

strated was equally apparent in the Arabs and indeed other tribal peoples. While it is true that the Maşmūda supported Ibn Tūmart because he was one of their own, there is more research to be done on the specific colour which their origin contributed to the movement.

Despite its merits, this book presents some minor irritations to the specialist. The Arabic transliteration is frequently incorrect, or idiosyncratic. For example, *furū'* is rendered *furū'* throughout; *bū Ya'qūb Yūsuf* is used instead of the standard *Abū Ya'qūb Yūsuf* (p. 164) and *Abū Shīyyba* instead of *Abū Shayba*. Fromherz also translates *kafir* (sic) and *jāhiliyya* as 'the unbelievers and the ignorant' when the unbelievers are *kuffār* and *jāhiliyya* is more rightly the time of ignorance not ignorant people (*juhāl* or *juhalā'*). (p. 162) This seems strange when his careful analysis of primary sources including the com-

plex *A'azz mā Yuṭlab* demonstrates his scholarly competence.

In addition, the copious notes function almost as an academic commentary on the main text but they are situated somewhat inaccessibly at the end rather than at the foot of each page. This seems to reflect a tension in the book between striving for simplicity and appeal to a general audience and recognition as an academic monograph. Ultimately it is very difficult for any book to be both and Fromherz's work oscillates between the two imperatives. It is nevertheless a good accessible introduction to the history of the Almohads, and for the most part an enjoyable read which also presents the key issues, doctrinal, political and social, relating to the rise of this fascinating empire.

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Marriage and Slavery in Early Islam

By *Kecia Ali*

Harvard University Press, 2010, 272 pp., ISBN 9780674050594, \$39.95.

This brilliant, eloquent and insightful book is not, despite its title, a provocative one. It does not claim that in Islam being a wife is like being a slave. Nor does it support the overly simplistic view of an egalitarian ethical Islamic core corrupted by social hierarchies. Instead, the author brings to the fore a very rich legal discourse, dating from the early centuries of Islam, in which the rights of wives and the rights of slaves are repeatedly compared and analysed in relation to each other. This discourse, the author shows, was central to the way the

major Sunni jurists understood what rights and duties are entailed in marriage.

The main point of the book is to tease out from the legal texts the central notions that shaped Muslim jurists' views of marriage. Specifically, the author shows that marriage involved a transfer of authority to the husband over a wife's sexual availability. The author says, and amply demonstrates, that the central notion about marriage was that the marriage contract granted a husband a dominion (*milk*) over his wife's sexuality. The same term was used for the

general ownership of a slave, and more specifically, it was the same kind of dominion that allowed a husband to have sex with his wife that allowed a master to have sexual access to his female slaves.

For jurists like al-Shāfi'ī, al-Shaybānī and the authors of the Māliki *Mudawwanah*, marriage was *milk*, or dominion. But the logic of this analogy was that they all also recognized the differences between slaves and free persons, regardless of gender. These competing ideas—both legal—often rubbed against each other, and the author does a great job of mining these tensions as they are explained by the jurists. The best example, undoubtedly, is that of a female owner who wished to take her male slave as a sexual partner. The logic of dominion, and the analogy with the male owner of a female slave, both suggest that she has a right to do so. This apparently outrageous suggestion is completely in line with analogy, and, as Ali brilliantly shows, the solution to this problem requires al-Shāfi'ī to define licit sexual relations as inherently hierarchical—it is only the male (husband/owner) who has sexual dominion over the female (wife/concubine).

There are other fascinating instances of the tension between the conception of marriage as dominion and the rights of wives as free women. Chapter Three, “Claiming Companionship”, takes up the issue of rights of each wife in a polygamous marriage as a test-case for juristic discussion of women’s rights in marriage. Do women have a right to sexual satisfaction in marriage? A lot of modernist writings about gender in Islam highlight the passage in al-Ghazālī where men are commended to pay attention to the sexual contentment of their wives. But, as Ali shows, this is an ethical injunction, not a legal one. The logic of dominion meant that women owed

sexual availability to their husbands in return for financial support. The husbands, as the dominating partner in this sexual relationship, were not obliged to be sexually available to their wives, even as the jurists recognized the sexual needs of women.

Perhaps the greatest achievement of this book is that it brings the discussion of slavery from the periphery into the centre of modern debates about Islamic law. A lot of what is currently exchanged with regard to slavery in Islam is polemical. Ali avoids this tendency here, and she treats slavery as it was treated by medieval jurists: a fact of life. Although this is not a book about slavery, she advances our understanding of slavery in Islam by embedding concepts of slavery in the medieval societies which produced these texts. We cannot understand past Islamic societies without slavery because, at least for the discussion of marriage, disregarding slavery fundamentally distorts the jurists’ ways of thinking.

It is difficult to overstate the contribution of this book to our understanding of gender, marriage and slavery in Islam. The ideas are complex, but the style is beautiful, steering away from any jargon. It does not make for easy solutions, and, as the author points out, it is not another book about the rights of women in Islam. On the contrary, it challenges facile vindications. The comparisons with other legal systems, mainly Jewish and Roman, are sophisticated and enriching, and also soften any polemical bite in understanding the slavery-constructed notions of gender and marriage in all these legal systems. But we need to acknowledge this medieval legacy of marriage as a dominion in order to ground modern debates in a sound historical basis.

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