Rüdiger Lohlker


For more than twenty years, Rüdiger Lohlker, professor of Islamic studies in Vienna, has been concerned with aspects of Islamic law, in particular the sources of law. Readers familiar with his works might therefore have long expected from him a kind of general introduction to Islamic law. But approaching the book under review here they will notice that the author adopts a completely different approach. Lohlker’s point is not to offer a definition or a codification of Islamic law (p. 9). He does not deal with normative questions of each individual field of law, or with their applicability within modern Islamicate societies. Thus in his presentation he mostly passes on citing legal clauses of particular branches of law. He rather aims at looking at the theoretical and methodological principles of Islamic law and the finding of justice respectively, as expressed in the *uṣūl al-fiqh*.

Hence, the study is intended to introduce the methods used by scholars occupied with the *shari‘a* (read as a system of unchangeable divine rules that humans are only insufficiently able to comprehend) and with *fiqh* (codes resulting from humane phrasing as results of human’s efforts to understand the *shari‘a*; see p. 7 for these definitions). In this respect, Lohlker’s explanations are not restricted to the presentation of important elements of the *uṣūl al-fiqh*. He places his emphasis, rather, on the reflections based on and spreading out from these roots (p. 9). Consequently, the author presents the *uṣūl al-fiqh* neither in a systematic order nor in a textbook style, but in a manner that theoretically reflects these *uṣūl* by means of different themes and discourses, as he summarizes: “This book is a chain-linking of chains, a tracking of movements of deterritorialisation and reterritorialization, a new folding of folds” (p. 9).

As this sentence shows, in his interpretation of Islamic law Lohlker uses French poststructuralism terms to describe the characteristics of the traditional, pre-modern Islamic law discourse. The application of the scheme of rhizomes developed by Gilles Deleuze and Félix Guattari allows him to approach the mental structures behind the sentences by pointing out manifold connections, plural synchronism, and relations not organized into a hierarchy as a particularity of the Islamic law discourse (e.g., pp. 40-43). Consequently, the complexity, ambiguity, and inconsistency of Islamic law theories (here, the author proves himself a convinced supporter of Thomas Bauer’s proposition of the tolerance of ambiguity and plurality in Islamic discourses) can be decoded with Lohlker’s assumption of “juridical and religious-ethical logics as different
folds of the immanent layer of thought and action in agreement with the *sharīʿa* (pp. 22-23).

Lohlker concentrates on the “former academic discussion” (p. 8); therefore he predominantly draws on classical Arabic texts. What is more, he integrates into his volume translations from these works as quotations. In contrast, he mentions current movements rather marginally. The same goes for Shiʿī positions, because Sunni-orientated discourses and law methods are the basis of Lohlker’s considerations.

The book is divided into eight main chapters, in which the author deals with the basics of Islamic law methods considering the historical contexts. In the first chapter (pp. 11-17), he explains essential notions of Islamic law, such as *fiqh*, *uṣūl al-fiqh*, *faqīh*, *qiyyās*, *ijtihād*, *ijmāʿ*, *taqlīd*, and others. In doing so, he deduces the necessity of controversies from the fact that the human’s comprehension of the divine rules, i.e. the *sharīʿa*, cannot be more than an approach. In the second chapter (pp. 18-39), Lohlker deals with the relation between Islamic law and secularism. In this context, he differentiates between a juridical and an ethical-religious logic of juridical argumentation, a contrast that builds “the basis for the practical secularization of large parts of the authoritative norms” (p. 21, following Baber Johansen). The author presents various types of texts (judge manuals, instructive poems, form manuals) and social strata (rulers, scholars, non-Muslims) in order to trace the process of secularization inside of Islamic law as caused by facing the particular realities. Chapter 3 is dedicated to “Structures of Juridical Works” (pp. 40-66) and in this respect pursues an aspect of the preceding chapter. Based on the scheme of rhizomes, Lohlker presents some characteristic types of texts used in Islamic discourses on law (commentaries, synopses, determinations) and their functions. Instancing a commentary originating from the Shāfiʿī school in 1615, he demonstrates how the authors’ opinions appear “on one level, form a specific fold and a real plurality of concepts to be treated as equivalent” (p. 44). The fourth chapter (pp. 67-98) provides summarizing considerations concerning the history of Islamic law. The author especially depicts the relation between “Sovereignty and Community of Scholars” (pp. 68-72) and consequently the formation of schools of law (pp. 72-75). Chapter 5 treats the fundamental theological aspects of *sharīʿatic* judgments (*aḥkām*) (pp. 99-116). By means of a comprehensive review of the law discourse, Lohlker points at transitions and analogies to the theological discourse, an approach that enables him to integrate individual questions of law methodology into the theological world view behind it.

The most comprehensive chapter of the book presents “Texts, Intentions, and Techniques” (pp. 117-83). Following a brief consideration of the function of human ratio in deciphering the divine will (pp. 118-19), Lohlker depicts in