Elke E. Stockreiter


In her book *Islamic Law, Gender, and Social Change in Post-abolition Zanzibar*, Elke Stockreiter immediately states that this book is a study of Islamic law through a careful examination of *kadhi* (*qadi*) court records from 1890-1963. Stockreiter explains that sharia law is a ‘total discourse’ in that its intention is to ‘improve the social order by mediating conflicts rather than punishing individuals’ (2). Thus with this definition she notes that sharia as an entity is always transforming in response to local societies and cultures, and that it is only when the state, be it a colonial or nation state, intervenes in the Islamic courts that sharia becomes unmalleable. Stockreiter argues that this is exactly what happened during the British colonial period in Zanzibar. Stockreiter’s goal is to demonstrate the ways in which the *kadhi* courts acted as a bridge between the nineteenth-century Omani colonial period and the new nation in 1963. She claims that her Islamicist perspective and skills allow her to demonstrate the ways in which the *kadhi* courts may have upheld aspects of patriarchy but also responded to the legal doctrine that women were individuals with economic and social rights.

Several scholars have recently published books and written dissertations using a variety of court records from Zanzibar, but Stockreiter’s is the first to use the Arabic *kadhi* court records from the British colonial period. These rich sources open a window on the ways in which *kadhis* sought to mediate conflict and relationships in changing economic times after the abolition of slavery. She additionally conducted a number of oral interviews and draws on British colonial sources found in the United Kingdom. By engaging with Arabic sources, Stockreiter is able to demonstrate that the more-recent work by anthropologists such as Susan Hirsch and Erin Stiles on *kadhi* courts show a continuation of access by women to court systems rather than a change from the past. Stockreiter’s deep training in Arabic sources is apparent in the questions she
asks of those sources. At the beginning she states that this is not a book about social change but rather using Arabic sources to see the continuities—and the efforts of kadhis to limit change—within Zanzibar Town, which is ironic given the title of the book. Because of the limits of her sources and few preabolition court records, it is actually difficult for Stockreiter to claim that the kadhis’ treatment of women, slaves, and the poor changed significantly. She is thus wise to frame her story on the continuities and link up with the research on the later twentieth century.

The book’s three sections demonstrate that this book is first and foremost about the workings of Islamic law in conjunction with the Zanzibari community. The first section of the book has five chapters that explain the inner workings of the kadhi courts and how the different kadhis engaged with and defended sharia from the imposition of British colonial legal values. The second section, with three chapters, uses marriage and divorce records along with other sources to demonstrate the economic agency of Zanzibari women, even in the face of a seemingly dominant patriarchy. Stockreiter argues that even in purdah, women were active in using the financial freedom sharia allowed to pursue wealth and land ownership. Moreover, she demonstrates that a significant portion of divorces in early twentieth-century Zanzibar were khul, in which a woman paid her husband to divorce her. While the high divorce rate in Zanzibar is well known, the idea that women frequently used their economic resources to purchase their way out of their marriages is a new contribution. The last section of the book, which is only one chapter, argues that kadhi courts were a space to ‘facilitate and deny’ social mobility among the various classes of Zanzibar. However, Stockreiter’s evidence suggests that the kadhi courts continued to uphold the power of former slaveholders.

Stockreiter’s understanding of Islamic legal systems allows her to clearly explain the structure of the kadhi courts and what changes occurred during the colonial period. One of the strongest arguments made in this book is that the kadhis were products of their communities and their time. They believed in maintaining sharia and supporting the best interests of the community, not simply of one person. Stockreiter argues that this is why kadhis so often supported the cases of marginalized groups. However, at the same time the kadhis were men of their time who valued Islamic genealogies and used ethnicity as a marker of Islamization. Thus former slaves were not successful when challenging sharia precepts that considered them always connected to their former owners through wala. Even though the last section of the book has only one chapter, many of the arguments around ethnicity come out in the first section of the book as well.