muslims deals not only with the familiar problems of apostasy and family law but also with citizenship and naturalization laws, in relation to which, even today, religion plays a considerable role in some states. Whereas modern forms of slavery such as the use and abuse of domestic servants in the Gulf States are properly included in the chapter on rich and poor, issues relating to insurance, Islamic banks, and investment companies are perhaps beyond the scope of human rights issues.

Finally, an appendix presents the texts of eleven Arabic and Islamic Human Rights Declarations and six drafts of Islamic constitutions.

The special value of this book lies in its impressive wealth of information. It is a rich source for all those who are interested in Islamic and modern Arabic law, in general, and in human rights in the Muslim world, in particular.

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Responsa literature (masā’il) is one of the richest sources for social history and daily life. Its questions reveal problems that preoccupied individuals in different periods, and its detailed answers reflect the behavioral norms of those periods. Though volumes upon volumes of this genre have been written since the appearance of Islam, very few of them, if any, have been made available to scholars who do not read Arabic and are not specialists in Islamic law. In view of the genre’s potential and the dearth of translations, SpectorSky’s translation of the responses of Ibn Rāḥwayh (d. 238/853) and Ibn Ḥanbal (d. 241/855), the eponymous founder of the Ḥanbalī school, is a commendable contribution. An additional benefit of this book is an exposition of basic concepts and terms in the fields of marriage and divorce (Introduction, pp. 1-59).

The chapters that SpectorSky chose to translate, those dealing with marriage and divorce, are packed with precious information regarding family history and the study of gender. The importance of this material goes beyond the legal discussion, because these texts reveal the attitudes of Ibn Ḥanbal and his milieu towards a wide spectrum of social issues. For example, marriage, which stands at the junction of the private and public spheres, can give us an idea about notions of privacy and its limits in Muslim society. We read that public figures, a qāḍī or an amīr, need to get involved in a marriage if a woman has no guardian and of Ibn Ḥanbal’s preference that it will be a qāḍī (p. 62). This preference is in line with Ibn Ḥanbal’s view that “the qāḍī is in
charge of sexual relations” (pp. 91, 99). The involvement of public figures and the general public in personal matters such as marriage is emphasized by Ibn Ḥanbal when he expresses his discomfort with secret marriages and states that he prefers that there be public notification of such events (p. 92). Finally, the assumption that a marriage has been consummated simply because a husband and wife have spent time in private, i.e., “the door has been locked and the curtain let down” (pp. 66, 166, 215; exceptions, p. 206), teaches us about the meaning that is ascribed to privacy.

The texts are also studded with references to an array of social issues that extend beyond the confines of marriage and divorce. For example, the status of slaves and dhimmi is receives a great deal of attention. These references give us an idea of the relations between the different religious communities and social segments in the course of everyday and personal situations. An example of a seemingly minor point, kafā’a (equality between marriage partners) illustrates the potential that lies in responsa literature. Initially, kafā’a was aimed at protecting women from marrying below their status. Ibn Ḥanbal’s brief comments on kafā’a indicate his perception of social status: “lineage, religion, and means” (p. 147). Of the three, lineage is particularly problematic and interesting. In contrast to Spectorasky’s observation in the introduction (p. 14), Ibn Ḥanbal was an unequivocal supporter of equality of lineage between spouses. To begin with, all the references in the translated texts indicate that he did not compromise on the matter. The explicit statement that a woman should not marry below her tribal standing appears in another responsa collection, that of Ibn Hāni’. There, Ibn Ḥanbal is asked about a case in which a father marries off his daughter to a maulā (a convert to Islam who is not of Arab descent). Ibn Ḥanbal replies, “Separate the two,” and continues with the following general statement: “An Arab is suitable (kaf) [in marriage] for an Arab, and [a member of the tribe of] Quraysh is suitable (kafr) [in marriage] for [a member of the tribe of] Quraysh.” He concludes by characterizing an example that deviates from this principle as the “doctrine of the Shu‘ubiya.”

Ibn Ḥanbal’s reference to the Shu‘ubiya links the institution of marriage to one of the central cultural and political controversies in the formative period of Islam. Therefore, kafā’a was not merely a means of protecting women, but a controversial means of maintaining the general contours of pre-Islamic social and political divisions. It may very well be that Ibn Ḥanbal’s view did not win many supporters. But the mere fact that this issue is raised in a legal context, and the relative isolation of Ibn Ḥanbal’s position, opens up fascinating vistas to social historians.

However, a layman in the field of Islamic law may find it difficult to extract a great deal of the material’s potential since it is in the nature of responsa to assume that its readers have prior knowledge of legal matters. If the reader does not have the required background, he will find that he cannot follow the discussion or understand its importance. This opacity is well remedied by Spectorasky, who introduces the translations with a sixty-page exposition of the central themes of the Islamic law of marriage and divorce.

The introduction has two additional merits. The first is that it touches upon